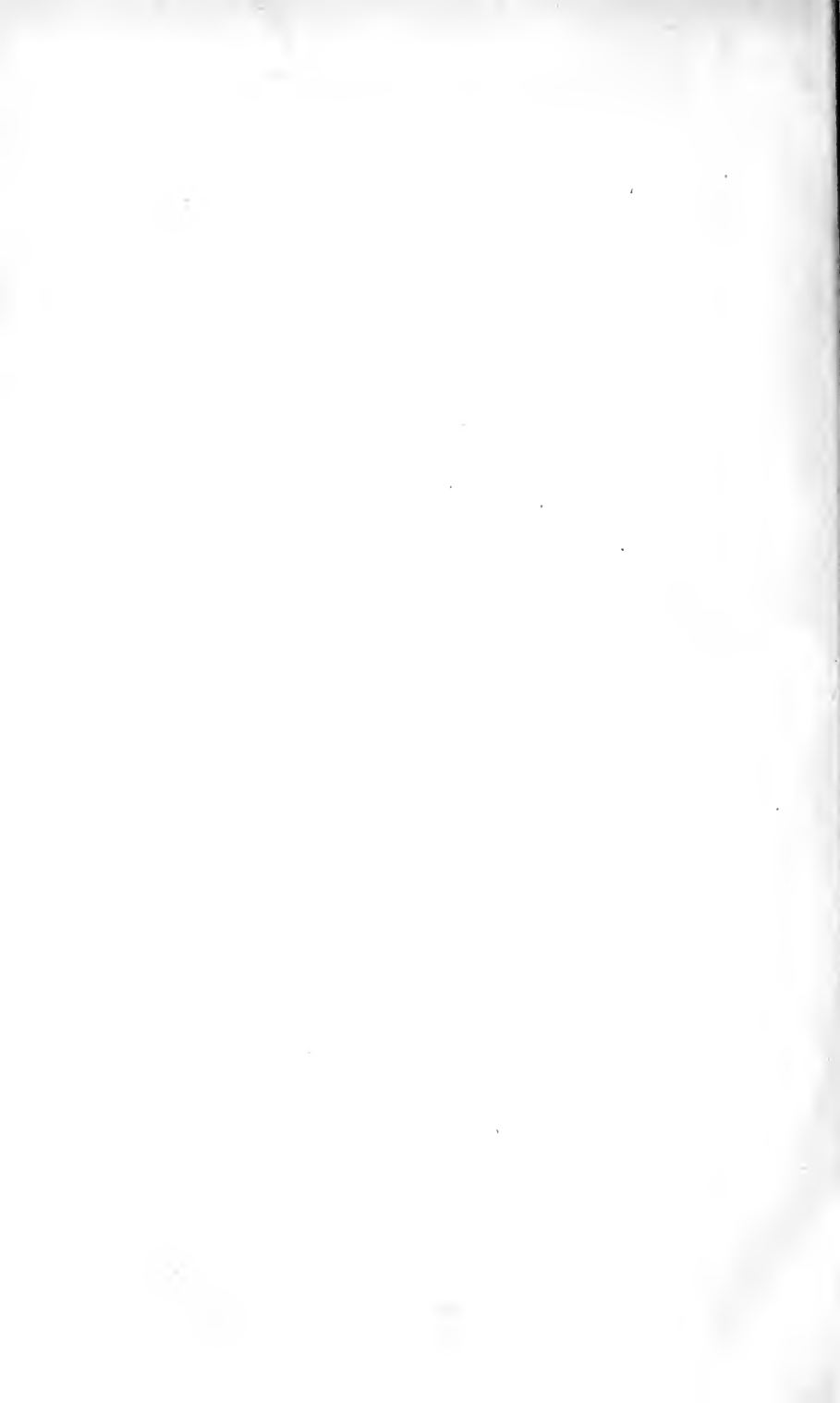


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RECORDS OF THE CAPE COLONY.



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# RECORDS

OF THE

# CAPE COLONY

*From FEBRUARY to APRIL 1825.*

COPIED FOR THE CAPE GOVERNMENT, FROM THE  
MANUSCRIPT DOCUMENTS IN THE PUBLIC  
RECORD OFFICE, LONDON,

BY  
GEORGE M<sup>c</sup>CALL THEAL, D.LIT., LL.D.,  
COLONIAL HISTORIOGRAPHER.

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## CONTENTS.

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DATE		PAGE
1825		
7 Feb.	Petition of John Diplock and others . . . . .	1
8 Feb.	Letter from Earl Bathurst to Lord Charles Somerset . . . . .	2
„	Letter from Lord Charles Somerset to Earl Bathurst . . . . .	3
„	Letter from the Commissioners of Enquiry to M. van Breda, Esqre. . . . .	3
„	Letter from Mr. Charles Trappes to the Commissioners of Enquiry . . . . .	4
9 Feb.	Letter from Earl Bathurst to Lord Charles Somerset . . . . .	4
„	„ „ „ „ „ „ . . . . .	5
„	Additional Instructions to Lord Charles Somerset . . . . .	6
„	Letter from Earl Bathurst to Lord Charles Somerset . . . . .	12
„	Letter from the Commissioners of Enquiry to Lieutenant Colonel Bird . . . . .	15
9 Feb.	Letter from Mr. George Greig to R. Wilmot Horton, Esqre. . . . .	16
10 Feb.	Letter from M. van Breda, Esqre., to the Commissioners of Enquiry . . . . .	17
„	Letter from the Commissioners of Enquiry to M. van Breda, Esqre. . . . .	17
11 Feb.	Treasury minute . . . . .	18
„	Letter from M. van Breda, Esqre., to the Commissioners of Enquiry . . . . .	30
„	Letter from P. G. Brink, Esqre., to the Commissioners of Enquiry . . . . .	31
12 Feb.	Letter from Lord Charles Somerset to Earl Bathurst . . . . .	32
„	Evidence given by Mr. Francis Dashwood to the Commissioners of Enquiry . . . . .	32
„	Letter from R. Wilmot Horton, Esqre., to Mr. George Greig . . . . .	38
13 Feb.	Letter from Earl Bathurst to Lord Charles Somerset . . . . .	38
14 Feb.	„ „ „ „ „ „ . . . . .	39
„	Letter from R. Wilmot Horton, Esqre., to Mr. Thomas Willson . . . . .	40
15 Feb.	Memorial of Mr. John Bardwell Ebdon . . . . .	41







*Contents.*

ix

DATE	PAGE
1825	
24 March. Letter from T. P. Courtenay, Esqre., to R. Wilmot Horton, Esqre. . . . .	380
„ Letter from Mr. S. E. Shawe to John Gregory, Esqre. . . . .	382
25 March. Letter from the Commissioners of Enquiry to Earl Bathurst . . . . .	382
„ Letter from the Court of Justice to Lord Charles Somerset . . . . .	385
„ Letter from T. P. Courtenay, Esqre., to R. Wilmot Horton, Esqre. . . . .	387
„ Letter from Mr. P. G. Brink to John Gregory, Esqre. . . . .	388
„ Letter from Mr. J. W. Stoll to the Commissioners of Enquiry . . . . .	388
26 March. Letter from Earl Bathurst to Lord Charles Somerset . . . . .	389
„ Letter from Earl Bathurst to the Commissioners of Enquiry . . . . .	390
„ Letter from Lord Charles Somerset to Earl Bathurst . . . . .	391
„ Enclosure : Memorial of Mr. H. E. Faure . . . . .	392
„ Letter from George Harrison, Esqre., to R. W. Horton, Esqre. . . . .	393
„ Letter from R. Wilmot Horton, Esqre., to Mr. Bishop Burnett . . . . .	394
27 March. Letter from Earl Bathurst to Lord Charles Somerset . . . . .	396
28 March. Return of occupied erven at Worcester . . . . .	397
30 March. Letter from Mr. Thomas Willson to R. Wilmot Horton, Esqre. . . . .	398
31 March. Letter from Lord Charles Somerset to Earl Bathurst . . . . .	400
„ Expenses of Albany and Somerset Districts . . . . .	406
„ Letter from the Secretary to Government to R. Wilmot Horton, Esqre. . . . .	406
2 April. Letter from Lord Charles Somerset to Earl Bathurst . . . . .	411
„ Enclosures : Addresses to Lord Charles Somerset . . . . .	411
INDEX . . . . .	417



# RECORDS OF THE CAPE COLONY.

[Original.]

*Petition of JOHN DIPLOCK and others.*

7th February 1825.

To the Right Honourable Earl Bathurst, &c., &c., &c.

The Humble Petition of John Diplock and others Sheweth

That in the year 1819 one Richard Gower then of Greenwich in the County of Kent, plumber and glazier, was induced with his family consisting of a wife (Mary Gower) and three children to emigrate to His Majesty's settlements at the Cape of Good Hope, taking with him a considerable property which he had saved in this country.

That the said Richard Gower on his arrival at the Cape settled in Graham's Town where he used every exertion to support himself and family, but in consequence of the failure of the crops and other misfortunes he was reduced to great extremities, which ultimately caused his death in the month of July last, leaving his said wife the said Mary Gower and her three helpless children (the eldest only ten years) entirely destitute in a strange land.

That your Petitioners are advised that in cases of such extremity Government have in some instances granted free passages home to this Country, and your Petitioners being unable to send her the means of returning and conceiving that this is a case for the merciful consideration of Government, Your Petitioners therefore trusting to the well known humanity of your Lordship pray that you will be graciously pleased to

take the case of the said Mary Gower and her said three children into your serious consideration, and order them a free passage to England, and petitioners as in duty bound will pray.

---

[Office Copy.]

*Letter from* EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 8th February 1825.

MY LORD,—With reference to the correspondence which has passed upon the subject of the measures which His Majesty's Government have directed to be carried into effect for ameliorating the condition of the Slave population in His Majesty's Foreign Possessions, I transmit to your Excellency herewith enclosed a copy of an Order of His Majesty in Council which has been passed in order to provide for the Religious Instruction of the Slaves in the Island of Trinidad and for the improvement of their condition.

I also annex copies of two Proclamations which have been issued for the purpose of modifying and explaining certain Provisions of the said Order. These Proclamations will at no distant period be embodied into an additional Order in Council, which will also contain a modification of the Clause numbered 42 in the Order of the 10th of March; this modification will render the forfeiture of Slaves on the second conviction discretionary with the Court and the Clause will stand "cruel *and* unlawful punishments" instead of "cruel *or* unlawful punishments," which was a verbal error in the former Order.

In order that the arrangements already adopted by your Excellency and which it may further be deemed proper to make upon this subject generally should harmonise as much as possible with the measures enjoined in the enclosed Order and Proclamations, I have to instruct your Excellency to transmit to me a draft of an Order to be submitted to His Majesty in Council which shall be framed in the spirit of the Regulations laid down in those documents and adapted to the Laws and State of the Settlement under your Excellency's Government. I have &c.

(Signed) BATHURST.



[Original.]

*Letter from* LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 8th February 1825.

MY LORD,—I beg leave to acquaint your Lordship that I have granted leave of absence for the term of Six Months from the period of his embarkation from hence to Francis Dashwood Esqre., Collector of Customs at Simon's Bay, to return to Europe on account of his health.

I have directed Mr. Dashwood to report himself to your Lordship on his arrival in England and to apply to you for any further extension of Leave, and I have furnished him with the Certificate required by Your Lordship's Despatch No. 9, dated 21 April 1818. I have &c.

(Signed) CHARLES HENRY SOMERSET.

---

[Copy.]

*Letter from the* COMMISSIONERS OF ENQUIRY *to*  
M. VAN BREDÁ, ESQRE.

CAPE TOWN, 8th February 1825.

SIR,—We have the honor to request you would inform us whether at any time during the period in which you filled the Situation of President of the Burgher Senate, you ever had occasion to communicate in writing or verbally with the Secretary to Government Lieutenant Colonel Bird, or with Mr. Ellis the Deputy Secretary, upon the subject of granting an allotment of Land in Cape Town, adjoining the Barracks and Government wood yard, to the Members of the Catholic Congregation for the purpose of erecting a Chapel, School and residence for their priest, and what was the nature and result of your Communication. We have &c.

(Signed) JOHN THOMAS BIGGE,  
WILLM. M. G. COLEBROOKE.

[Copy.]

*Letter from MR. CHARLES TRAPPES to the COMMISSIONERS OF ENQUIRY.*

WORCESTER, 8th February 1825.

GENTLEMEN,—In reply to the letter you have honored me with, dated the 28th ultimo, I have no hesitation in avowing what is well known, that I am of an ancient English Roman Catholic Family, brought up in that Communion, and have always professed that Faith.

I am no Jesuit nor ever was a Member of that Society, nor was I educated at any Establishment of which that Body had the Superintendance.

I was placed in the Situation I now hold, of Landdrost of the Worcester district, by Lord Charles Somerset, but not at the recommendation of Lieutenant Colonel Bird.

I have neither openly or secretly taken any steps to introduce the Roman Catholic religion into this country. With respect to the duties of Political Commissioner for Church affairs, which form part of those of the Landdrost, I beg leave to remark that it appears to me that they are not in the remotest degree connected with the Religious Tenets of the Reformed or Calvinistic Church, and the Situation being one of a Political nature only, it may be presumed that a Person of a different Communion will perform them more impartially, and with less restraint, than a person professing the Calvinistic Doctrine.

I have &c.

(Signed) C. TRAPPES.

[Office Copy.]

*Letter from EARL BATHURST to LORD CHARLES SOMERSET.*

DOWNING STREET, LONDON, 9 February 1825.

MY LORD,—I transmit herewith to your Excellency copies of communications which have been received from the Boards of Treasury and Ordinance, relating to Buildings which it is

proposed to erect in Cape Town for the accommodation of the officers of the Commissariat stationed there, and in conformity with the wish expressed by the Lords Commissioners of the Treasury, I have to desire that your Excellency will take measures for appropriating to the Commissariat the slip of ground which is stated to be situated between the buildings in question and the channel for the water of the Town Canal.

I have &c.

(Signed) BATHURST.

---

[Office Copy.]

*Letter from* EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 9 *February* 1825.

MY LORD,—The King having been graciously pleased to take into his consideration the difficulties with which your Excellency has to contend in administering the Government of the extensive Settlements confided to your charge, has been pleased with the advice of His Privy Council to issue additional Instructions creating a Council to whose assistance and advice you may in future have recourse upon every occasion of novelty, difficulty or importance. These additional Instructions I have the honor to enclose.

It being necessary that a proper person should be appointed to perform the duties of Clerk of the Council, I have to signify to you His Majesty's Pleasure that the sum of £800 be annually applied out of the unappropriated Revenue of the Settlement for the support of this Office ; and until the arrival of a person nominated by His Majesty to fill this situation you are authorised to make a provisional appointment in favor of any Individual who may appear to you qualified for an employment of so important and confidential a nature.

It is not the intention of the enclosed Instructions to impose on you the necessity of resorting to the Council for advice upon all the ordinary and less important details of public business. The general rules which the Instructions have laid down for

your guidance upon this head, you will in your discretion apply to particular cases as they arise.

Although under these Instructions your Excellency is authorised to act in special cases without the concurrence of a majority of your Council, you will, however, not by this understand that upon any occasion of importance you are authorised to act without a previous communication with them ; and if after such communication you take upon yourself to act without the concurrence of a majority of the Council, you will necessarily incur a responsibility which the exigency of the case may make it justifiable and even laudable to incur ; but on the other hand I must remind you that it will become your indispensable duty to shew that such an exigency really existed.

The Instructions have invested you with authority to suspend any Member of Council until His Majesty's Pleasure can be known, if you should see just cause for such a proceeding. I cannot too strongly impress upon your Excellency the necessity of abstaining if possible from the exercise of this power. It is to be regarded as an extreme remedy to be adopted only on very grave occasions on which the Public interest may render the recourse to it unavoidable.

Your Excellency will make known to the Inhabitants by a Public Proclamation that His Majesty has been graciously pleased to create a Council for assisting with their advice in administering the Government, and you will in the same Proclamation notify the names of the Persons summoned by His Majesty to sit in this Council. I have &c.

(Signed) BATHURST.

---

[Office Copy.]

*Additional Instructions to LORD CHARLES SOMERSET.*

GEORGE R.

Additional Instructions to Our Right Trusty and Well-beloved Councillor Charles Henry Somerset Esquire commonly called Lord Charles Henry Somerset General in Our Army Our Governor and Commander in Chief in

and over the Settlement of the Cape of Good Hope in South Africa or in his absence to the Officer Administering the Government in and over the said Settlement for the time being Given at Our Court at Carlton House the ninth day of February 1825 in the sixth year of Our Reign.—

Whereas by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland bearing date at Westminster the second day of November 1813 in the 54th year of the Reign of His late Majesty King George the Third Our Royal Father The Governor, and in case of his death or absence, the person specially appointed to administer for the time being the Government of the Settlement of the Cape of Good Hope in South Africa and the Territories and Dependencies thereof were authorised and required for and during Our Will and Pleasure to do and execute all things in due manner that should belong to the said Command and the Trust thereby reposed in them respectively according to the several Powers and directions granted or appointed by the said Commission and the Instructions under the Royal Signet and Sign Manual therewith given and by such further powers instructions and authorities as should at any time thereafter be given and granted or appointed to the said Governor under the Royal Signet and Sign Manual or by Order of His Majesty in Council or through One of His Majesty's Principal Secretaries of State And Whereas We have thought fit that a Council should be constituted and appointed within Our said Settlement to advise and assist in the Administration of the Government thereof Now therefore We do hereby declare it to be Our Will and Pleasure that there shall be henceforward a Council within Our said Settlement to consist of the following persons whom We do hereby constitute and appoint to be Members of Our said Council during Our Will and Pleasure any two of whom (together with yourself or in your absence together with the Member presiding) to be a Quorum viz :—

The Chief Justice ;

The Colonial Secretary ;

The Officer next in Command for the time being to the  
Commander of the Forces ;

Lieutenant Colonel Bell ;  
 Walter Bentinck Esqr, Auditor General ;  
 J. W. Stoll Esqr, Receiver General.

You shall as soon as conveniently may be call together the persons whom We have hereby nominated and appointed as aforesaid to be Members of Our said Council and shall administer to them respectively the Oaths mentioned in an Act passed in the first year of the Reign of 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 the same is altered and explained by an Act passed in the sixth year of the Reign of Our said beloved Father and Royal Predecessor King George the Third Intituled " An Act for altering the Oath of abjuration and the Assurance and for the 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 " and also the usual Oaths for the due execution of their places and Trust respectively all which Oaths shall also be administered by the Governor or person administering the Government of Our said Settlement for the time being to all such persons as shall hereafter be appointed to be of Our said Council before they respectively enter upon the execution of the duties of such their Office.

You are to communicate forthwith to Our said Council these Our Instructions and likewise all such others from time to time wherein their advice and consent are requisite and as you shall find convenient for Our Service to be imparted to them.

You are to permit the Members of Our said Council to have and enjoy freedom of debate and vote in all affairs of public concern that may be brought under their consideration in Council and if in consequence of vacancy or of the unavoidable absence or inability to attend of any of the Members of Our said Council there should not be a sufficient number of Councillors

upon the spot to form a quorum you are hereby authorised by a Warrant or Commission under the Seal of Our said Settlement to appoint to be Members of Our said Council so many fit and proper persons as shall make up the number present to be six and no more It being nevertheless Our Will and Pleasure that you do signify to Us by the first opportunity every such vacancy with the occasion thereof as also the names and qualifications of the persons appointed by you to the intent that such appointments may be either disallowed or confirmed by Us and until such disallowance or confirmation by Us shall be signified and made known to you the persons so appointed by you shall be to all intents and purposes Councillors within Our said Settlement Territories and Dependencies.

And We do hereby give and grant unto you full power and authority to suspend any of the Members of Our said Council from sitting voting or assisting therein if you shall find just cause for so doing and in case of such suspension of any of them you are to cause your reasons for so doing and his answer thereunto to be duly entered upon the minutes of the Council and forthwith to transmit copies to Us through one of Our Principal Secretaries of State Nevertheless if it should happen that you should have reasons for suspending any of the Members of the Council not fit to be communicated to the Council you may in that case withhold such communication but you are thereupon immediately to send to Us through One of Our Principal Secretaries of State an account of your proceedings herein together with your reasons at large for such suspension and also your reasons for not communicating the same to Our said Council And We do hereby declare and it is Our Pleasure that Our said Council shall not proceed to the dispatch of business unless duly summoned by authority of you or the Governor or Officer administering the Government for the time being of Our said Settlement and unless two Members at the least in addition to the Governor or Officer administering the Government or Member of Council presiding in his absence be present and assisting throughout the whole of the Meeting at which any such business shall be dispatched And it is our Pleasure that you do attend and preside at the Meetings of Our said Council unless when prevented by some necessary or reasonable cause and that in your absence the Senior Member

of the said Council actually present shall preside at all such meetings the seniority of the Members of the said Council being regulated according to the order in which their respective offices are hereinbefore inserted and in all other cases according to the priority of their appointment as Members of Our said Council and in the event of any difference of opinion arising at any meeting of the said Council at which not more than two Members shall be present in addition to the Governor or Officer administering the Government or Member of Council presiding in his absence then it is Our pleasure that the decision of the question in dispute shall be suspended and adjourned until some other meeting at which a greater number of the Members of Our said Council shall be present and attending And it is Our Pleasure that the Clerk of Our said Council do attend and be present at the Meetings and deliberations thereof unless when otherwise directed by you or by the Senior Member of Council presiding in your absence but without voting or concurring in such deliberations and that the minutes of the proceedings of the said Meetings be regularly drawn up by the said Clerk and preserved in his custody in a proper Office to be provided for that purpose and We do further direct and command that a full and exact Journal or minute be kept of all the deliberations acts proceedings votes and resolutions of Our said Council and that at each meeting of the said Council the minutes of the last preceding meeting be read over confirmed or amended as the case may require before proceeding to the dispatch of any other business And it is Our further Will and Pleasure and We do hereby command you that in the execution of the several Powers and authorities granted and committed to you by your Commission and general Instructions aforesaid you do in all things consult and advise with Our said Council and that you do not exercise the powers and authorities aforesaid or any of them except by and with the concurrence and advice of Our said Council save and except only in such cases as are hereinafter saved and excepted Provided Always that nothing herein contained shall extend to prevent your exercising without the advice and concurrence of Our said Council the several powers and authorities aforesaid or any of them in any case or upon any occasion which may be of so urgent and pressing a nature as not to admit of the delay unavoidably



incident to the deliberations of Our said Council it being Nevertheless Our Pleasure that the measures adopted by you without the advice of Our said Council upon any such emergency shall with all convenient speed be by you brought before Our said Council for their revision and sanction And it is Our further Will and Pleasure that no question shall be brought before Our said Council for their advice or decision excepting only such questions as may be proposed by you for that purpose Provided Nevertheless and it is our Will that if any Member of Our said Council shall deem it expedient that any question should undergo the deliberation of the said Council and should by application in writing to you request and propose that such question should be so discussed it shall be competent to any such Member to enter upon the Minutes of the said Council such his written application to you together with the answer which may be returned by you to the same And it is Our Will and We do further direct that in case you see sufficient cause to dissent from the opinion of the major part or of the whole of Our said Council upon any question brought by you under their consideration it shall be competent to you to execute the powers and authorities vested in you by the said Commission and Instructions in opposition to such their opinion upon any such occasion it being Nevertheless Our Pleasure that in every case it shall be competent to any Member of Our said Council to record at length on the minutes of the said Council the grounds and reason of any advice or opinion he may give upon any question brought under the consideration of such Council and it being also Our Pleasure that in the event of your acting upon any occasion in opposition to the advice of the whole or the major part of the said Council you do by the first opportunity transmit to Us through One of Our Principal Secretaries of State a full explanation of the grounds of every such measure together with complete copies of the minutes if any of the said Council relating thereto And We do further direct that twice in each Year a full transcript of all the Minutes of Council of the preceding half year be transmitted to Us through One of Our Principal Secretaries of State.

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[Office Copy.]

Letter from EARL BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 9 February 1825.

My LORD,—In my dispatch of this date enclosing additional Instructions which have been issued by His Majesty for erecting a Council for your assistance in the administration of the Government of the Settlements committed to your charge, I have conveyed to your Excellency His Majesty's Pleasure respecting the manner in which his intentions upon that subject are to be carried into effect. The object of the present dispatch is to put your Excellency in possession of such Instructions as may be necessary for your guidance on the important subject of the enactment and promulgation of Laws and Ordinances for regulating the civil concerns of the Settlement.

I am not aware that any printed collection is to be found of the whole series of Laws Ordinances and public Proclamations of a Legislative nature, which have been promulgated by your Excellency and your Predecessors in office since the conquest and cession of the Settlement of the Cape of Good Hope. Perhaps even it may not be easy to procure or to compile such a Collection in Manuscript. It would however be superfluous to point out the urgent necessity for making such a compilation; and I am therefore to signify to your Excellency His Majesty's Pleasure that you do take measures for preparing and transmitting with all practicable dispatch to me exact and authenticated copies of all such laws, Ordinances and Proclamations, specifying the time at which each was passed and promulgated, and distinguishing such as still continue in force, from such as are obsolete or have expired.

I am aware that this undertaking may be a work of considerable magnitude and difficulty, and not unattended with a serious expense. The utility of the measure, however, so entirely outweighs all objections of this kind, that they cannot be suffered to prevent the execution of it, and if, as I am disposed to think, any Legislative acts have proceeded from the local Government which have not hitherto been transmitted for His Majesty's approbation, the necessity of com-

communicating to me for that purpose a complete collection of them becomes still more urgent.

I need hardly observe that it will be necessary that all Ordinances, public orders, and Proclamations of a Legislative nature should be promulgated and passed in a uniform style and with greater solemnity than has hitherto been observed. For this purpose you will observe in future the following Regulations.

Whenever you may deem it necessary in execution of the Powers granted to you by your commission and general Instructions to issue any Ordinance, public Order, or Proclamation of a Legislative nature, you will cause His Majesty's Fiscal to prepare the draft of it with all due observance of every essential form of Law, so that the operation of such enactments may not be impeded by any want of technical accuracy in the composition of them.

You will transmit to the Chief Justice the drafts of the Laws thus prepared, and it will be his duty to report to you his opinion whether they are consistent with the fundamental Laws at present in force in the Colony, and with that part of the Law of the United Kingdom which extends to and is in force within the Settlement of the Cape of Good Hope and its Dependencies.

Upon receiving from the Chief Justice a Report that the draft of any Law thus referred to him is not repugnant to but consistent with the fundamental Laws of the Colony and that part of the Law of the United Kingdom which is in force there, your Excellency will bring it under the consideration of your Council, whose duty it will be to lay before you their opinion and advice respecting the enacting it. To what extent you will be bound to defer to their opinion, on this or any other question, you will collect from the additional Instructions issued by His Majesty with the advice of His Privy Council, for creating a Council. Any Ordinance public Order or Proclamation promulgated in pursuance of these Instructions, you will publish under the style and description of "an Ordinance of the Governor in Council."

It will further be necessary that every such Ordinance should contain a short preamble formed on the model afforded by Acts of Parliament, and that it should be divided into

Sections or Clauses of convenient length, and that each section or clause should be accompanied by a short marginal abbreviation, stating the substance and effect of it.

If the discussions which may arise in the Council on the Draft of any Ordinance should render it expedient to introduce any material amendments or alterations, your Excellency will suspend the final decision of the Council until His Majesty's Fiscal has prepared the Drafts of such amendments and alterations, and until you have received from the Chief Justice his Report upon them.

It cannot be too distinctly understood that the Legislative Power which is confided to your Excellency with the advice of your Council is subordinate to that of His Majesty in Council and of His Majesty acting with the advice and consent of Parliament. The necessity of making immediate provision for unexpected exigencies in so remote a part of His Majesty's Dominions, renders it necessary indeed that the power of Legislation should be exercised without the delay of a reference to this Country on urgent occasions. Your Excellency however will understand that the operation of all ordinances which may be passed by you in Council is to be suspended until His Majesty's pleasure is communicated to you respecting them, excepting only in cases in which you may be of opinion that the Public Interest would be materially prejudiced by the delay unavoidably attendant on such a reference.

It will be your duty to transmit to me for His Majesty's allowance, by the earliest opportunity, every Ordinance or Legislative Act passed and promulgated in the Settlement and you will also transmit at the end of every year a printed Collection of all such Ordinances and Acts from the commencement of the year bound up in a distinct volume and accompanied with a full and methodical Index. It will be a part of the duty of the Clerk of the Council to prepare all documents of this nature for transmission to this Department.

When the Draft of any Ordinance or Legislative Act has been finally approved by Your Excellency in Council it will be subscribed with your signature and sealed with the seal of your Government and countersigned by the Colonial Secretary and by the Clerk to the Council.

The Instrument thus attested will be delivered by your

Excellency to His Majesty's Fiscal, with a Warrant from your Excellency requiring the Chief Justice or in his absence any one of the Judges to cause it to be registered in the Court of Justice. It will be the duty of the Fiscal immediately to repair with the Instrument thus authenticated to the Chief Justice or some one of the Judges of the Court whose duty it will be to cause it to be enrolled in the Court. Simultaneously with this proceeding your Excellency will cause printed copies of every such Ordinance or Legislative Act to be delivered by the Clerk of the Council to the chief officers of the various Departments of Government and to be announced by a Public Proclamation in the manner which has been hitherto observed. In conclusion I have to direct your Excellency to deposit at the Council Office in the custody of the Clerk, for the inspection of the Members of Council, such extracts of His Majesty's additional Instructions and of my dispatches of this date as define the powers granted to the Members for enabling them to discharge the duties confided to them by His Majesty.

I have &c.

(Signed) BATHURST.

---

[Copy.]

*Letter from the* COMMISSIONERS OF ENQUIRY *to* LIEUTENANT-COLONEL BIRD.

CAPE TOWN, 9th February 1825.

SIR,—In a special Inquiry that we have been directed to make into the measures that led to the Expenditure, on account of which application was made by His Excellency Lord Charles Somerset for an advance from the British Treasury in relief of the Persons whose property suffered from the storms that occurred in the month of July 1822, we have felt it our duty to call for information respecting the appropriation of 100,000 Rixdollars advanced for the erection of Public Buildings at Worcester, and as statements have been made to us which render it necessary that we should refer to you for

explanation of the circumstances under which that advance was made, the resources on which it was secured, and the works to which it was to be applied, we accordingly enclose a series of Interrogatories, which have been framed upon those statements and the information we have acquired, and in replying specifically to the points contained in the questions, the opportunity will be afforded to you of adding such observations as you may deem it right to make upon the answers of Mr. Jones, an extract of whose examination before us we have the honor to enclose, together with the documents connected with the subject, and which may aid you in the explanations you may wish to afford.

We deem it right to inform you that we have had other authority for the statement made by Mr. Jones of the intention of His Excellency the Governor to postpone the completion of the Magistrate's House at Worcester, upon the plan originally submitted to His Excellency. We have &c.

(Signed) JOHN THOMAS BIGGE,  
W. M. G. COLEBROOKE.

---

[Original.]

*Letter from MR. GEORGE GREIG to R. WILMOT HORTON, ESQRE.*

32 CITY ROAD, 9th February 1825.

SIR,—At the interview with which I was honoured on Monday last, you stated that I should receive a communication in the course of that day. Not having yet received it, I trust the importance of the subject to me will plead my excuse in requesting you will give directions that it may be forwarded with all convenient dispatch. I have &c.

(Signed) GEORGE GREIG.

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[Copy.]

*Letter from M. VAN BRED A, ESQRE., to the COMMISSIONERS OF ENQUIRY.*

ORANGE VIEW, 10th February 1825.

GENTLEMEN,—I acknowledge by this the receipt of your Letter of the 8th Inst., respecting the ground that was granted for the erection of a Roman Catholic Church, School and Clergyman's residence, and have the honor to inform you in reply thereto that everything respecting that Transaction is entered in the proceedings of the Burgher Senate. I have &c.

(Signed) M. VAN BRED A.

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[Copy.]

*Letter from the COMMISSIONERS OF ENQUIRY to M. VAN BRED A, ESQRE.*

CAPE TOWN, 10th February 1825.

SIR,—We have the honor to acknowledge the receipt of your Letter of this date in which you state to us that everything respecting the grant of an allotment made by the Burgher Senate for the erection of a Roman Catholic Chapel, School and Clergyman's residence in Cape Town is entered on the proceedings of the Burgher Senate.

In reply we beg leave to state that as the Inquiry that we had the honor to address to you embraced all verbal as well as written Communications that passed on this subject between yourself and the Chief Secretary and Deputy Secretary to Government, we beg to know whether the substance of such verbal communications was committed to writing by yourself and was afterwards inserted in the Books of the Burgher Senate.

Reserving to ourselves such further inquiries as upon the result of your answer, and upon the examination of the Books, may become necessary, we have &c.

(Signed) JOHN THOMAS BIGGE,  
WILLIAM M. G. COLEBROOKE.

[Copy.]

*Treasury Minute, 11th February 1825.*

My Lords have under their consideration the State of the Currencies in the several British Colonies and Possessions abroad, as they affect the Expenditure for the public service, both military and civil.

They consider it as being highly expedient that they should avail themselves of the present period of peace, and of the means which appear to be now at their disposal, for introducing a fixed and uniform medium of exchange for all transactions connected with the public service, in the place of the various fluctuating, and anomalous currencies which have been created under the pressure of temporary emergency, or with views of local and peculiar expediency, in many of these colonies and possessions during the war ; and which have been productive of much private and public inconvenience.

In these colonies the Spanish dollar has generally been the prevalent current coin, and the standard by which the value of other currencies, whether metallic or paper, has been determined.

That coin has been the medium of payment to the troops on Foreign stations generally ; but the rate in sterling money at which it has been issued to the Army, has not been the same at all of those stations, nor has that rate in any case been fixed in conformity with the intrinsic value of the coin.

In the West Indies, in America, on the western coast of Africa, at the Cape of Good Hope, at the Mauritius, and at New South Wales, it has been reckoned in payment to the Army at 4s. 8d. ; while at Gibraltar and in the Mediterranean, it has been issued at 4s. 6d.

At some of these places, payments are made to the forces in other coins than Spanish dollars ; but in those cases the value of such coins has been regulated by the Spanish dollar, assuming the value of the latter at the army rate fixed for each station.

These established rates are of long standing, and many of them founded upon authorities, of the origin of which there are no distinct records in this office.

The intrinsic value of the Spanish dollar as compared with British standard silver, at the mint price of 5s. 2d. the ounce,



is about 4s. 3·79*d.* or somewhat less than 4s. 4*d.* ; and at the market prices of silver which have prevailed for some time past, it is scarcely above 4s.

It appears, therefore, that the prices at which dollars are now issued to the British troops abroad, are considerably higher than the real value of the coin, or its value in British money at the mint price of silver ; and the Army would have cause to complain if they had not antecedently, during a great length of time, enjoyed the advantage of receiving that coin at a rate much below the value into which it was convertible in British currency through the medium of the exchanges.

Remonstrances have, however, proceeded from several of the Foreign stations, on behalf of the Army, on account of the rates at which the dollar is now issued ; and although the change by which a more correct issue of the pay of the troops abroad must be introduced, will unavoidably be attended with a considerable increase of expense, My Lords deem it just and necessary to adopt measures for that purpose.

They must at the same time observe, that by the regulations adopted for the pay of the regimental officers, that valuable class of the public servants, who would otherwise be the most seriously affected by the disadvantages of this army-rate of exchange, are wholly freed from its inconveniences, as they have for many years past enjoyed the option of receiving their pay either from the military chest, at the station where they are serving, or through their agents in England ; by which means they have the full benefit of the state of the exchange when it is more favourable than the army-rate, and the advantage of the army-rate when it is less so. The inconvenience has, therefore, since that regulation, been confined to the officers on the staff, and some others who, as well as the private men, receive their pay from the military chest alone, and who are in some degree indemnified by the mode in which those supplies in kind are procured for them, which to a certain extent are defrayed by stoppages from their pay.

In considering this subject, with a view to the introduction of a better mode of paying the Army abroad, My Lords advert to the circumstances which affect the supply of the Spanish dollar at the present time. Some difficulties in procuring it in sufficient quantities are occasioned by the diminished produce

of the mines ; while, on the other hand, the established character of that coin, on account of its formerly well-known uniformity of weight and fineness, has been materially affected by diversities lately introduced in the coinage in America ; whereby it has been rendered less fit for the payments which are now under consideration.

Under these circumstances, it appears to My Lords that the fittest medium for the payment of the forces, and the best standard of circulation for the British colonies and possessions where these anomalies have hitherto prevailed, will be the silver and copper currencies now in circulation in this country, provided the same be made convertible, at the will of the holder, into the standard gold currency of the United Kingdom, by means of bills of exchange, to be given at a rate to be fixed for each station by the officer in charge of the military chest, or some other public authority.

Owing to the rate at which silver is by the Act 56 Geo. 3d, c. 68, converted into coin at the mint (which is considerably above its general market value, as well as its former mint price,) this currency would not be liable to be withdrawn by private speculation, from the colonies ; while, on the other hand, its ready convertibility, by the means above mentioned, into that money which is the legal tender for large payments in this country, would secure its circulation at the same value in the colonies.

As there would exist no inducement to export a currency of this description to foreign countries, so, on the other hand, if the rate at which bills would be obtainable for it upon England, be fixed in such manner as to be about equal to the expense and risk of bringing it to England, the danger of any inconvenience from its re-importation into this country, would in like manner be avoided.

This rate My Lords conceive to be about 3 per cent from almost all of the stations to which these measures would be applicable ; and they would therefore direct, in the first instance generally, that the officer in charge of the commissariat should give a bill for £100 on this Board for every £103 in British silver currency ; such rate being subject to future regulation in any case in which it may, on experience, be found to be too high, or too low, for the purpose which it is intended to secure.

Upon these grounds, therefore, My Lords will direct supplies of silver coin to be prepared for remittance to the several stations abroad, so as to furnish a sufficiency for the probable wants of each as speedily as possible. They desire that the agent for commissariat supplies will take the necessary steps for that purpose.

But as the substitution of this currency for the Spanish dollar, even in the payments from the military chest to the Troops, can only be gradually effected, and as it may, in many cases, be still expedient to employ that coin as a medium of payment, at a fixed rate as compared with British currency, My Lords are of opinion that it should (when necessary) be issued at the rate of 4s. 4d. the dollar, being a fraction of a farthing only above its intrinsic value at the rate of 5s. 2d. the ounce of standard silver ; and also, that all other coins in use in the colonies should, if used under any special expediency for making payments from the military chest, be issued at the same rate, as nearly as may be, with reference to their intrinsic value as compared with that of the Spanish dollar.

Their Lordships desire that letters be written to the commanders of the forces, and to the officers in charge of the commissariat, on each station abroad, conveying to them the necessary instructions for carrying this measure into execution, and directing that the rate at which the Spanish dollar and other coins are hereafter to be issued for the pay of the Troops, be adopted from the 24th of the month next succeeding the receipt of the instructions.

Let the attention of the commanders of the forces be called to the rates at which certain allowances in money are made within their respective commands for forage, lodging, &c. &c. which, having been fixed in British money with reference both to the expense of the articles, and to the value of the currency in which the payments were made, will require a revision upon the introduction of the changes hereby directed. They desire, therefore, that Boards may be appointed at each station for inquiring into the subject of these allowances, and for reporting what alterations should be made in their nominal sterling rates, so as to keep the real amount of them at least as low as they are at present, for which purpose the reduction must in all cases be equal to the difference between the present army

rate of the dollar and the proposed new rate of 4s. 4d. for that coin.

Let the officer in charge of the commissariat be also instructed that all unliquidated engagements with contractors or other persons, are to be completed according to the terms of those engagements ; but that in all future contracts the commissariat should reserve to itself the option of paying the contractor either in British silver or in bills upon this Board, at the rate above stated of £100 in such bills for every £103 in money : And, further, My Lords desire that the commissaries be directed not to grant bills on any occasion for British money at any other rate.

If at any time there should not be a sufficiency of British silver at the disposal of any commissary, for carrying on the service at his station, he is then to advertise for Spanish dollars or other coins, by public competition, for his bills on this Board, and is to accept the lowest tender ; the dollars or coins so purchased to be issued invariably to the Troops at the rate of 4s. 4d. for the Spanish dollar, and at proportionate rates for other coins, according to their intrinsic values as compared with the Spanish dollar valued at that rate.

Let copies of this Minute be transmitted to the Commander in Chief of the forces, and to the Comptrollers of Army Accounts for their information ; and also to the Master General and Board of Ordnance, and to the Lords of the Admiralty ; in order that the former may give instructions for the issue of pay to the officers and men of the several establishments under their orders abroad, in conformity with these regulations ; and that the latter may give similar directions, through the paymaster of the Marines, with respect to the detachment stationed at Bermuda ; to whom it appears that their pay is now issued in dollars at the rate of  $4-5\frac{1}{3}$  sterling per dollar. My Lords presume that the Board of Admiralty will think it right to put that detachment upon the same footing hereafter as the Troops of the line, with respect to the issue of their pay, and the stoppages to be made from it.

Transmit copy of this Minute also to Mr. Wilmot Horton, for the information of Lord Bathurst ; and request he will move his Lordship to cause the necessary communications of the measures hereby directed to be made to the governors of

the several colonies, together with such instructions as may appear to his Lordship to be proper for ensuring a due attention on the part of those Governors to the execution of them. Desire also, that he will move Lord Bathurst to point out to the governors of Nova Scotia and Demerara the expediency of taking some measures for the gradual reduction of the paper circulation issued for colonial purposes and under colonial authority in those colonies, and of making it exchangeable, until it be finally reduced to that which it purports to represent.

With respect to the currencies which now constitute the chief circulating medium at New South Wales, Sierra Leone, the Mauritius, Ceylon and the Cape of Good Hope, some more special directions appear to be necessary, in order to the introduction of the measures which are the subject of this Minute into those colonies.

#### *New South Wales.*

The Accounts are kept in the British denomination of money, namely, pounds shillings and pence, but there are few, if any, British coins circulating, the Spanish dollar being the most ordinary and common medium of exchange, and which passes at various values with reference to the pound sterling, according to the transaction to which it is applied. The Spanish dollar in private transactions of trade and commerce is rated at . . . . . 5s.

In payment to the troops . . . . . 4s. 8d.

In payment of salaries to civil servants . . . . . 4s.

In payment by the government for supplies . . . . . 5s.

In payment to the government, for duties, at the average rate of exchange.

This state of things appears to My Lords to be highly objectionable; and they are of opinion that it would be expedient to provide that all debts which may be contracted, and all engagements which may be made, after a day to be named for the payment of money in the colony, should be discharged either in British silver money, or in Spanish dollars at 4s. 4d. each, at the will of the debtor; and that the Spanish dollar should also be issued and paid, in all government transactions, at the same rate.

That all engagements contracted previously to the day to be so named, either by the government or by individuals, shall be respectively discharged and liquidated by the payment of 17s. 4d. in the pound for the nominal amount of the debt, either in British silver money, or in dollars computed at 4s. 4d. each ; by which a debt already contracted will be discharged by the same number of dollars as at present. If at any time it should be absolutely necessary to introduce into circulation any other description of coin than British or Spanish dollars and their proportions, the value at which it should be taken should be accurately fixed with reference to the quantity of fine silver contained therein, as compared to the quantity contained in British standard silver at 5s. 2d. per oz., or in Spanish dollars at 4s. 4d. each :—a Statement of which with respect to several of the coins, My Lords have caused to be extracted from the tables of assay recently made at the mints both of London and Paris, and which have been found to verify each other.

*Sierra Leone.*

The Accounts are kept, as at New South Wales, in the British denominations of money, and the dollar is in all transactions of commerce taken at 5s. each, and is issued to the troops at 4s. 8d. My Lords are therefore of opinion, that it would be expedient to provide that all debts which may be contracted, and all engagements which may be made, after a day to be named for the payment of money, should be discharged either in British silver money, or in Spanish dollars at 4s. 4d. each, at the will of the debtor ; and the latter coin should after that day be issued and received in all government payments on account of government, at the same rate of 4s. 4d. each. But it should be provided, that all engagements already contracted, either by the government or by individuals, should be respectively discharged and liquidated by the payment of 17s. 4d. in the pound for the nominal amount of the debt, either in British silver money, or dollars computed at 4s. 4d. each, by which the debt already contracted will be discharged by the same number of dollars as at present.

*Mauritius.*

The Currency has chiefly been Spanish dollars, and paper dollars supposed to be of the same value as Spanish dollars ; but these paper dollars have been at various times considerably depreciated. Instructions however have recently been transmitted to the Mauritius, which provide, if not for the immediate liquidation of the whole of the paper dollars, at least for raising their value to that of the Spanish dollar, and for their gradual reduction. It may therefore be stated, that the general circulation is Spanish dollars and various coins of India ; and when the dollar is quoted with reference to British money, it is called equal to 5*s.* The various coins of India are valued in circulation with reference to the Spanish dollar at that rate.

The Spanish dollars (and other coins in proportion) are issued to the troops at 4*s.* 8*d.*, and to the civil servants at the same rate.

My Lords are of opinion that currency should be given to the British silver coin, and that any debt in dollars should be considered as discharged by a payment in Spanish dollars, or in British money at the rate of 4*s.* 4*d.* British money for each dollar ; and that in all cases where it may be necessary to issue Spanish dollars to civil or military servants, for salaries, or otherwise, they should be issued at the rate of 4*s.* 4*d.* each ; and that all other silver coins usually circulating at the Mauritius, should be issued at a fixed value, with reference to their intrinsic value as compared with British standard silver at 5*s.* 2*d.* per oz. troy, or with Spanish dollars at 4*s.* 4*d.* each. It further appears to My Lords, that it would be expedient to form tariffs of the duties now payable to the Crown in British money, and to impose all new duties in the same currency, leaving the parties to pay the same in any other coin authorized to circulate in the Mauritius at the established rates by which the accounts of the Government may be immediately kept in the denomination of British money. A provision should also be made, similar to that proposed with respect to N.S. Wales and Sierra Leone, for payment of any debts which may have been contracted previously to a day to be named, in money of

British denomination, but which debts are by usage payable in dollars at 5s. each.

*Cape of Good Hope.*

The Spanish dollar was formerly issued to the Troops at this station universally, and at the rate of 4s. 8d. each, but they never obtained any considerable general circulation; and latterly their use has been almost discontinued in issues to the Troops, who have been paid in the paper rixdollar computed at the current rate of exchange. There is, in fact, at present no metallic circulation at this colony, and the paper money is not exchangeable against any metallic money, nor has it any real fixed value with reference to metallic money. The nominal value of the rixdollar is 4s. but it has for many years been at a very considerable discount in exchange for bills upon England, and its real value, with reference to those bills, has not, upon an average of two or three years, been more than 1s. 6d. sterling. My Lords feel that it would be inexpedient, if not impossible, to introduce a metallic currency into this colony, without either providing for the immediate payment of the whole of this paper money, or fixing a rate at which it should be received both in public and private transactions, and made exchangeable by the Government, at the will of the holder, for metallic money, or for bills upon this Board. With reference to the average rate of exchange, as above stated, it appears to My Lords, that 1s. 6d. per rixdollar may be considered as a fair rate, and they are therefore of opinion the rixdollar should be declared equal to 1s. 6d. in British silver money; and with a view to prevent it from falling below that rate, that it shall be at all times exchangeable, at the will of the holder, for bills upon this Board, at the rate of £103 in value of rixdollars computed at 1s. 6d. each for every £100 bill; and that after the arrival of a sufficient amount of British metallic money in the colony, no paper brought in to be exchanged for bills upon this Board should be re-issued, but that such paper money should be cancelled, and wholly withdrawn from circulation, and that none other in lieu thereof should thereafter be issued. And it is their Lordships' opinion, that the paper money with-



drawn from circulation should be sent to this country, as vouchers for the bills which may be drawn on account of it. By this measure, it is presumed that the value of the paper money will be maintained at its fixed rate, with reference to British money.

The number of paper rixdollars in circulation, which have been from time to time issued at the Cape of Good Hope, is about 3,108,000; and the total amount of bills upon this Board, if the whole were to be exchanged for such bills, would therefore be about the sum of £226,000. But as a part of those rixdollars were issued by a government establishment called the Lombard Bank, upon various securities, the sums which may from time to time be paid upon these securities, should be applied towards the liquidation of this paper money. It is not, however, their Lordships' intention that any compulsory measures should be taken to withdraw the whole of the paper money from circulation; but that such portions only should be cancelled as may from time to time be brought in by individuals in exchange for bills upon this Board; and that the paper money which may be received for rates, taxes, or other revenues, should be again issued in payment of the current expenditure, except such paper money as may represent a less sum than 10 rixdollars, which should not, after the arrival of British metallic money, be re-issued, but should be cancelled, and sent home as vouchers to the accounts, as should also rixdollars equal in amount to the sum paid to the Lombard Bank, in liquidation of the debts due to that establishment.

As the rates, taxes, &c. are at present imposed in this colony in rixdollars, and as it appears to my Lords that it would be extremely convenient to introduce into all the colonies belonging to the United Kingdom the same description of money, My Lords are of opinion, that it would be expedient to establish a new Schedule of rates, duties, &c. payable to the Crown, in which Schedule the present rates in rixdollars, and the new rates in British money, at the proposed fixed rate of the rixdollar, should be specified; and that all collectors and other officers of government at the Cape of Good Hope should be required to render their accounts in British money.

*Ceylon.*

The Currency of this Island is very various, and consists of rix dollars coined in England for its use, of many of the coins of India, of Spanish dollars, and of paper rix dollars.

The rix dollar coined in England expressly for the use of Ceylon, is rated very much above its intrinsic worth, measured by British currency; and neither that or the paper rix dollar is exchangeable at the will of the holder, at its nominal rate against British money, or any other description of coin. The consequence naturally is, that in all transactions of exchange, the silver rix dollar is rated with reference to its intrinsic and not to its nominal value, and a very considerable depreciation of this coin appears to exist. Of this depreciation, numerous complaints have been made from the civil and military servants of the colony, who receive their salaries in this description of currency at its nominal rate; but, as some compensation for the loss which they sustain, they are permitted to exchange a certain portion of their salary, or rather to receive it, in debentures or in bills payable in Great Britain, which are granted at the nominal par. The rix dollars last coined in Great Britain, were equal in weight and fineness to one-third of a Spanish dollar; consequently, taking the Spanish dollar at 4s. 4d., they are worth only 1s. 5 $\frac{3}{4}$ d., although they are nominally rated at 1s. 9d. It appears to My Lords, that the value of the rix dollar should be rated more nearly to its intrinsic worth as compared to the Spanish dollar, and that the silver rix dollar, as well as the paper rix dollar, should be made exchangeable at the will of the holder, at such reduced value, either for British coins or for bills upon this Board. My Lords are therefore of opinion, that the value of the silver and paper rix dollar should be fixed at 1s. 6d.; and in order to prevent the paper rix dollar from falling below that value, that an authority should be conveyed to the governor, to draw bills upon the agent of the island in England, in sums of not less than £100 for any amount of paper rix dollars which may be tendered at the colonial treasury, at the rate of £103 value of rix dollars for every £100 bill; and that instructions should be sent to the governor, that the paper rix dollar so brought in for bills

should be cancelled, and transmitted to this country as vouchers for the bills drawn ; and that none other in lieu thereof should be issued to replace the paper money thus withdrawn from circulation, by which measure, it is to be presumed that the value of this paper money, while any part of it remains in circulation, will be maintained at its fixed rates with reference to British money, and will be gradually paid off and cancelled.

The number of paper rix dollars in circulation and issued upon the credit of the government, and the amount of debentures bearing various rates of interest, which have been issued in exchange for those rix dollars, is about 4,041,900 ; and the total amount of the bills to be drawn, if the whole were to be exchanged for such bills, would be about the sum of £296,000 ; but a part of that sum will be supplied from the funds appropriated as sinking fund for the redemption of those rix dollars, and even the remainder will be gradually drawn for, as it is not their Lordships' intention that any compulsory measures should be taken to withdraw the whole of the paper money from circulation ; and that the paper money which may be received by Government for rates, taxes, &c. should be again issued in payment of the current expenditure.

It appears to My Lords, that after the promulgation of these orders, neither the civil nor military servants of the colony should receive bills upon England upon any other terms than other individuals, namely, for Spanish dollars or other coins at the current or market rate of exchange ; and for British money, or for metal or paper rix dollars, at the rate of a bill of £100 for every £103 of British silver coin, or metal or paper rix dollars.

The rates, taxes, &c. in this Island being at present imposed in rix dollars, My Lords deem it expedient that the same arrangement should be adopted in respect thereof as that proposed for the Cape of Good Hope, namely, that a new Schedule of all the rates, duties, &c. payable to the Crown, should be framed ; in which Schedule the present rates in rix dollars, and new rates in British money, at the proposed fixed rate of the rix dollar, should be specified, and that all collectors and other officers of the government at Ceylon should be required to render their accounts in British money.

My Lords further think, that from the date of the receipt

of their instructions, no debenture bearing interest payable in Ceylon, or in this country, should upon any account be granted ; and that the governor should be instructed to transmit an account of those now outstanding, distinguishing those the interest of which is payable in Ceylon, from those the interest of which is payable in Great Britain ; and specifying also the conditions upon which the debentures were issued, and the periods when they will become payable, in order that such arrangements may be made, with the aid of the sinking fund established for the liquidation of these debentures, as may ensure their liquidation at the time they may respectively become due.

Transmit copy of this Minute to Mr. Wilmot Horton, for the information and consideration of the Earl Bathurst ; and request he will inform My Lords if his Lordship concurs in the proposed measures ; and if so, whether, in his opinion, application should be made for an order of His Majesty in Council, for giving effect to these arrangements in the colonies of New South Wales, Mauritius, Ceylon, Cape of Good Hope, and Sierra Leone ; or whether the same may be more conveniently carried into effect by his Lordship's directions to the governors of these several colonies to issue proclamations for carrying these arrangements into effect.

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[Copy.]

*Letter from M. VAN BREDÁ, ESQRE., to the COMMISSIONERS OF ENQUIRY.*

ORANGE VIEW, 11th February 1825.

HONORABLE SIRS,—I have the honor to acknowledge the receipt of your Letter of the 10th Inst. in answer to mine of the same date, containing a further explanation respecting the verbal communication which I in my Public Capacity may at that time have had with the Colonial Secretaries upon the Grant of a certain piece of Ground for the erection of a Roman Catholic Church, School and Clergyman's Residence ; and if this verbal communication was committed to writing by me, and afterwards inserted in the books of the Burgher Senate,

and in conclusion reserving to yourselves such further inquiry as may upon receipt of my Letter and examination of the Books be necessary.

I have further the honor in answer to state that for those occurrences which were committed to writing I refer to my Letter of yesterday, and all such as may have taken place by verbal communication with the Colonial Secretaries I can no longer recollect.

Submitting myself to such further Enquiry as you may deem necessary, I have &c.

(Signed) M. VAN BRED A.

[Copy.]

*Letter from P. G. BRINK, ESQRE., to the COMMISSIONERS OF ENQUIRY.*

COLONIAL OFFICE, 11th February 1825.

GENTLEMEN,—I have the honor to acknowledge the receipt of your Letter of the 8th Instant, and to acquaint you in reply thereto, that on reference to the accounts of Colonial Expenditure in the period commencing with the restoration of the Cape of Good Hope to the Batavian Government in the year 1803, and ending with the Surrender of it by them to his Britannic Majesty in the year 1806, the following charges appear for the Salaries and Emoluments of the undermentioned Roman Catholic Clergymen who were employed by the Colonial Government of that day to administer and perform the Rites of their Religion to such of the Soldiers of the Garrison as professed the Roman Catholic Faith, viz :

	<i>Rds</i>	<i>sk.</i>	<i>st.</i>
Johannes Landsinck, Roman Catholic Priest, Pay per diem Two Guilders and thirteen Stivers, equal to . . . . .	1	2	1
Do. Lodging Money 1 Guilder equal to . . . . .	-	4	-
Jacob Nelessen, Roman Catholic Chaplain, Pay per diem Two Guilders and four Stivers, equal to . . . . .	1	0	4
Lodging Money . . . . .	-	3	0

These Clergymen arrived at the Cape on the 5th October 1805, and received pay from the day of their appointment in

Holland, viz : 9th October 1804, until the Surrender of the Colony to His Majesty's Arms. I have &c.

(Signed) P. G. BRINK.

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[Original.]

*Letter from* LORD CHARLES SOMERSET *to* EARL BATHURST.

GRAHAM'S TOWN, *February 12th* 1825.

MY LORD,—Referring to my Dispatch of the 8th Ult. No. 145 in which I solicited Your Lordship's sanction to the retirement of P. J. Truter Esqre. from the Office of Political Commissioner receiving the full salary of his Office, I have the honor to inform Your Lordship that that Gentleman died on the 31st Ultimo. It will be unnecessary therefore for Your Lordship to take any trouble on this subject.

I was aware when I addressed Your Lordship that Mr. Truter could not long Survive, but I was induced to trouble Your Lordship on the subject to gratify the feelings of a highly respectable Family. I have &c.

(Signed) CHARLES HENRY SOMERSET.

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[Copy.]

*Evidence given by* MR. FRANCIS DASHWOOD *to the*  
COMMISSIONERS OF ENQUIRY.

CAPE TOWN, *12th February* 1825.

You were formerly President of the Lombard Bank ?

Reply. I was appointed president of the bank in the year 1807 or 1808. I was at that time receiver-general; and antecedent to my appointment to the bank I was employed in a committee for the investigation of its affairs, in connection with the general questions of finance and currency. In the report of the committee it was recommended, that the constitution of the bank should be so far changed, that a permanent

president should be appointed. Previously the office of president had been filled by each of the directors in rotation.

You were president of the Lombard Bank at the period when the Discount Bank was established ?

Reply. I was. The Discount Bank originated in the report of the committee of which I was president.

What were the immediate circumstances that induced the adoption of the measure ?

Reply. A principal object in the establishment of the Discount Bank was the relief of a part of the community who were obstructed in their industrious pursuits by the absorption of a large proportion of the capital of the Lombard Bank, by capitalists who had borrowed with a view of lending at higher interest ; at least this was the opinion of the committee, to whom it appeared, that the capital which had been borrowed from the bank at five per cent was lent out at six per cent, or at higher rates ; a perversion of the principle of the institution had thus obtained, which it was the object of the establishment of the Discount Bank to assist in checking.

Were any more direct measures taken at that time to enforce the regulations of the Lombard Bank ?

Reply. It was at the same time determined, in order to secure a greater degree of punctuality in the payment of interest and repayment of capital to the bank, that the arrears should be called in during the months of January and February, after the annual harvest, and not as antecedently, at uncertain times.

What was the immediate effect that you observed to arise from the establishment of the Discount Bank ?

Reply. The effect of the proclamation establishing the Discount Bank, and which offered to the public an interest of five per cent on deposits for twelve months, was, to occasion a considerable accumulation of capital, deposited with the bank upon those terms, and which was made applicable at that time to the discounting vendue extracts and bonds of various kinds, called Kustings. The rapid increase of deposits on these terms occasioned the amount to exceed the demand for discount of the foregoing obligations, and a portion of the surplus capital of the bank, derived from the public and private deposits, was issued in short loans. Sir John Cradock

subsequently allowed an extension of the discounts to private bills and promissory notes, by which the whole of its capital in deposit was progressively circulated.

What was the amount of the deposits with the Discount Bank in 1814, when the interest on deposits was stopped ?

Reply. By a letter from the colonial secretary of the 10th June 1814, copy of which I give in, the sum at that time in annual deposits bearing interest was Rds. 673,000.

By what description of capitalists do you conceive these deposits were principally made ?

Reply. Generally by a class of annuitants, or small capitalists, who were living upon the interest of their money ; and were contented, for the sake of government security, to take five per cent from the bank, preferably to receiving six per cent from individuals.

Did it happen that demands were frequently made on the bank for peremptory repayment of the sums deposited, on the party foregoing the interest ?

Reply. Demands of this sort were not made, because it was known to be the regulation of the bank not to repay within the period for which the sums were deposited. If, however, parties, who had funds in deposit, applied for discounts on their own deposits, they were accommodated upon the unexceptionable security of those deposits ; and they paid a discount of six per cent for the usual period of three months, while the bank paid to them five per cent for their annual deposit.

Are you able to say whether deposits may have been made at times by those who were indebted to the Lombard Bank ?

Reply. The case might have occurred ; but if they had done so, they would have been chargeable by the bank for an interest of six per cent, while only five per cent was allowed them on the deposit.

Were there not considerable deposits with the bank for short periods and without interest, and to what amount generally ?

Reply. I beg to refer to my letter to Sir John Cradock, of the 20th December 1811, in which I reported that Rds. 157,000 had at that time been deposited by individuals on interest for twelve months, and that the public had added a very large amount which bore no interest. The amount issued in short loans was Rds. 225,000, and in discounts for three months,



Rds. 123,000 ; so that a sum of Rds. 348,000 had been at least deposited in 1811, of which 157,000 was a deposit on interest for twelve months.

What were the profits of the Discount Bank chiefly derived from at that time ?

Reply. In the first instance from one per cent, the difference between the interest paid on deposits and received on discounts ; and secondly, from the full interest of six per cent received upon such portions of the general deposits as could safely be employed in discount ; and thirdly, on the compound interest derived from the prompt payment of the interest of sums lent on security for short periods of three months.

I observe by the official returns, that the amount of deposits at the end of 1814 was Rds. 1,096,659, and the profits of the establishment Rds. 37,427 ; I am then to understand that this profit was derived from all the sources that you have enumerated, and not from the one per cent alone, the difference of interest on deposits and discounts ?

Reply. It would appear that the profit was derived from the operation of the discounts after deducting the amount of interest paid. In 1814 the Discount Bank was in full operation. I beg to give in an authentic statement of the assets of the bank on the 17th June 1814, from which it appears that Rds. 1,268,543 was the amount of general deposits, of which Rds. 1,044,797 were issued on bills and bonds, and Rds. 223,746 was the cash balance.

Was any regulation at that time in force for the proportion of the deposits allowed to be issued in discounts ?

Reply. There was no regulation ; I was permitted to exercise my discretion and judgment with regard to it.

Upon what principle did you judge it expedient to issue so large a proportion of the deposits ?

Reply. It may be proper to explain, that although so large a proportion of the actual deposits was issued, that Rds. 673,000 were in deposit for twelve months, so that no sudden demand could be made upon this fund ; and as there was an efficient cash balance of Rds. 223,746, the actual risk to government was limited to the amount of Rds. 374,797, which had been issued, being rather more than one fourth of the whole amount ; but as the government was in itself a considerable creditor of

the bank in the deposits of public revenue, the risk was still further diminished by the whole amount of such deposits. Since the interest on deposits has ceased, the whole amount to whatever extent has of course been liable to be withdrawn at a moment's notice, and at the pleasure of the depositors.

What effect do you conceive was produced by the measure of suspending the payment of interest on deposits for twelve months ?

Reply. The diminution of discounts was the consequence of the capitals being progressively withdrawn, on which an interest of five per cent had been antecedently paid.

I observe that one of the objects contemplated in the establishment of the Discount Bank was the creation of a sinking fund, to be applied to the redemption of that portion of the debt which had no specifically recognized security ; were the profits of the establishment at any time applied to this object ?

Reply. The profits of the Discount Bank were never applied to this object, the proposal of the committee of 1808 not having been adopted by the government.

Can you explain the reason why no interest on deposits is debited to the bank for the years 1808, 1809, 1810 and 1811, according to the official statement shown to you ?

Reply. I am unable to explain this apparent omission, without reference to the books of the bank.

During the period that you officiated as president of the bank, did you strictly adhere to the regulation prescribing " that applications for loans were to be made by letter ? "

Reply. The regulation was generally adhered to, there may have been partial exceptions, but they were few. For the attention given by me to the regulation in question, I beg to refer to the advertisement issued by the Lombard Bank, dated the 17th June 1808, enjoining a strict observance of the 17th article of the Government Regulation of the 1st of June 1808.

Are you aware whether any immediate effect was produced upon the exchange value of the paper currency, by the measure of suspending the payment of interest on deposits ?

I am not aware of the fact that such an effect was produced, because the sums received in annual deposit were again thrown into circulation by bank discounts.

I observe that the first instalment of Rds. 15,000 repaid to the bank from advances on account of the Rds. 500,000 fund created for public works, was destroyed ; are you aware why the instructions of Lord Liverpool, for redeeming and cancelling that paper, were not completed ?

Reply. I am unable to explain this circumstance otherwise than by supposing a different construction to have been subsequently put upon Lord Liverpool's instructions than that which Sir John Cradock had adopted and acted on, and which was in accordance with the recommendation of the majority of General Meade's committee.

While you exercised the office of president of the bank, were you in the habit of receiving instructions from the Governor, of the colonial or deputy secretary, respecting individual applications for loans, and was it customary for orders to be received by the bank for such loans being granted ?

Reply. Instances may occasionally have occurred in which applications were addressed to the Governor by individuals, but in these cases either the president or one of the directors was usually consulted as to the expediency of granting the accommodation. No order that I am aware of was ever given to the bank to make advances to individuals, either direct from the Governor or through the colonial secretary.

What is your opinion of the advantages that resulted from the union of the offices of receiver-general and president of the bank ?

Reply. I apprehend that the advantage resulting to the public from the connection of these offices during the period that I held them together, was the knowledge that I possessed of the finances of the colony ; I was enabled to regulate the transactions of the bank and of the treasury, so as to render them subservient to the necessities of each other, by borrowing from the bank in aid of the revenues of the colony, or from the treasury in aid of the public discounts.

(Signed) FRANCIS DASHWOOD.

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[Office Copy.]

*Letter from R. WILMOT HORTON, ESQRE., to MR. GEORGE GREIG.*

DOWNING STREET, 12th February 1825.

SIR,—I am directed by Earl Bathurst to acquaint you, that having considered the several representations which have been addressed by you to his Lordship and to myself, in explanation of the circumstances which induced you to return to this country, there appears to his Lordship to exist no reason which should preclude your return to the Cape of Good Hope.

I am also to acquaint you, that his Lordship will give instructions for replacing you in possession of the printing materials which belonged to you, upon your repaying to the colonial government the sum which you received as the value of them, subject, however, to such deduction for their wear and tear as may appear reasonable.

And I am further directed by his Lordship to state, that upon your binding yourself to the terms of the prospectus, as originally issued by you, of the publication intituled *South African Advertiser*, no impediment will be opposed to your publishing a public journal.

In conclusion, I am directed by his Lordship to add, in reference to your letter of the 19th ultimo, that the explanations therein contained, and the entire discrepancy of statement between the Rev. Dr. Philip and yourself with respect to the presses, leave the whole subject in a very unsatisfactory state; and I am to observe, that if subsequent examination should confirm Dr. Philip's relation of the case, you will necessarily have incurred a most serious responsibility. I am, &c.

(Signed) R. W. HORTON.

[Office Copy.]

*Letter from EARL BATHURST to LORD CHARLES SOMERSET.*

DOWNING STREET, LONDON, 13 February 1825.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's Dispatch of the 2nd of July last in which

you request instructions with respect to the payment of the purchase money of the Loan Place called the Wolvegat.

Having referred to Major General Sir Rufane Donkin for an explanation of the circumstances under which he had authorised the purchase of the farm in question I enclose a copy of that Officer's answer.

As it appears from this communication that the farm was purchased by the Colonial Government in furtherance of the general arrangements which it had become necessary to make for the reception of the Settlers who left this Country in the year 1820 with the sanction of Parliament, I see no reason for hesitating to sanction the purchase, more particularly as the price for which it was obtained appears to have been advanced by the Sequestrator upon the authority of a letter from the Colonial Secretary informing him that the purchase was made on account of the Colonial Government.

I cannot, however, avoid expressing here my regret that a measure of this nature should have been adopted by the Acting Governor without any authentic Survey having been made of the farm so as to ascertain its real value and its capability of answering the purposes for which it was purchased; and I must express my earnest hope that your Excellency will make such arrangements as you may consider best calculated for disposing of the place with the least possible loss to the Public.

I have &c.

(Signed) BATHURST.

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[Office Copy.]

*Letter from* EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 14 *February* 1825.

MY LORD,—I have the honor to acquaint your Excellency that having received various applications from Mr. George Greig representing his wish to return to the Cape of Good Hope and his earnest desire to have his printing materials restored to him for the purpose of enabling him to publish a journal upon principles strictly conformable to the conditions and

modifications stated in the Prospectus originally issued by him, I have under all the circumstances of the case been induced to accede to that Individual's wishes ; and I enclose herewith for your Excellency's information and guidance copies of the communications which have passed between this Department and Mr. Greig. I have &c.

(Signed) BATHURST.

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[Office Copy.]

*Letter from R. WILMOT HORTON, ESQRE., to MR. THOMAS WILLSON.*

DOWNING STREET, 14th February 1825.

SIR,—You were informed upon a former occasion that instructions had been transmitted to the Government of the Cape of Good Hope to investigate your claim to certain lands in that Colony. It was explained to you that if it should be proved to the satisfaction of the Colonial Government that the Revd. Mr. Boardman had in reality acted in the capacity of your Agent during your absence from the Colony, the fact of your non-residence would in that case not be considered as a bar to your title to the Lands.

Acting upon these Instructions, the Colonial Government appointed a Commissioner to investigate your claim on the spot. That Commissioner assembled as many of the persons who originally accompanied you to the settlement as could be collected, and from their evidence, but particularly from the testimony of the Revd. Mr. Boardman himself, it appears most unequivocally that you absolutely abandoned the party to their fate and that you left no person to represent you in the capacity of Agent during your absence. And as no proof whatever has been assigned by you in support of your allegation to the contrary, Earl Bathurst is compelled to admit as conclusive the testimony which has been adduced in contradiction of that allegation.

His Lordship has directed me to forbear from entering into the enumeration of other topics which formed the subject of

much private controversy between you and the settlers ; but in justice to the Revd. Mr. Boardman his Lordship has desired me to state with reference to a passage in your communication from Stockwell under date of the 10th May 1823, that the insinuation therein hazarded against that Clergyman has been satisfactorily disproved by the production of your own receipt for the money originally advanced by you on his behalf.

I am &c.

(Signed) R. W. HORTON.

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[Original.]

*Memorial of MR. J. B. EBDEN.*

To the Right Hon'ble Earl Bathurst, His Majesty's Secretary of State for the Colonial Department, &c., &c., &c.

The Memorial of John Bardwell Ebden, Merchant, Sheweth,

That Your Lordship's memorialist on the 18th ulto. had the honor to memorialize your Lordship on the subject of the redemption of the Paper Currency at the Cape of Good Hope, and to suggest a mode for its accomplishment by means of a Joint Stock Banking Company :

Having since understood that the Lords of His Majesty's Treasury, to whom his Memorial had been referred, were about to take some steps with regard to the redemption of the currency, your memorialist conceiving it to be an indisputable proposition that the commercial and agricultural interests of the Colony would be essentially promoted by the introduction of capital, by means of a Banking establishment, and further considering that such a measure would prevent the recurrence of the evil to which the Colony has been long exposed with respect to its currency, and also that it might be made subservient and useful to Government :

Therefore, on behalf of himself and others deeply interested in the trade and prosperity of that Colony, and those capitalists who are willing to embark in the undertaking, humbly prays,

That His Majesty may be graciously pleased to sanction by

His Royal Charter the formation of a Joint Stock Banking Company at the Cape of Good Hope ; The Company funding a sufficient capital or giving such other security for the fulfilment of its engagements, as may be deemed necessary : And your Lordship's memorialist as in duty bound will ever pray.

(Signed) J. B. EBDEN.

COPTHALL CHAMBERS, THROGMORTON ST., 15th February, 1825.

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[Original.]

*Letter from MR. THOMAS WILLSON to EARL BATHURST.*

STOCKWELL, 15 February 1825.

MY LORD,—I have read your Letter of yesterday with feelings of sorrow and surprise. I lament to find that your Lordship has received such impressions. If it is the wish of the Colonial Government to eject me as a Claimant in right of certain Lands at the Cape, after having fulfilled every pledge of my engagement, and after all the labour, expence and anxiety which I have undergone to establish my right, nothing it seems is more easy than to raise a pretext for such an act ! by my zeal and perseverance in the service, I have furnished upon my Location upwards of 300 Interested persons to witness against me, whose immediate policy it is to vilify my name, and overturn my right. These persons it appears have been summoned before a Commissioner, and of course have so witnessed against me ; nothing more or less could be expected from such a Tribunal, self interest and aggrandisement would naturally prompt them to it. And if your Lordship intends to sanction such a measure, by consenting to wield the giant arm of power, against right, (which I am assured is by no means usual with your Lordship), I must doubtless fall before such high Authority, from a sense of my inequality to cope with your Lordship ; but I must trust after the sacrifice of so much time, and very considerable expenditure, your Lordship will not inflict upon me so cruel an injury and injustice without granting me an adequate compensation ? Your Lordship states that I have not furnished evidence in support of my



allegation that I had an agent acting for me after I left the Settlers upon my Location, otherwise my right would have been admitted. My Lord, I have before submitted to you Mr. Boardman's Letter to me upon the subject, all the public documents speak evidence in favor of my claim, you will find the Receipts signed by Mr. Boardman for *me* (Thos. Willson), permit me therefore to ask, what further evidence can be required of me to adduce in support of my right, unless it be to recapitulate your Lordship's correspondence from its commencement.

I am aware that your Lordship has received numerous complaints against me from the several persons whom I took out, from the eve of our embarkation 5 years ago up to the present time, but I believe no person in my situation (acting with common prudence) could be exempt from such complaints, and it must be evident that the great mischief to me was, and is, that of not being furnished, on my arrival at the Cape, with the essential and promised means of quashing such complaints; and it becomes a duty to myself to refute the charge of an undue insinuation, for notwithstanding any receipt of mine which Mr. Boardman may hold *in part* of payment, I must repeat that he is unquestionably indebted to me for Cash advanced in acct. and I had no other means of reimbursing myself than by being re-imbursed my Deposit Money, as is also the case with several other Individuals. What I stated the 10th May 1823 was clearly from recollection, but I now must beg leave to enclose a Copy of Mr. Boardman's account signed by his own hand, and your Lordship will see by the balance that it is rather unfair to charge me with undue insinuation: hence indeed I have reason to feel galled and oppressed by this non-payment on the part of Government, and more particularly so, if after all the severe trials I have undergone, I am likewise in conclusion to be deprived of my Lands! This I cannot conceive possible at the hands of His Majesty's Government. I have &c.

(Signed) THOS. WILLSON.

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[Original.]

*Letter from LORD CHARLES SOMERSET to EARL BATHURST.*GRAHAM'S TOWN, *February 16th, 1825.*

MY LORD,—I do myself the honor to submit for your Lordship's favorable consideration Copy of a Letter from the Landdrost of Uitenhage, covering a Memorial from J. H. Lange, District Clerk of that District. These were presented to me when at Uitenhage on my Road to this place, which gave me an opportunity of making Minute Enquiry, both as to the merit and respectability of Mr. Lange as a public Servant, and his absolute inability longer to perform the duties of his Office, principally brought on by long confinement to them.

The result induces me strongly to recommend his case to Your Lordship's favorable consideration, and to submit, that he be allowed to retire on a pension of Rds. 800 per annum.

The poor man's appearance does not indicate a very long trespass upon Your Lordship's bounty. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

UITENHAGE, *2nd February 1825.*

MY LORD,—In handing your Excellency the accompanying Memorial, I must bear testimony of the truth therein contained, and to add that Mr. Lange was handed over to me by my predecessor the late Brig. General Alberti, with the highest character of willingness and Integrity, in which I have much satisfaction in stating to your Lordship, I can bear witness; he has ever continued with me to this day, and such an opinion I entertained of his utility and worth to this District as to induce me at one period, when a vacancy occurred, to recommend him to the Colonial Government to fill the important situation of District's Secretary.

In concluding I must say that Mr. Lange is deserving of every recommendation I can bestow for the honorable and

faithful service he has rendered the Civil Government of this District under my own eye. I have &c.

(Signed) J. G. CUYLER.

His Excellency General Lord C. H. Somerset, &c., &c.

[Enclosure 2 in the above.]

To His Excellency General Lord Charles Henry Somerset,  
Governor and Commander in Chief, &c., &c., &c.

The Memorial of Johannes Henricus Lange, District's Clerk of Uitenhage, Most Humbly Sheweth,

That Memorialist has had the Honor to serve the Government of the Cape of Good Hope, since the year 1802, first as Clerk in the Director General Debbetz's office, and from the year 1804 in the situation of first Messenger and Clerk to the Landdrost of Uitenhage at its first formation, in which situations he remained until he had the Honor to fill the responsible situation of District's Clerk and Slave Registry, still continuing his Service as first Clerk to the Landdrost to the present day, a period of upwards of Twenty Two years as a Civil Servant, ever using his utmost exertion to the faithful discharge of his duties ; but has had the misfortune from the sedentary life his duties have called him to lead, to be deprived of the greatest blessing, Health, having for these last Seven years past been getting worse and worse, and now declared by the Medical Man (the ablest he was enabled to procure) who attends him, to be in a decline, and absolutely requiring a relaxation from business to prolong his life. Thus weakened in frame, as to render him almost incapable of continuing in the Sedentary confinement, which the calls of office demand, without the almost certainty of Shortening his days, as will appear to your Excellency by the annexed Certificate.

Memorialist has a Wife and Six unprovided for Children, all requiring education, and no Certainty of support after his death.

Memorialist thus situated having exhausted the prime of his life in the employ of his native Country, (being born at the Cape) with a large family depending on him, most humbly

solicits, that it may most graciously please your Excellency to take his Service and situation under your Excellency's most Humane consideration, and permit him to retire on a suitable pension, that may enable him to support his family, and somewhat compensate his length of service and loss of Health. And your Excellency's Memorialist as in duty bound shall ever pray.

(Signed) J. H. LANGE, Dt. Ck.

UITENHAGE, 2nd February 1825.

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[Original.]

*Letter from MR. J. B. EBDEN to R. WILMOT HORTON, ESQRE.*

LONDON, 16th February 1825.

SIR,—Since the date of my memorial which I had the honor to present to Lord Bathurst on the subject of the currency of the Cape of Good Hope, I have had some communication with the Treasury, from which I have reason to believe that they are about to take some steps with regard to the redemption proposed; I have therefore in my present memorial confined myself to the subject of an Establishment of a Bank at the Cape of Good Hope under a Royal Charter, to which as a measure of general utility, I am not aware that any objection can be urged.

In corroboration of my views on this subject, I beg leave to annex the extract of a letter I have received from Sir Jahleel Brenton, many years Commissioner of the Navy at the Cape, to whom I had submitted my former memorial with the statement annexed to it for perusal. He says "The result of this view of the Cape Currency, a subject which frequently called for my attention during my residence in the Colony, has been to leave an impression highly favorable to the Establishment of a joint Stock Banking Company at the Cape, which I think would be admirably calculated to facilitate all pecuniary transactions as well as for making remittances to the Mother Country."

Such indeed is the opinion of all persons conversant with Cape affairs, to whom I have spoken on the subject.

I have &c.

(Signed) J. B. EBDEN.

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[Copy.]

Letter from MR. GEORGE GREIG to R. WILMOT HORTON, ESQRE.

32, CITY ROAD, 17th February 1825.

SIR,—I have the honour to acknowledge the receipt of your communication, dated February 12th, in which I find it stated, that Lord Bathurst fully recognises my right to return to the Cape of Good Hope, and resume my professional avocations; and that he will give directions for the restitution of the printing materials which belonged to me upon paying for them. I beg to express my grateful acknowledgments for the liberality of this part of the arrangement; but I trust his Lordship will not object to allow me time in which to make those payments (say *five* yearly instalments), in consideration of my heavy losses.

I am further informed, that upon binding myself to the terms of my prospectus of December 20th, 1823, no impediment will be opposed to my publishing a journal at the Cape. As it does not appear in what light his Lordship recognises those terms, I beg to offer one or two remarks. My prospectus of that date has already been construed by Lord C. Somerset into an abjuration of any discussion of the measures of the colonial government, or the least interference with the current politics of the Cape.

The consequences of this construction, as you, Sir, are aware, have already been ruinous to me, as well as being entirely opposed to my intention and view, and to that of the whole Cape community. The memorial to the King in Council for a free press, which was drawn up and forwarded immediately after the suppression of my paper, and numerous other documents since sent to this country, clearly prove (if proof were wanting) that the inhabitants of the Cape consider it of vital

importance that a medium should be open, through which calmly to discuss measures affecting their general interests ; and to suggest such alterations in existing laws as the course of events may appear to render necessary. I have, Sir, also understood you to say, that a freedom of discussion to this extent would not be opposed by Lord Bathurst ; but that a power would be vested in some persons to prevent the abuse of this invaluable privilege. This, in the absence of unlimited freedom, is perhaps all that can be desired ; while any thing short of it would be viewed with grief and disappointment. I therefore, Sir, beg to inquire whether Lord Bathurst considers my prospectus of December 1823 to admit of this construction ; or is the discussion of all public measures to be interdicted ? Will the Governor be *one* of the persons to whom I am to be answerable for a due observance of the terms of my prospectus ? Should those persons be of opinion I have transgressed the *fair* spirit of the prospectus, shall I receive *one* or more warnings before the suspension of my paper ; and will such suspension extend to the other branches of my business of a printer ?

The necessity for putting the above questions will, Sir, I apprehend, appear sufficiently obvious. With the liberal views of Lord Bathurst I am fully impressed ; but knowing, as I do, the feelings of the present Governor of the Cape towards the press ; his *expressed determination* to oppose, to the extent of his power, any freedom of discussion, be it ever so qualified ; his having refused permission to establish a “ literary and scientific society ” (which in its regulations had expressly prohibited the discussion of *political* and *theological* questions), lest it should at any time transgress those regulations ; his having bound the present possessor of my materials in a heavy penalty not to admit into his paper any article whatever, until, with the name of the writer, it shall have been shown to him ; these, Sir, added to the injuries I have already sustained from Lord C. Somerset’s misconstruction of the terms of the prospectus by which Lord Bathurst proposes I shall be bound, and the possibility of my return to the colony being viewed vindictively, justify me in seeking for the most explicit definition of the ground upon which I am hereafter to stand, and the responsibility I am likely to incur.

Indeed when it is considered the loss and inconvenience to which many persons in His Majesty's colonies have been put, arising from their connection with the press, it is much to be regretted that no legislative enactment can be framed, defining clearly the terms by which it is in future to be guided. Such, however, not being yet the case, I feel impelled, by a sense of duty to myself and those dependent on me, respectfully to entreat that I may be furnished, as nearly as may be, with Lord Bathurst's future intentions in regard to the conduct of the press of South Africa, and the responsibility attaching to its conductors.

Having, Sir, before adverted to the heavy losses consequent upon the stoppage of my newspaper and business, I do it again only with a view to strengthen the application which I beg most respectfully to make to Lord Bathurst, for a *free passage* to the Cape for myself and wife. As I am informed that one of His Majesty's ships is about to proceed to the Cape, I trust his Lordship will give it a favourable consideration.

With reference, Sir, to the discrepancy of which you speak, between my statement and that of Dr. Philip, I have only to remark, that although I do not consider that dispute as affecting, even to a feather's weight, the *merits* of my case against the *Governor of the Cape*, I should have not the least hesitation in making *oath* to the truth of what I have asserted; besides that many parts of my statement can be confirmed by persons at the Cape. In fairness, however, I trust I shall be made acquainted with the nature of any inquiry which may be in contemplation. I have &c.

(Signed) GEORGE GREIG.

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[Copy.]

*Letter from* WALTER CURRIE, ESQ., *to* LORD CHARLES SOMERSET.

BATHURST, 17th February 1825.

MY LORD,—In compliance with Your Lordship's commands to communicate to you my ideas as to the best mode of in-

roducing useful labor into the Colony, I beg leave to submit the following hints for Your Lordship's consideration.

Being of opinion that free labour is preferable to that of Slaves, every approximation to slavery or compulsory labor for any considerable length of time ought to be avoided as much as possible ; therefore the present mode of introducing laborers as indentured Apprentices to Speculating Individuals with transferable Indentures should be discouraged as far as circumstances will permit ; unkindly feelings are created between Master and Servant, unbecoming harshness on the part of the former, and indolent discontent with the latter.

The more unshackled Laborers can be brought into the Colony the better, there is little or no danger of the market for labor being glutted and while the actual supply is short of the real demand, it is best to leave the Laborer to find his own Master, and the price of labor like every other article to find its own level.

But as the class of people now most wanted in this Colony cannot generally afford to pay their own passage to it, they must arrive, if they arrive at all, more or less encumbered with debt and remain in a species of apprenticeship till the debt is paid off, therefore a principal object seems to be to have them arrive as little encumbered as possible and to remain in constrained service no longer than their Debt is paid, provided they are then of an age at which it would be prudent to allow them to look out for Masters for themselves.

For the better effecting these objects I would propose that the Government cause lists to be opened at the Drostdy, or with each Field Cornet, for those persons who wish Servants to enter their names with the number and sex they require, also the names of two respectable Inhabitants to be bound with them that the regulations of Government shall be punctually attended to ; a small deposit for each Servant subscribed for, should also be made, which shall become forfeit to Government if the Subscriber fails complying with the conditions in the first instance.

The Government to take up Transports, or which would be cheaper, hire passages in vessels coming to the Cape, and send out such number of boys and girls from 10 to 16, or at most not exceeding 17 years of age, as may be wanted, indentured



to Government to work out the net expense of their Passage with such Masters as the Government choose to give them, and at wages proportioned to their age and sex.

The boys apprenticeship to expire at the age of 18 and the girls at 16, provided they are then clear of debt, or as soon afterwards as they are clear. The Master to be ready to take the servant from the specified Port immediately on arrival, failing which within a given number of days, say 10, the deposit money to be forfeit, and the servant transferred to another applicant; on duly complying, the deposit money to be allowed as so much paid towards the servant's passage.

On receiving the servant the Master with two good securities to enter into a penal bond that he will properly treat his servant, and duly fulfil the conditions of the Indentures which are transferred to him by Government. I should think that Servants might be sent from England to the Cape, Port Elizabeth and the Kowie at an average expense of about £15 Sterling or Rds. 210. This, or whatever the net expense might be, the master should repay to Government on his taking the servant, and the Government ought to exact it without listening to complaints of the want of Money, as the man who cannot raise such a sum will for a time be better without a servant.

A boy at 11 and 12 years of age in 2 years may			
be worth his Victuals and . . .	40 to 80	Rds. per year.	
at 13 and 14 . 2 years . . .	60 to 120	„	
15 and 16 . 2 „ . . .	80 to 160	„	
17 and 18 . 2 „ . . .	120 to 240	„	
—	—		
8	600		
19 and 20 . 2 years at . . .	150 to 300	„	
21 and 22 . 2 „ at . . .	180 to 360	„	
Expense of Passage estimated at . . .	210	Rds.	
Clothing for 8 years at 50 Rds. per annum . . .	400	„	
	—		
	610		

Thus a Master taking a Boy in his 11th year could afford to pay his passage, victual, and clothe him till his 18th year without imposing any hardship upon the Boy. Taking him in his 15th year the expense of passage and 4 years clothing would amount to 400 Rds., in his 16th year passage and clothing for three years to 360 Rds. and wages to 320 Rds. leaving the

lad in the completion of his 18th year 40 Dollars in debt to his master, which if he cannot pay and take up his Indenture he must work out at 12 Rds. per month, being near the estimated average rate of his wages for next year, and so of any other ages or terms. Upon this principle and somewhere about the above rates I would recommend the boys to be apprenticed by Government to Individuals.

It will be harder with the poor Girls, as their expense in coming out will be nearly the same as the boys, tho' the value of their service is less, but as there is a considerable scarcity of young women of the working class, it is more than probable that the greater part by the time they are 16 or 17 years of age will have advantageous offers of marriage, and as in this country 1 or 200 Rds. is no object to an industrious man, especially when a wife is in question, the intended husband might be permitted after passing the Matrimonial Court, to take up the Indentures, on paying the debt due on the completion of her 16th year, or at any time afterwards.

A girl 11 and 12 years of age in 2 years may be worth her victuals		
and 30 Rds. per year	. . . . .	60 Rds.
13 and 14 . 2 years 40 Rds.	. . . . .	80 Rds.
15 and 16 . 2 „ 60 Rds.	. . . . .	120 Rds.
	—	—
	6 years	260 Rds.
17 and 18 worth 80 Rds. per year		
19 and 20 worth 90 or 100, perhaps more.		
Expense of Passage	. . . . .	210 Rds.
Clothing for 6 years at 40 Rds. per annum	. . . . .	240 Rds.
		—
		450 Rds.

This would leave a girl apprenticed in her 11th year 190 drs. in debt to her Master on the completion of her 16th year, which unless she can pay off and take up her Indentures she must work out at the rates specified for the succeeding years, subject to pay for such clothes as she may continue to receive provided they do not exceed 40 dols. per year beyond which sum the master to have no claim.

In the above view I have considered the Government or Parishes sending out the apprentices as ultimately bearing no part of the expense; but as it certainly is an object of importance with the home Government to get rid of its surplus

population, perhaps it or the parishes would be at some part of the expense of Transport, in which case the Apprentice could be handed to his master with a less debt upon him. I would then recommend that 50, 100, or 150 Drs. according to circumstances should be paid by the Master to his apprentice on the giving up of the Indentures, provided the apprentice had conducted himself in an orderly and praiseworthy manner during the time of his apprenticeship.

As the Government acting upon a large scale can afford, without a loss, to give passages much cheaper than can otherwise be obtained it would be advisable to allow any able bodied individuals or families who are willing to pay their own passage to come out, giving them distinctly to understand, that after landing they had no further claims upon Government but must trust entirely to their own Industry and resources.

The apprentices and Emigrants ought to be taken from Country Parishes and from amongst the agricultural classes, those reared in large towns being less adapted to this Colony.

Let the Emigrating Classes in Great Britain and Ireland be fairly convinced that so far from being in a state of positive misery and destitution, the Colony can not only support its present population, but can afford and is most anxious to pay high wages to a great many new comers, and that perhaps in no part of the world can a man purchase more of the necessaries of life with the produce of his days labour than he can in Albany, so lately said to be the very focus of wretchedness, when this is known and believed I have no doubt Emigrants will find means to come out of their own accord as fast, or nearly as fast, as the country can absorb them.

But until then the introduction of labour on terms equitable to master and servant cannot be too much promoted.

I have &c.

(Signed) W. CURRIE.

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[Copy.]

*Address to LORD CHARLES SOMERSET.*

May it please Your Excellency.

The inhabitants of Albany have assembled at the Kowie to congratulate Your Excellency on your safe arrival in this division of the Settlement, and at the same time to return their grateful acknowledgments on the Spot, for the countenance and support which your Excellency has invariably been pleased to bestow on the important object of creating a Port in this River. The benefits which have already arisen from this encouragement have been felt not only by the immediate neighbourhood but by the whole District and even by the adjoining one, and it is universally admitted to be an object of such general vital importance, that we unitedly and respectfully solicit the continuance of your Excellency's endeavours towards an improvement of the navigation, either by the erection of Piers or such other measures as Your Excellency may deem advisable to be pursued. When these improvements shall have been completed, we humbly trust that Your Excellency will be pleased to cause to be extended to us the benefits of a free Port, in as far as the permission of trading directly with Foreign Countries. With these benefits in view, we are sanguine enough to think that in a few years this newly settled District of Albany will vie with the oldest established.

As Your Excellency has been graciously pleased to express your desire to be made acquainted with our wants and wishes, we beg to draw Your Excellency's attention whilst present to the expediency of establishing some system of Police for this part of the Country, situated as it is so far from Graham's Town the only seat of Magistracy for the District. We presume to submit for Your Excellency's consideration such an appointment not only at the Village of Bathurst but likewise on this Spot where under the auspices of Your Excellency a little Town has been commenced and is fast rising into consequence.

We seize the opportunity of Your Excellency's presence to state one more subject of local Interest. The Town now erecting here has not as yet received a name, we therefore most respectfully request that Your Excellency will be pleased to accede to the general wish and permit it to be called Port

Frances as the only mode we have of paying a tribute of respect to the Lady of Colonel Somerset, whose conduct and eminent virtues during her long residence amongst us have greatly endeared her to every one on the Frontier.

Kowie, 18th February 1825.

(Signed)

A. B. DIETZ  
C. T. THORNHILL  
THOMAS PHILLIPS  
DUN. CAMPBELL  
W. GILFILLAN  
R. N. DUNN  
RICHD. DANIELL  
C. DALGAIRNS  
WILLIAM WAIT  
FRED. CARLISLE  
JOHN THORNHILL  
D. MOODIE  
JOHN CARLISLE  
ROBT. BOVEY  
EDWD. PHILIPPS  
J. COLLIS  
J. PA      LE (illegible)  
J. H. HEATH  
THOS. HEWSON  
C. STONE  
P. HEUGH & Co.  
J. NELSON  
CHAS. CRAUSE  
T. F. COWDEROY  
ALEX. BISSET  
H. CRAUSE  
J. CRAUSE  
C. MACKAY  
J. JOHNSON  
W. AUSTIN  
ISAAC DYASON, SENR.  
WILLIAM COCK  
JAMES CARNEY  
JOHN GRANT

[Original.]

*Letter from MR. J. B. EBDEN to J. C. HERRIES, ESQRE.*

COPTHALL CHAMBERS, 18th February 1825.

SIR,—I have the honor to hand you the accompanying documents and correspondence as per Schedule annexed, respecting the Currency of the Cape of Good Hope, which I am induced to submit, through you, for the consideration of the Lords of His Majesty's Treasury, in consequence of having understood that since my memorial of the 18th ulto. to Lord Bathurst on this subject, which was referred to the Treasury, that Government was about to take some steps with a view to its redemption, on terms which are conceived to be extremely injurious to the inhabitants of that Colony.

These documents, it is respectfully submitted, will prove in a conclusive manner, or at least, will shew in a conspicuous point of view :

1st. That the amount of Paper money in circulation at the Cape is a debt due by Government to the public ;

2nd. That the British Government by the most solemn treaties and engagements stands pledged to redeem the paper currency at the value at which it was originally issued, namely 4s. sterling per rixdollar.

3rd. That the principle of inviolable security has been not alone recognised by both Dutch and English Governments, but has ever been looked to with the greatest tenacity by the inhabitants of the Colony.

4th. That any departure therefrom must be viewed as an act of insolvency on the part of the Colonial Government, and must consequently be productive of the utmost ruin and distress to a large and most respectable class of the community.

5th. The causes of the depreciation, and the ruinous consequences attendant on the instability of the circulating medium.

6th. That a wide distinction exists in the value attached to the Paper money as applicable to the internal and external trade of the Colony, which arises from a belief that the current paper rixdollar, represents a silver dollar of 48 Dutch stivers, or 4s.

7th. That the present depreciated state of the currency, in exchange for bills on the Treasury, is alone applicable to the external trade of the Colony, and as such cannot be taken as any criterion of the value of the rixdollar.

With the knowledge of these facts I think His Majesty's Government will see the impolicy of either redeeming or fixing the value of the rixdollar at anything short of 4s. sterling ; or at all events, the Lords of the Treasury will enter upon the consideration of what medium value, in justice to the public, under all the circumstances, should be affixed to the rixdollar.

I also beg to advert to the accompanying documents and correspondence, as expressive of the opinions of some authorities worthy consideration, as to the great benefit the Colony is likely to derive from the introduction of Capital by means of a Joint Stock Banking Company which, as a measure of general utility, will I trust meet the support of Government.

On the eve, as I am, of departure for the Cape of Good Hope, I have to beg you will be good enough to favour me with an early interview, when I shall be happy to afford you any further elucidation in my power. I have &c.

(Signed) J. B. EBDEN.

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[Copy.]

*Memorandum relative to a supply of Labourers from Great Britain, drawn up by HIS EXCELLENCY LORD CHARLES HENRY SOMERSET.*

The excessive scarcity of Labourers in the new district of Albany, Cape of Good Hope, having raised labour to so high a price, that no exertions on the part of the Settlers can avail unless they are supplied from Great Britain, and the English Settlers being restricted from employing the labouring class in the colony (*viz.* the Slaves), it is evident that not only the success but the continuance of the measure of Emigration rests entirely upon their receiving a supply of Labourers.

Under these circumstances and the total loss of Capital that the Settlers have sustained by the Blights and Tempests with which they have been visited since their arrival in South Africa, they anxiously trust that the British Government will take upon itself the expense of conveying Labourers to them. The result of the best consideration that has been given to the subject is, that it would be better to send out Youths from Eleven to Sixteen years of age, and Girls from Ten to Fourteen years of age. Of the former Six hundred could be readily disposed of to the Settlers alone ; of the latter Two hundred and fifty.

It is proposed that they should be bound respectively to the Government of the Cape of Good Hope, who should be charged with procuring them good and humane Masters amongst the English Settlers, and should have authority to remove them in the event of the Terms of the Indentures being infringed. The period for which they should be bound should vary according to the age of the Apprentice.

It is proposed that they should be bound to the Colonial Government in the first instance before a Magistrate previous to leaving England, and that the Indenture under which the Colonial Government should bind them to Individuals should be as follows.

1st. The Masters shall provide their Apprentices during the time of their apprenticeship, and the children of their Female apprentices during the time of the apprenticeship of their Mothers, with the necessaries of life, viz. Food, Clothing and Lodging of good quality, and in sufficient quantity, and also washing. The clothing to be given twice a year according to a muster to be exhibited for that purpose by the Local Authorities.

2nd. The Masters shall instruct their apprentices or cause them to be instructed in the principles of the Christian Religion.

3rd. The Masters shall not transfer their Apprentices to any other Person whomsoever, nor shall they take them or cause them to be taken out of the Colony, without the special permission of the Government in writing for that purpose, under a penalty of Two Thousand Rixdollars on their Bond to be taken for that purpose.

4th. The Master shall independently of the above men-



tioned supply of Food, Clothing, Lodging &c. pay to their Apprentices as follows :

For every Male Apprentice of 12 years and not under 11	.	.	.	.	.	.	40 Rds;
14 and not less than 12	.	.	.	.	.	.	60 Rds;
16	„	14	.	.	.	.	80 Rds;
18	„	17	.	.	.	.	120 „
20	„	19	.	.	.	.	150 „
22	„	21	.	.	.	.	180 „
For every female Apprentice of 12 years and not under 11	.	.	.	.	.	.	30 Rds;
of 14 and not less than 12	.	.	.	.	.	.	40 „
16	„	14	.	.	.	.	60 „
18	„	16	.	.	.	.	80 „;
20	„	18	.	.	.	.	90 „;

5th. The Apprentices on the other hand shall bind themselves to serve their Masters cheerfully, honestly and faithfully, in the occupation of Husbandry, as House Servants, or in other useful Employments to be specified in the Indenture, and to work for twelve hours per day during the Summer Season, and for Ten hours per day during the winter, and in case of their running away or absenting themselves, or refusing to work according to the terms of their agreement, they shall on conviction thereof before the local Magistrates make up for the lost time by an additional service beyond the term of their apprenticeship.

6th. Sickness is to be considered as a valid excuse for not working, but where wages are given they are to be deducted during such period of sickness; Medical Expenses to be divided equally between Master and Apprentice.

7th. In case of any apprentice being imprisoned for having offended against the Laws of the Colony, the period of such Imprisonment is not to be reckoned as part of the term of their apprenticeship.

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[Copy.]

*Letter from the Landdrost of Graaff Reinet to the Commissioners of Enquiry.*

GRAAFF REINET, 18th February 1825.

GENTLEMEN,—In reply to your Letter of the 7th Instant relative to Mr. Thomas Pringle and his party of Settlers, I

have the honor to inform you that I shall ever be ready to give my most unqualified approbation as to the exertions made by Mr. Pringle towards the comfort, success and prosperity of said party, and towards forwarding the views of government by all possible means.

On their first arrival they became located in the most exposed part of the Colony, farthest in advance towards the Caffres, who have ever since harassed that division of the District, they were far removed from the rest of the Settlers among Colonists little acquainted with the English and their manners and habits, but they have kept their ground; by constant industry and watching they have got every necessary comfort of life which the location can possibly have afforded in the few years they have been settled, and have preserved their flocks in spite of the vicinity and often serious incursions of the savages, and they have made themselves liked by their native fellow colonists, as there has never existed the slightest jealousy or national antipathy. This happy state of the party I confess I have always attributed to the example given, the system established and arrangements made by Mr. Pringle before he left the party, and to the good disposition of its members. I have &c.

(Signed) A. STOCKENSTROM.

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[Original.]

*Letter from MR. J. B. EBDEN to R. WILMOT HORTON, ESQRE.*

LONDON, 19th February 1825.

SIR,—With a copy of my letter to Mr. Herries of yesterday's date, I have now the honor to submit, thro' you, for the consideration of Lord Bathurst, the documents of correspondence therein alluded to, in regard to the currency of the Cape of Good Hope, on which subject I shall be happy to afford you any further information in my power.

In reference to my memorial of the 15th Inst. to Lord Bathurst, soliciting the sanction and support of His Majesty's Government to the establishment of a joint Stock Banking Company, as a measure, I repeat, totally unconnected with the

redemption of the currency, I beg leave, in corroboration of the general opinion entertained on this head, to transcribe the following paragraph of a letter from the late Mr. Henry Alexander, while Secretary of the Colony, to His Excellency the Governor. Peculiarly conversant as Mr. Alexander was in matters of finance, no person more thoroughly understood the interests of the Cape than he did, or studied more to promote them. One of the last acts of his life was an attempt to re-establish public credit, and place the finances of the Colony on a pure and solid foundation, in which no doubt, had he lived, he would have succeeded. He says :—

“ A Bank, of which the solidity of the institution and the prudence of the first and probable future directors would induce a subscription, and thus procure public confidence, appears to me the best means of promoting the public interests. It would regulate the *internal* value of money, check all usurious transactions, draw money out of its recesses, and prove the best vehicle for the circulation of the paper currency, as well as the best means of establishing individual and public credit. I do not dwell upon the general advantage derived from public credit, or public banks, but I will venture to assert that there is not an informed or enlightened Statesman in Europe who does not think the one grows out of and is connected with the other; and both united have enabled England to end her late arduous contest in so glorious a manner.”

In the present depressed state of credit at the Cape, the necessity of a Bank so constituted is more obvious than ever. I can only repeat my confident hope and conviction that it will claim the support of Government. I have &c.

(Signed) J. B. EBDEN.

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[Office Copy.]

*Letter from* EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 21 *February* 1825.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatch of the 14th of June last, enclosing

a return of new appointments and of increases which have been made in the salaries of existing Officers on the Establishment of your Excellency's Government, principally since the 1st of January of last year; and I have to acquaint your Excellency that I have signified my sanction of the expenditure which these arrangements involve to the Commissioners of Colonial Audit. I have &c.

(Signed) BATHURST.

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[Copy.]

*Letter from* GEORGE KEKEWICH, ESQRE., *to the*  
COMMISSIONERS OF ENQUIRY.

CAPE TOWN, *February 27th, 1825.*

GENTLEMEN,—In answer to your letter of the 18th Instant I have the honor to state for your information, that some time about the middle of the month of June 1820, after the arrival of Mr. Parker in this Colony (who was then as I understood residing conditionally in a House belonging to the late Mr. Watney on his estate called the Oost Waal at Saldanha Bay, which he purchased several years ago of Mr. Dirk Slabbert) I was introduced to him on the Heere Graght by Mr. McArthy, when he asked me if I were not related to Mr. Watney? to which I answered we were connected by Marriage; whereupon he said Mr. Watney had been kind enough, at the request of Mr. Stoll, to allow him to make his (Mr. Watney's) House a residence for a short period, "but," added he with Tears in his Eyes, "the Time is elapsed, and as I have not yet been fortunate enough to find a suitable Accommodation, I shall feel greatly obliged if you will exert your influence with Mr. Watney to permit me to remain fourteen days longer on the premises, when I promise to quit the Place." I applied accordingly to Mr. Watney, who not only immediately acquiesced in the proposal, but at my special Request extended the Term of Residence to *One Month longer*, instead of Fourteen days, and actually deferred a Journey to Saldanha Bay, which he contemplated about this Time. Before the expiration of the Month I heard Mr. Watney frequently

complain that Mr. Parker, or his Servants, had destroyed all the Kraals of Oost Waal. That he allowed a Blacksmith to set up a Forge close to the Thatched Buildings, by which they were in momentary danger of catching fire, and that he was otherwise committing great waste and depredation over the whole place. I cannot precisely recollect, but I think it was about Ten weeks after the expiration of the additional month, that I accompanied Mr. and Mrs. Watney to Saldanha Bay ; and I perfectly well remember being on a visit to Major General Sir Rufane Donkin (then Acting Governor) with Mr. Watney at Groote Post, early in September, when talking about Mr. Parker and the probable difficulty Mr. Watney would meet with in ejecting him, Sir Rufane expressed himself in the following words, or to this effect : “ Well, Mr. Watney, depend upon it you will not get Mr. Parker out of your house, without a regular siege, and as for myself I have given Orders to Croucher ” (the Overseer at Groote Post) “ if he attempts to come to this Place, to lock the Doors and fasten the windows, for should he once gain admission, I shall never be able to dislodge him without Military Force.” I think this occurred about Two or Three days before we set out for Saldanha Bay. When we arrived about seven or eight miles from Mr. Watney’s House at Oost Waal, we were met by a Party of his Boys, who had been sent there a few days before to prepare the House for our Reception (naturally supposing Mr. Parker had already left it) and were surprized to hear from them that Mr. Parker was not only still in the occupation of the House, but absolutely refused to quit it ; upon which Mr. Watney mounted his Horse, begging Mrs. Watney and myself to remain where we then were till we should hear the result. About a couple of Hours after, we joined Mr. Watney at his House at Ooste Waal, Mr. Parker having previously quitted it, but not till some time after Mr. Watney’s arrival. In the course of the same evening Captain Thomas Butler, a settler now residing in Albany District, who happened also to be at Ooste Waal (and to whom reference may be made as to Mr. Watney’s conduct on this occasion) informed us that shortly before Mr. Watney’s arrival Mr. Parker declared “ He would not quit the House for the Governor or any one else.” Mr. Watney having at length obtained possession of the Dwelling House, wished

also to get possession of his Outhouses and Store Room, the former being occupied by Mr. Parker's people, and the latter containing various articles belonging to Mr. Parker, which he had brought from England, and for this purpose wrote to Mr. Parker, begging he would remove them within a stated period. This produced a correspondence (copies of which I believe are in the Colonial Office) which continued till the Day before our departure from Saldanha Bay, but without effect, and Mr. Watney having an extensive Fishery and no other place to deposit and secure the Fish he had caught save the Store Room, after many fruitless efforts to avoid being driven to an extremity was reluctantly compelled to force open his own door, and having removed what the store contained to a green Sod adjoining the House, covered it with Canvas, and placed a Guard over it for the Night. The following Morning it was conveyed away by Mr. Parker. During the whole time I remained at Saldanha Bay, I saw Mr. Parker once only, on which occasion he told me, amongst other Tales, that it was his intention to take possession of Groote Post unless Government gave Him Five Thousand Pounds, which he averred, Lord Liverpool had assured him would be paid on his arrival here to reimburse him for some severe Losses he had sustained whilst engaged in the West India Trade.

These, Gentlemen, are all the circumstances connected with the Subject, as respects the first part of your Letter, to the best of my recollection.

On the Subject of Mr. Parker's Sufferings and Hardships, during the Time he pitched His Tents at Stomp Hoek, I am not able to speak, never having visited him there nor elsewhere. I am equally incompetent to speak as to the severity and inclemency of the Season, as I am quite ignorant of the length of time he dwelt at Stomp Hoek, but I must beg to observe that the month of October has ever been considered the finest Season of the year, and that there were a Government House and Stores on the other side of the Water, within Four Miles of Stomp Hoek, sufficiently capacious to contain Mr. Parker, his Family, Followers, and all he possessed.

And with regard to Mr. Parker's Views, whether they were directed to Commercial or Agricultural objects, it is impossible for me to give any information or to form a Conjecture. On

the Occasion before referred to, he talked of Building a large Village and Supplying Cape Town with Grain, but (in common with other persons) I considered his Speculations too wild and chimerical to claim any serious attention. I have &c.

(Signed) G. KEKEWICH.

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[Office Copy.]

*Letter from* EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 22 February 1825.

MY LORD,—I have had the honor to receive your Excellency's dispatch of the 23rd of June last, explaining the reasons which induced you to take measures for constructing a carriage road across the Fransche Hoek Mountain and describing the great and permanent advantages which will accrue to the Settlements under your Excellency's Government by continuing the line of that road across the Cape Flats and Kogman's Kloof.

Concurring as I do most fully in the estimate which has been formed by your Excellency of the extensive benefit which the Colony at large will derive from the facilities of communication which will thus be afforded to districts which were formerly separated by insurmountable obstacles I am happy in having to convey to your Excellency my approbation of a measure which cannot but reflect credit on your Government.

In thus expressing my unequivocal approbation of this undertaking I must however state my regret that the estimates framed by Lieutenant Mudge of the work which remains to be executed, should convey no clear idea of the total amount of expenditure which the road, when completed, shall have occasioned.

In the report made to me by Major Holloway, a copy of which I enclose for your Excellency's consideration, the total expenditure is estimated within six thousand pounds; but as it appears from Lieutenant Mudge's report that Major Holloway's original estimate of the expence of cutting the road across the Fransche Hoek had been considerably exceeded, I shall be glad to learn that your Excellency has not proceeded

to effect the completion of the road without being fully aware of the extent of the expenditure which will be to be incurred on account of this Service. I have &c.

(Signed) BATHURST.

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[Copy.]

*Letter from the Landdrost of Worcester to the Commissioners of Enquiry.*

LANDDROST'S OFFICE, WORCESTER, 22nd February, 1825.

GENTLEMEN,—In reply to your Letter of the 9th Instant directing me to furnish you with a Copy of the Estimate or Specification furnished me either by the Colonial Government or by the Inspector of Buildings, Mr. Jones, and with the original Drawing or plan upon which an Estimate amounting to 68,000 Rixdollars was made of the Landdrost's House and Offices at Worcester,—

I have the honor to inform you that I never was supplied with an estimate or specification either by the Colonial Government or the Inspector of Buildings Mr. Jones, but was merely informed that the Expencc was estimated at that Sum.

I have enclosed the plan as delivered to me by Mr. Jones, but it appears that Mr. Hemming has omitted leaving me the Elevation. I will apply to him to know if it is still in his possession.

May I request that the plan may be returned, there being no duplicate in this Office. I have &c.

(Signed) C. TRAPPES.

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[Copy.]

*Letter from the Landdrost of Worcester to the Commissioners of Enquiry.*

LANDDROST'S OFFICE, WORCESTER, 22nd February 1825.

GENTLEMEN,—In reply to your Letter of the 10th Instant referring me to a paragraph in my Letter of the 16th May, 1824, in which I had stated that "The Tax upon Slaves had



been determined upon to meet the Expense of repairing the Old Drostdy House and Public Buildings at Tulbagh, which were originally built of bad materials and subsequently suffered to fall into decay, and the increase of Transport and Commando Tax had become absolutely necessary in order to pay the outstanding debts on these heads," I beg leave to say that I was wrong in using the words *determined upon*. In lieu thereof, may I be allowed to request that "contemplated" may be substituted, as the measure was only decided upon in the meeting of the Board of the 7th October 1822, when a prospectus of the resources of the District was forwarded to Government by the Board, and I have the honor to transmit to you an extract of the resolution taken upon that occasion.

I have &c.

(Signed) C. TRAPPES.

[Office Copy.]

*Letter from* EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 23 *February* 1825.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatch of the 8th of October last enclosing a copy of a previous dispatch which you had addressed to me on the 20th of May 1823 in explanation of the grounds upon which you were induced to recommend that some addition should be made to the Salary of the Landdrost of Stellenbosch, and I have the honor to acquaint your Excellency in reply that your previous communication upon this subject was duly received, but that I deemed it expedient to refer it for the consideration of the Commissioners of Enquiry; and I have only to express my regret that I must postpone giving your Excellency the final Instruction which you solicit, until I shall have received their Report. I have &c.

(Signed) BATHURST.

[Copy.]

*Letter from the Assistant Secretary to Government to the Commissioners of Enquiry.*

COLONIAL OFFICE, 23rd February 1825.

GENTLEMEN,—I have the honor to acknowledge the receipt of your Letter under date the 19th Instant, requesting to be furnished with a Copy of any Memorial or Application from the Inhabitants of the district of Worcester, or from the Landdrost and Heemraden of that District, representing the expediency of establishing the Sub-Drostdy of Worcester, together with any record or communication of the Decision of the Government thereupon. In reply I take leave to transmit to you an Extract of a Letter from the late Landdrost of Tulbagh to the Colonial Secretary, dated 9th November 1818, pointing out the places called “Roode Draay” and “Lange Rug” at the Hex River as well adapted for a New Deputy Drostdy; Copy of a Letter from the Colonial Secretary to the Landdrost of Tulbagh, dated 11th December 1818, authorising him to make arrangements for the payment of the Sums at which the places in question had been valued; Copy of Mr. Fischer’s reply to the Colonial Secretary, under date 21st December 1818, communicating the conclusion of the purchase of the abovementioned places; Copy of a Letter from the late Landdrost of Tulbagh to the Colonial Secretary, dated 9th February 1819, enclosing a Plan for the Town proposed to be built, and requesting permission to sell the Erven, in order that a commencement thereof may be speedily made; Copy of the Colonial Secretary’s reply to the same, under date 1st April 1819. In pursuance of the recommendation of the Landdrost of the Eligibility of the Site described for a village, the Establishment was accordingly formed at Worcester, of which notice was given to the public, by Government Advertisement on the 20th October 1819, a Copy of which I have also the honor to enclose.

The minor details respecting this Measure, it is presumed, were arranged Verbally between Mr. Fischer and the late Colonial Secretary, as it would appear by the concluding paragraph of Mr. Fischer’s Letter of the 31st December 1818,

wherein he announces his intention of proceeding to Cape Town, for the purpose of more readily communicating with Government upon the measure then in Contemplation.

I have &c.

(Signed) P. G. BRINK,  
Assistant Secretary to Government.

[Enclosure 1 in the above.]

*Extract from the translation of a Letter from the LANDDROST OF TULBAGH to the COLONIAL SECRETARY, dated the 9th November 1818.*

I have also on my road back inspected the Places the Roode Draay and the Lange Rug at the Hex River, which are considered as well calculated for a new Deputy Drostdy.

This place becomes more important when the New Road over the French Hoek Mountains will be completed. Should His Excellency determine on resuming those two places for that purpose, the first would be worth Eighty Thousand, and the other Sixty Thousand Guilders, in order to indemnify in some manner the present occupiers.

By the pleasant and profitable situation of these places, the Erfs that would be sold out for the forming of a village would soon repay this Sum with profit, and in a very few years it would become a good Drostdy, and a respectable village.

A true Extract from the Translation.

(Signed) P. G. BRINK,  
Assistant Secretary to Government.

[Enclosure 2 in the above.]

COLONIAL OFFICE, 11th December 1818.

DEAR SIR,—I am directed by His Excellency the Governor to desire that you will be pleased to give the necessary notice to the holders of the Two Loan places the *Roode Draay* and the *Lange Rug*, that His Majesty's Government is in the intention of resuming those Estates, paying for the Opstals.

You will therefore make such arrangement as shall be most convenient for the payment thereof, which will be borne by the Colonial Government, but it will be necessary you should obtain as much time as possible, in order that so large a Sum as the price at which you have valued these properties may not be subtracted from the Treasury at once, it being understood that Eighty Thousand Guilders is the Sum to be paid for the Opstal of one of the said places and Sixty Thousand Guilders for the other. I remain &c.

(Signed) C. BIRD.

To the Landdrost of Tulbagh.

[Enclosure 3 in the above.]

TULBAGH, 21st December 1818.

SIR,—I take the liberty to inform you that in compliance with your Letter of the 11th Instant, I have purchased on behalf of Government the Places named the *Roode Draay* and the *Lange Rug*, the former for Eighty Thousand and the latter for Sixty Thousand Guilders. I have agreed with the Sellers to pay a third part of the purchase money of each place in Cash, a third at Six months, and the remaining third at a year. It being my intention to proceed to Cape Town in the course of the present week, in order to learn the further intentions of Government respecting the plan for a New Village, and other requisite information, I take the liberty to request the necessary leave of Absence for the purpose. I have &c.

(Signed) J. H. FISCHER, Landdrost.

To the Colonial Secretary.

[Enclosure 4 in the above.]

TULBAGH, the 9th February 1819.

SIR,—I take the liberty herewith to transmit to you the Plan of the village for the new Drostdy at the *Roode Draay* and *Lange Rug*, not knowing whether the One by Mr. Tulleken has already been received by you. Should His Excellency approve this plan, I request to be authorized to Sell the Erven

after a previous notice of Two Months shall have been given of it in the *Gazette*, and that the Erven Situated on both Sides of the Drostdy and the Church be at first retained, in order to be applied for the use of the public Servants of the Drostdy and those belonging to the Church. I have &c.

(Signed) J. H. FISCHER, Landdrost.

To the Colonial Secretary.

[Enclosure 5 in the above.]

COLONIAL OFFICE, 1st April 1819.

SIR,—In reply to your Letter of the 9th February, enclosing a plan for the Town proposed to be built on the Hex and Breede Rivers, and requesting permission to sell the Erven, in order that a Commencement thereof may be speedily made, I am directed to signify to you His Excellency's approval of your making a beginning in this business, by the Sale of so many of the Erven as you may deem sufficient for the first wants of the public in this regard, bearing in mind that it will be prudent gradually to proceed herein. His Excellency is of opinion that in advertizing the Erven, a description of the Site and its advantages should be descanted upon, and he entirely Concurs with you in thinking that Two Months notice at least should be given of the intended Sale. In the meantime His Excellency has had Copies of Mr. Tulleken's plan of the Site and proposed Town made out, and he will send one to each of the Drostdies by the Post of the day in which your Advertisement shall appear in our Paper. His Excellency continues of Opinion that it will be desirable that immediate Steps be taken for planting the principal Squares and Streets, the Expence of which may be subsequently repartitioned upon the Proprietors of Erven, as it has been found by Experience that to leave the planting to the Proprietors themselves, who occupy their Erven at intervals, is productive of much irregularity and *disfigurement*. I have &c.

(Signed) C. BIRD.

To the Landdrost of Tulbagh.

[Enclosure 6 in the above.]

*Government Advertisement.*

His Excellency the Governor has been pleased to make the following Promotions and Appointments on the Civil Establishment of this Government :—

J. F. van de Graaff Esqr. to be Deputy Landdrost of the new Sub Drostdy at the entrance of the Hex River Kloof, now called Worcester.

W. W. Harding Esquire to be Deputy Landdrost at Cradock, in lieu of Mr. Van de Graaff.

N.B. Major Fraser, Deputy Landdrost of Uitenhage, having obtained leave of absence to return to Europe, Captain H. Somerset will do the duties of Deputy Landdrost, until further Orders.

Graham's Town, 20th October 1819.

By Command of His Excellency the Governor.

(Signed) C. BIRD.

[Office Copy.]

*Letter from EARL BATHURST to LORD CHARLES SOMERSET.*

DOWNING STREET, LONDON, 24 *February* 1825.

MY LORD,—I have had the honor to receive your Excellency's dispatch of the 16th of November last, in which you state that you have been under the necessity of causing a schooner to be built in order to replace the *Buckbay Packet* which had been wrecked in a gale of wind.

In conveying to your Excellency my sanction to the expenditure amounting to nine thousand Rix Dollars, which the building of this schooner will occasion, I cannot avoid adverting to the heavy losses which your Government has sustained by the wreck of the preceding schooners. In the paper which accompanies your Excellency's dispatch of the 2nd October it is stated indeed, that as the loss of those Vessels was to be

attributed to the frequent storms by which the coast of the settlement was visited, you had wisely determined to replace only one of them ; but as this Vessel will be liable to the same accidents which have occasioned the loss of others within so limited a period, I am under the necessity of desiring that your Excellency will not in future consider yourself authorised to incur any additional expenditure for vessels of this description without having fully explained to me the grounds upon which you consider them indispensably necessary for the service of your Government. I have &c.

(Signed) BATHURST.

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[Copy.]

*Notes by the COMMISSIONERS OF ENQUIRY upon Mr. INGRAM'S arrangements for his Apprentices.*

*Thursday, 24th February 1825.*

The Commissioner proceeded to inspect the accommodations of the Irish Emigrants in the Service of Mr. Ingram at Zonne Bloem near Cape Town, and the several apartments that they occupied were pointed out. They were situated in a range of detached Buildings which were considerably out of repair.

The first apartment near the House consisted of a small Room 14 feet long and 12 feet wide, which was occupied by eight Single Men. This Room though small was in good order, and fitted up with two berths, one fixed above the other. Above this Room was situated another of the same size, in which nine men were similarly accommodated. The next Room appropriated to the people was one of 20 feet square, in which 8 men were lodged, this apartment was also in tolerably good order. The remainder of the people, said to consist of Six families and amounting to Twenty Three men, women and Children, were lodged in a Room forty feet in length and twenty in breadth, which was very much out of repair. The Gable at one End had been partly taken down, and the Thatch of the Roof was open in a manner to admit the wind and rain. The Floor was of Brick and Earth, and the only furniture consisted

of two ranges of boarded berths, placed the one above the other, and without any separations. An adjoining Shed was appropriated for them as a Kitchen, but being unroofed, the people alleged that they were unable in bad weather to make use of it, and even in fine weather from exposure to the Sun. The fire for cooking was lighted in the room occupied by the people.

This Room was extremely dirty. One man was lodged in it who had a broken leg. Complaints were made by the people that their rations were irregularly supplied and deficient. The remaining parts of these detached Buildings were appropriated to the use of Mr. Ingram. There were Two Stables in good Order, one of them of considerable Size, a work Shop for the Mechanics, and a Shed containing Lime.

Mr. Ingram explains that he has experienced great difficulty in procuring a Thatcher and materials for Thatching his Buildings, that he was obliged to take down very lately one of the Gables that was likely to have fallen and would have endangered the people's lives, and that he has materials on the premises and has now hired a person who is capable of repairing the Roof, which he intends to have completed before the return of bad weather. He is fully convinced that no Complaint can be justly made of the insufficiency of Provisions furnished by him, as he allows the people more than the Soldiers' Rations. He cannot prevail on them to correct their Habits, or to form Messes, which he had recommended to them with a view to improve their comfort.

A true Copy.

(Signed) JOHN GREGORY.

[Original.]

*Letter from MR. J. B. EBDEN to J. C. HERRIES, ESQRE.*

COPTHALL CHAMBERS, 24th February 1825.

SIR,—In a separate letter under this date I have the honor to call your attention to the establishment of a Bank, under a Royal Charter, as the best means of restoring public and indi-



vidual credit at the Cape of Good Hope, which, I can but repeat my hope, will meet the support of Government.

In my letter of the 21st Inst. I stated my conviction, that some plan might be devised by which the gradual improvement of the Currency could be effected, without either sacrifice to the Government or committing any violence on the different interests of the colony, and as you were pleased to express your readiness to receive any further communications on this subject, I am induced to offer the following observations to your consideration :

In reference to the Cape Currency, it has been said, that “Those who suffer by its deplorable condition have no voice for the application of a suitable remedy to this galling evil ; and those from whom the remedy must come are no sufferers by the continuance of it.”

True as this remark is, and obvious as its application must be, no reflection is here intended ; but in an appeal to His Majesty’s Government the inhabitants of the Cape, relying on the justice of their case, look with confidence for that relief it would be vain to seek elsewhere.

That the depreciation of the currency is alone to be ascribed to its not being exchangeable for gold, the current coin of the realm, I take to be an indisputable proposition.

Remove then the Bank restriction, as it may be termed, and the currency will be at once restored to its proper and original value, to which standard, as has been recently witnessed in this country (no better proof of which can be adduced than its present prosperous condition) property would more readily adapt itself, with less prejudice to existing contracts than any half measure, whereby the faith of Government would be violated.

The external commerce of any place cannot be considered as bearing any proportion to its internal trade ; it would perhaps be difficult to determine with any degree of accuracy their relative proportions, but no importance can attach to any result on this head, however accurately ascertained, as the difference in the value of the currency, as applicable to the internal and external trade of the Colony, has been clearly pointed out.

It may be observed that whether the value of the Rixdollar

is fixed at 1s. 6d., the lowest point of its depreciation, or at 4s., its legal and original standard, the result to Government as a question of outlay and expense will eventually be the same, the difference in adopting one or the other will be felt by the public. The latter would be no more than common justice, while the former would inflict incalculable ruin on the present as well as future generations.

Constituted as the currency is, it is not my intention here to advert to the various causes which in the opinion of some persons have more or less tended to produce the present depression. It will be sufficient for my present purpose briefly to advert to such as are too obvious to need any particular illustration.

1st. The ill-judged measure of augmenting the quantity of Paper Money in circulation, at the very time its diminution ought to have been determined on.

2nd. The payment of the Governor and Civil Servants from the Colonial Treasury in sterling money, whose salaries amount to about £25,000 per annum, making at the present exchange nearly one-eighth of the whole paper money in circulation.

3rd. The payment of the Troops in currency, in lieu of specie, whereby all check on the paper money was removed.

I shall not dwell on the effect these several circumstances have had on the exchange, but with every deference I beg leave to submit, as the certain means in my humble opinion of effecting a gradual improvement in the Currency,

First. That the partial remedy shall be applied towards the redemption of the currency in such manner as may be deemed expedient by Government, and that the Colonial Government shall be restrained from any further issue of paper money.

Secondly. That those salaries of the civil servants which are payable in sterling shall be paid in specie, to be sent from England for that purpose, but as these salaries are a charge upon the Colonial revenues, an equivalent value in rixdollars shall be placed in the hands of the Commissary, for redemption, at the exchange of the day.

Thirdly. That as a prelude and necessary step to the introduction of the currency of Great Britain into the Colony, the

troops shall henceforth be paid in specie, to be sent out for that purpose, a three months supply of which would be sufficient, provided the Commissariat was authorized to grant Bills, at all times, on terms which would prevent its being exported.

I would also suggest that the Commissariat should be open for the receipt of tenders for any specific amount, monthly, until the sum issued by Lord Caledon, on the whole amount of Paper Money in circulation, shall be redeemed at the exchange of the day.

Considering the introduction of the currency of this country a very desirable measure, some announcement of the intentions of Government might be made on this head, but whatever plan Government may determine upon in regard to the currency, it is almost unnecessary to say that its views should be matured in England without any reference to the Cape, where alone they might by possibility be contravened to the prejudice of the public.

In conclusion, permit me to revert to my original proposition, as submitted to Lord Bathurst by my memorial of the 18th ulto., as offering under all the circumstances the best and least exceptionable mode, in my opinion, of redeeming the currency, leaving the value of the rixdollar to be determined by competent authorities. Much good could not fail to result from the funding of the debt, and the charge of effecting so beneficial a change might surely be defrayed out of the colonial revenues.

I annex a statement shewing how this object could be accomplished without either sacrifice to the Government, or its being in the smallest degree oppressive to the Colonial Revenues.

Waiting the favor of a communication from you, either on this subject or that of the Bank unconnected with the redemption of the currency, I have &c.

(Signed) J. B. EBDEN.

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[Copy.]

*Evidence given by P. G. BRINK, ESQRE., to the COMMISSIONERS OF ENQUIRY.*

CAPE TOWN, 16th October 1824.

Were you the chief clerk in the Colonial Office in the year 1820 ?

Reply. I was Assistant Secretary.

Had you during that time access to all the documents and Despatches that arrived from His Majesty's Secretary of State for the Colonies, and that were addressed to the Governor ?

Reply. I had ; they were under my charge, at least those that were committed to me.

You are not aware then that all the Despatches were invariably delivered to you ?

Reply. With very few exceptions perhaps of confidential Despatches, I have reason to believe they were all delivered to me.

You recollect the arrival of Despatches from Lord Bathurst's Office announcing the destination of the Settlers for this Colony in 1819-20 ?

Reply. I do.

Do you recollect whether those Despatches contained any recommendation of Mr. Wm. Parker from Sir B. Bloomfield to the special notice of the Colonial Government ?

Reply. They did not.

Do you know whether any and what mention was made of Mr. Parker's name in the Despatches ?

Reply. There was no mention of him whatever, except in a letter from the Under Secretary of State for the Colonial Department, the usual printed Letter enclosing a List of Mr. Parker's party, and his name as the Head of it.

Were you ever present at any interview that Mr. Parker had with Colonel Bird ?

Reply. No, I was not.

Have you met with, or do you think that there exists amongst the Documents of the Colonial Office, any record of

an opinion given by Lieutenant Colonel Bird to Sir R. Donkin respecting the expediency of locating the Settlers at Clan William ?

Reply. No, I do not. I have never seen such an opinion amongst the Schedules. I think that before the Acting Governor went to the Frontier, he gave instructions to Lieutenant Colonel Bird how he was to act with regard to the Settlers.

Did the Acting Governor correspond with the Colonial Secretary Lieutenant Colonel Bird during his absence on the Frontier in 1820 ?

Reply. I presume that he did.

Was this correspondence deposited in the Colonial Office ?

Reply. No, it was not.

Have you ever seen the original Copy of the Regulations of Mr. Commissioner De Mist respecting the Church Establishment ?

Reply. This Printed Regulation is in the Colonial Office, bound up with all the Regulations that were framed by the Batavian Government of that day.

Do you know whether these Regulations were promulgated in this Colony previous to its recapture by the British ?

Reply. The whole of them were published in the Colonial *Gazettes* before the recapture.

Was the *Gazette* in the time of the Batavian Government official ?

Reply. It certainly was.

Did the part that was published contain any declaration of Religious toleration ?

Reply. I think that the beginning of it contains such a declaration.

Religious toleration did not exist under the Dutch Colonial Government, previous to the Capture by the British in the year 1795 ?

Reply. Certainly not.

(Signed) P. G. BRINK.

24th February 1825.

Mr. P. G. Brink re-examined.

You were Assistant Secretary in the Colonial Office in the year 1820 ?

Reply. I was.

Will you be so good as to look at the Memorandum now shewn you, and say whether you recollect that the original draught of it was prepared and copied in the Colonial Office ?

Reply. I recollect that Colonel Bird desired me to prepare several Memoranda relative to certain of the Settlers who arrived in the year 1820 ; but I think that the Memorandum respecting Mr. Parker was prepared by Colonel Bird himself.

Is there any passage in the Memorandum, or is the style of it the usual style which Colonel Bird adopted in drawing up Official Papers ?

Reply. The latter part of the question I answer in the affirmative.

Was Mr. Ellis Deputy Secretary in the year 1820 ?

Reply. He was.

Does the Style of the Memorandum bear any resemblance to that of Mr. Ellis ?

Reply. None whatever.

Was the Acting Governor Sir R. Donkin in the habit of transmitting to the Office, or recording there any Memoranda of his determinations and opinions on Public Matters ?

Reply. He might have written them in private letters to Lieutenant Colonel Bird, but they were not recorded in the office. Sometimes, but seldom, he wrote his opinions upon the papers themselves. There are a few exceptions to the first of these observations ; I now recollect that Sir Rufane Donkin communicated to the Office a long Memorandum upon the subject of Mr. Melvill's mission to the Interior.

From the tenor and language of the document, do you conceive that it must have been drawn in the Colonial Office ?

Reply. I certainly conclude that it must have been drawn up by a person who had access to the Official Documents to which the Memorandum refers.

(Signed) P. G. BRINK.

[Office Copy.]

*Letter from* EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 25 *February* 1825.

MY LORD,—I transmit to your Excellency herewith enclosed a copy of a Memorial which has been addressed to me by Jacob Theron complaining of various grievances which he alleges to have suffered by the acts of several Officers and Authorities of your Excellency's Government, and as no proof has been adduced by this Individual in support of his representations, I can only desire that your Excellency will cause strict enquiry to be made into all the circumstances which are set forth in His Memorial and report to me the result of the explanations which you shall receive upon the subject.

I have &c.

(Signed) BATHURST.

[Enclosure in the above.]

To the Right Honourable Earl Bathurst.

The Humble Memorial of Jacob Theron a Cape born subject of His Britannic Majesty lately residing in Cape Town at the Cape of Good Hope but now of the City Road in the County of Middlesex, Sheweth,

That your Memorialist in the year 1817 carried on the trade of a Travelling Merchant at the Cape of Good Hope and that a considerable part of his profits being derived from his traffic with the Inhabitants of the Interior of the Colony under the sanction of the Colonial Government your Memorialist considered that his trade would be greatly facilitated by procuring as Servants some of the Bushman's Tribes with whom he occasionally traded as Servants of the Colonists and therefore applied to William and Gert Brits Farmers in the District of Graaf Reynett to let your Memorialist have the charge of two Bush Girls about the age of five or six years (who were quite destitute and orphans) which they the said William and Gert Brits consented to do on condition that your Memorialist should cause the children to be instructed and

on his undertaking that they should not again become an incumbrance to the said William and Gert Brits which your Memorialist did in the hope that the children would become of essential service to him at some future period after they were taught his own language your Memorialist intending them to act as Interpreters to their Countrymen in his mercantile pursuits.

That the present Landdrost of Graafrenet Captain Stockingstrom took away the two girls against the wish of your Memorialist, and either kept them himself or transferred them to another, and that your Memorialist on his return to Cape Town presented a Memorial to Lord Charles Henry Somerset who made answer that Captain Stockingstrom was justified in so doing by proclamation.

That on referring to the Proclamation your Memorialist discovered it was made subsequent to this Affair and apparently was intended to prevent the Children of the Bushmen from being estranged from their parents and which might only then have suggested itself could it be done by a pretext of such a transfer as actually happened in the present case, whereupon your Memorialist presented to the Governor another Memorial requesting His Excellency to notice that from the date of the Proclamation referred to in his reply to the first Petition of your Memorialist that the date was subsequent to the affair submitted for his consideration and that consequently your Memorialist considered the decision of his case could not be influenced by the Proclamation referred to and prayed to have the two children restored to him, to which application your Memorialist received a verbal reply through one of the Gentlemen in the Colonial Office that "His Excellency could not comply" but your Memorialist could never obtain the usual written Document or any other information on the subject.

That your Memorialist in the year 1819 in the way of trade received a Draft for two hundred Rix Dollars from Mr. Cock of Graaf Reynett drawn by him upon his agent at Cape Town Olof Johnias Truter (the son of the Chief Justice) payable at three days after sight, which Draft or Bill on being tendered to him for acceptance and after accepting it he Mr. Olof Johnias Truter put into his Drawer saying he would pay the amount in eight days, which he did not, and although frequently requested



to return the Bill, refused, until after the lapse of six months, and then only in consequence of being threatened with a prosecution for keeping what was not his property he returned it to your Memorialist by the hands of Mr. Lyndt the Notary duly accepted.

That your Memorialist having got the said Bill or Draft into his possession was pacified for a time and expected that it would be paid, and did not for a long time, and not till he was pressed by his own want of money, institute any process for its recovery. The petty Court that has jurisdiction to the amount of Three hundred Rix Dollars gave judgment in favor of your Memorialist for the whole amount.

That the said O. J. Truter then appealed to the Court of Justice which appeal was decided by his Father the Chief Justice his Uncle Mr. Bresler and three Nephews and also two others (as your Memorialist was informed and still believes to be nearly allied to the Appellant) as the Judges, on the Bench and his Brother Johnias Andrias Truter was his Advocate which mode of Trial your Memorialist has been advised was contrary to the Laws of the Colony, as it is to the Roman and the English Law. The result of the appeal was that your Memorialist should lose his Debt and pay all the expenses in both the courts which he did to the amount of six hundred Rix Dollars. It may not be improper to observe that a majority of the sitting Members of the Court decides the point in question and that the grounds of their decision are never made known.

That your Memorialist applied for an appeal and received for answer that no appeal could be allowed where the subject of dispute did not amount to the value of one thousand Rix Dollars.

That your Memorialist having in the year 1819 (accidentally whilst travelling) seen the Newspaper was surprised to find inserted in the *Cape Gazette* (the only newspaper then published in the Colony) "That Jacob Theron (meaning your Memorialist) had been sentenced by the Commission of Justice to be imprisoned for three days for offending a man of the name of Palm.

That your Memorialist conceiving that his name had been inserted by mistake for some other person's, applied to the

*Gazette* Office, then to His Majesty's Fiscal and afterwards to the Governor Lord Charles Henry Somerset praying that the offensive passage might be contradicted, and received a similar answer from each "that it could not be complied with" but from His Majesty's Fiscal, this additional Declaration that "I will be the greatest enemy you ever had."

That your Memorialist considers it needless to state the particular effect such a paragraph appearing in a Government *Gazette* and carried on in the way it is, had upon his mind and the injury it did him in his vocation.

That in the month of July 1819 a Proclamation was issued for the encouragement of Trade with the Natives by establishing an annual Fair at Beaufort and your Memorialist having obtained a Licence to carry on the trade of a Butcher in Cape Town for the year 1820 purchased three Waggons and three spans (teams) of oxen and goods to the amount of twenty thousand Rix Dollars with the intent to avail himself of the general permission to trade with the Breaquas at the ensuing Fair to be held at Beaufort according to the Government Advertisement published in the Cape Town *Gazette*, and exchange those goods for cattle, and employed Andrias Hanson as a servant or traveller to your Memorialist to barter away the goods for cattle in the usual way of such Trade and procured the proper Licence signed by His Majesty's Fiscal Daniel Denyssen Esquire for the said Andrias Hanson and conformed to all the customary observances as are in such cases required and as a precautionary step took out a Licence also for himself, all which doings your Memorialist was told and believed were legal.

That His Majesty's Fiscal the said Daniel Denyssen Esquire wrote a Letter to the Deputy Landdrost of Beaufort to arrest your Memorialist's goods under proclamation of 23d October 1793 for employing an agent to sell for him, which was done on the arrival of the goods at Beaufort by the Deputy Landdrost Mr. Baird. In consequence of which Captain Stockingstrom the Landdrost of Graafreynet in whose District the Sub-drostry of Beaufort is situated wrote a letter to Sir Rufane Shaw Donkin the then Governor of the Cape of Good Hope stating the peculiarly hard case of your Memorialist and praying for permission to restore the goods to him which Letter His Excellency

sent to His Majesty's Fiscal the said Daniel Denyssen, who prevailed upon His Excellency to permit the question to be tried. It was accordingly brought on (many months afterwards) before Mr. Neatling the Brother in Law of the Fiscal and P. S. Beausiona two members of the Court of Justice when your Memorialist was condemned upon the old Dutch East India proclamation of 16th June 1774 (instead of the proclamation of the 23d October 1793 under which the Goods were arrested) and in direct violation of the English proclamation made at the Capitulation of the Cape in the year 1795 "that all persons might trade by water or land either in their own persons or by their Agents," whereupon your Memorialist appealed, and the Court of Appeals decreed restitution of your Memorialist's property. That the said Goods were sold (previous to the appeal case being heard) under the first mentioned sentence at the reduced price of Twelve thousand Rix Dollars from their being greatly damaged during eighteen months the period the question was in litigation.

That on your Memorialist's succeeding by appeal and receiving the Decree of the Court for the restitution of his property or its value he applied to the Bank at Cape Town for the amount of the sales which had been effected when to his utter astonishment he found no account had been rendered or amount of sales paid over as the parties entrusted with such sales are bound to do by Law within six months after such sale, nor has your Memorialist ever received any satisfaction whatever for the same.

That your Memorialist in December 1823 having occasion to reprimand his servant John Howe an Irishman for getting intoxicated and neglecting his work and being irritated by his abusive and outrageous behaviour and prompted to as he did strike him with his hand, but immediately retired to the House, was within half an hour afterwards waited upon by one of the Messengers from His Majesty's Fiscal requesting your Memorialist to wait upon him at the Office which your Memorialist promised immediately to do and requested the Messenger to wait a moment till he changed his coat, before your Memorialist had time to do so two of the Constables came in and took him to the Office by force and in a very rude manner on the Constables being asked where was their authority they merely

shewed their sticks to your Memorialist who told them he did not want that, but the Decree of the Court, they said they had no Decree, but they had orders from the Fiscal to take your Memorialist "dead or alive" on arriving at the Office the Fiscal then interrogated your Memorialist as to what he termed an assault, who admitted that he had struck the fellow but not without a sufficient provocation and submitted that if all his Servants were to be permitted (whenever he had occasion to reprimand them for getting drunk and neglecting their duty) to act towards your Memorialist in the way that John Howe had done, and tear the clothes from his (your Memorialist's) back as was the case in the present instance, without being allowed immediately to chastise the insult and violence, or to make resistance, there would be an end to all authority and such forbearance was more than human nature could bear.

That your Memorialist, believing his man was really intoxicated to madness and knew not what he did, expressed his surprise that he was enabled to find his way to the office to make a complaint and intimated that if the drunkenness was only assumed your Memorialist did not intend to excuse his servant's behaviour when Mr. Fiscal answered he had no occasion to tell your Memorialist who was the Informant, and immediately committed him to solitary confinement in the Common Prison and although this was a Bailable offence (if offence it might be called) and Bail was offered to any amount still your Memorialist was not allowed this privilege. Your Memorialist protested against the commitment as illegal for want of the usual Decree of the Court of Justice for corporal apprehension but Mr. Fiscal replied he had sufficient influence with Lord Charles Somerset and would take the responsibility upon himself.

That your Memorialist after three days had elapsed of such imprisonment directed a Petition to the Worshipful the Court of Justice complaining that your Memorialist had been confined without any Decree of personal apprehension but received no answer thereto.

On the twelfth day of your Memorialist's imprisonment he addressed another Petition to the Court of Justice stating that he had not been brought to trial according to the article of the Code of Crown Trial which directs the trial to take place

in 8 days in absolute and clear terms and thereby prayed their Honors to direct the trial of your Memorialist immediately to be proceeded in about a fortnight after Memorialist received a Decree of that Court to the last Petition, that His Majesty's Fiscal had in answer to your Memorialist's Petition stated that he (the Fiscal) was too much engaged to bring on the Trial.

That your Memorialist on the receipt of this Decree petitioned His Excellency Lord Charles Henry Somerset to the same effect and in addition thereto stated that the case of Venables *v.* Edwards for an affair which took place since that alleged against your Memorialist had been tried and disposed of, and also that your Memorialist considered it extremely hard that he should be kept in confinement when Thomas Drayer (who had waylaid Mr. Van Reman and so violently assaulted him that the Surgeons had declared their opinion that he could not live) was permitted to be at large, and not even upon recognition and that your Memorialist could not attribute this delay and this prosecution to anything else than a vindictiveness of spirit against your Memorialist by His Majesty's Fiscal to which application of your Memorialist His Excellency made no reply.

That after three months imprisonment your Memorialist was brought to trial and when the said John Howe proved on Oath that he never complained against your Memorialist nor had any complaint to bring against him nor any reason to blame the conduct of his master or to be dissatisfied with him, that he had lived with his master a long time and wished to continue in his service, that he had been spoken to about his Master's hitting him but he was too drunk to know anything about it and could not recollect what had taken place, that if what his fellow servants had told him was correct he the Witness had done very wrong and hoped his Master would not think anything more about it, and that he could not help drinking a little now and then.

That Henrick Hoffmeare Esquire an Advocate was appointed by the Court to make your Memorialist's defence and at the proper stage of the trial your Memorialist requested him to do so and presented him with a very short and concise statement of the facts but he refused to say a word in behalf of your Memorialist and kept his seat the whole time. That your Memorialist although he was little prepared (as he antici-

pated his Counsel would have made his defence) proceeded in objecting to his answering as the witness Howe had declared on oath he had no cause of complaint and that he was too drunk to know anything about it and named and called five or six respectable persons as witnesses in his behalf the first of whom was stopped by the court before he had deposed to the whole of what he had to say on Mr. Fiscal's submitting that there was no necessity to examine that Witness further or any other in behalf of your Memorialist and then the Court decreed your Memorialist's condemnation to the severe punishment banishment from the Colony, his birthplace and friends for seven years, although your Memorialist protested against that mode of proceeding as unjust.

That your Memorialist appealed to the full Court and applied for the assistance of Counsel which was granted and Advocate Henrich De Wet was appointed, but instead of his bringing your Memorialist's case before the Court as it was his duty to do, he wholly neglected it and the sentence of the Court of Commission was confirmed.

That your Memorialist cannot account for the true reason of such a proceeding otherwise than by saying that Mr. De Wet is cousin to Mr. Denysson and that the appeal was purposely neglected although Mr. De Wet has since alleged in exculpation of his conduct that "he saw no grounds on which to stand."

That had your Memorialist received such information in time he would have applied again to the Court for another Gentleman to argue the appeal or take such other steps as your Memorialist would have deemed expedient in the case.

That your Memorialist then presented another Memorial to His Excellency Lord Charles Henry Somerset in the following words :

To His Excellency Lord Charles Henry Somerset Governor and Commander of the Forces &c. &c.

The Memorial of Jacob Theron Humbly Sheweth,

That Memorialist having been condemned by two Members of the Court of Justice to seven years banishment, entered an appeal to the full Court, and applied for an Advocate to prosecute his Appeal in forma pauperis, which was granted and Advocate De Wet appointed.

That a few days ago, Memorialist was informed that the sentence was laid before your Excellency and fiat executio obtained, in consequence whereof Memorialist is to be confined on the Robins Island until he finds a passage.

That Memorialist having addressed the Chief Justice, His Honor had called on said advocate De Wet, and had sent a message to Memorialist in Prison, containing that Advocate De Wet had pleaded as an excuse for neglecting Memorialist's appeal, that he found no grounds on which to stand, tho' he never signified it to Memorialist during the time of prosecuting the appeal ; for had he done so, Memorialist would have taken other measures.

That Memorialist also does not want the opinion of Mr. Advocate De Wet or of any other Advocate, but he wishes only that his Trial may be submitted to the full Court, in order to decide whether there be or be not an error in the Sentence appealed from.

And as Memorialist is also informed, that the Court of Justice has no other objection to grant relief of the neglect of prosecuting the appeal than your Excellency having sanctioned the Sentence, he humbly prays your Excellency may be graciously pleased to remove this impediment and require the opinion of the full Court on his Sentence, in order that Memorialist may enjoy the privilege which your Excellency has granted to everyone without distinction.

And Memorialist as in duty bound will ever pray &c.

That in answer to your Memorialist's said last mentioned application he received a reply in the following words :

Reply to the Memorial of Jacobus Theron under Sentence of Banishment praying that he may be allowed to prosecute before the full Court of Justice the Appeal which he entered against the Sentence passed on him by the Commissioners of the Court notwithstanding the Sentence has received His Excellency's fiat.

“ Cannot be complied with.”

Colonial Office May 20th 1824.

By Command of His Excellency the Governor.

P. G. BRINK.

That your Memorialist was removed from the Town Prison to Robins Island from where he contrived to get a Letter delivered to his Friends and was by the Commandant Captain Petre (for this offence) threatened to be flagilated in the same manner as the Culprit Slaves are punished with 39 lashes which would have been an indellible disgrace and worse than non-existence.

That from this indignity your Memorialist was relieved by a Junior Officer at his own peril a Lieutenant of the Grenadiers of the 55th Regiment.

That your Memorialist's friends had procured him a passage to England Mr. Reneveldt the Deputy Fiscal offered your Memorialist liberty to remain at large in the Colony if he would petition the Governor for that purpose stating that he Mr. Reneveldt had sufficient influence with his Lordship to accomplish that object.

Your Memorialist ever having been taught to believe that England is the Land of Justice prefers seeking redress from His Majesty's Government and therefore most humbly prays of your Lordship that your Lordship will be pleased to direct that your Memorialist may be restored to his Country and Friends free of expence together with the restitution of such property as he conceives he has been unlawfully deprived of.

And your Memorialist as in duty bound will ever pray &c.

(Signed) JACOBUS THERON.

20, ANDERSON'S BUILDINGS, CITY ROAD.

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[Copy.]

*Letter from the Secretary to Government to the Landdrost of Albany.*

GRAHAM'S TOWN, February 25th 1825.

SIR,—I am directed by His Excellency the Governor to transmit to you the enclosed Depositions (taken on oath before His Excellency the Governor while at Kaffers Drift and re-sworn to and signed by the Parties at this Place) of Sergeant Cupido Cobus and Corporal Younker Band of the Cape Corps of



Infantry, relative to the seizure of a Hottentot in the Service of Mr. Mahoney, a quantity of Cattle and a Horse with a Saddle Bag full of Beads &c. in the Neutral Territory.

By these Depositions you will perceive that the Son of Mr. Mahoney was identified as one of the persons engaged in illicit Traffick with the Kaffers; and that the elder Mr. Mahoney was also in the neutral Territory under the plea of reporting to the military the loss of some Cattle stolen from him by the Kaffers.

I also enclose the voluntary Deposition of the Hottentot Prisoner Peter Kettledorse.

His Excellency desires that the Board of Landdrost and Heemraden may be called together without delay to investigate into these proceedings. The Hottentot Prisoner and witnesses are all on the spot together with the Articles seized and will be produced before the Court of Heemraden on application to the Commandant of the Frontier.

Should the Court of Landdrost and Heemraden, in the investigation of this case find that it is one which cannot be decided upon by them, and will require to be referred to the Court of Justice, His Excellency desires that the whole of the Persons who may have been concerned in this illicit Traffick together with the Evidences and other necessary proof be forwarded to Cape Town without delay, as His Excellency conceives that it is very important for the public Tranquillity of the Frontier that the case should be decided upon as early as possible. I have &c.

(Signed) RICHARD PLASKET, Sec. to Govt.

[Enclosure 1 in the above.]

*Statement of SERGEANT CUPIDO COBUS No. 3 Company of the  
Cape Infantry.*

That on the 19th January he went to Trompetter's Drift and while patrolling there he met with Mr. Mahony who told him that the Kaffers had taken from him his cattle. Mahony then said that his cattle had gone over the same drift that the former Cattle went over, the Sergeant then said no, I will go over here, I shot a Kaffer yesterday and I want to see where

the body is. He said I will go with all my heart. He then left the Corporal and three men who afterwards joined him at the under drift, with the horse now produced, the saddle bags, and forty five head of Cattle all of which (besides the Hottentot Prisoner and Mahony's son who galloped off) the sergeant brought to Kaffer drift Post.

Corporal Yonker Band No. 3 Company Cape Infantry. On the 19th of January he was at Trompetter's drift with a Patrole under charge of Sergeant Cobus, on arriving at the Drift they met old Mahony who said that the Kaffers had stolen his Cattle and all Brown's cattle also. Sergeant Cupido Cobus said, Corporal Band go with Mahony and I will go at break of day, after the Kaffers I saw yesterday. Mahony disliked this, and said, he wanted the Sergeant, and party, to come with him. The Sergeant said I will go with you and leave my Corporal behind, the Corporal then retired with his men to the Waggon Drift, where he observed a fresh trace of a horse. He followed this up with all speed to the Blind River when he observed that the horse's spoor went up the Mountain, he then came back into the Blind River when he observed the cattle moving from the top of the hill above the River, when he came on the cattle there were three Kaffers, one Hottentot Servant and one Englishman. He immediately pursued them and secured all but young Mahony, who being mounted galloped away. He brought the whole to Sergeant Cobus. The Kaffers fled into the Bush.

The Corporal further states that the previous evening the Hottentot Prisoner was in company with Mahony, but Mahony would not let the Hottentot speak to them or come to the fire to light his pipe, to his surprise the next Morning he found the Hottentot with the Cattle and he made him Prisoner. Mahony's Son saw the Patrole first, he then gave notice of it to the other people, when the whole began to drive the Cattle into the Kloofs. Mahony's son gave the Hottentot the white horse and jumped on the Hottentot's horse and galloped off.

Evidence further states that he will make oath that the Hottentot he took with the cattle is the same Hottentot he saw the previous Evening with Mahony.

The saddle bag being opened in the presence of His Excellency the Governor and the Commandant it was found to contain :

3 bags of beads, one blue, one black, and one Red ; 1 bag of Kaffer corn ; 4 Empty bags and some Riems.

Sworn before me, this eighteenth Day of February 1825.

(Signed) CHARLES HENRY SOMERSET.

Kaffer drift post.

[Enclosure 2 in the above.]

*Statement of PETER KETTLEDORSE, Hottentot prisoner detained by the Patrol.*

Peter Kettledorse states that on Friday 14 Jany. he with his young Master Daniel Mahony went from the location into Kafferland by the Drift before Congo's Kraal to barter for Cattle. They remained there until Wednesday Morning the 19th and then returned with 46 head of cattle, one ox was sick and their number was therefore only 45. Three Kaffers came out with them, also the Kaffer captain Mami, who carried young Mahony's double barrelled gun. The Cattle were purchased from Darlaine who lives some distance from Cobus Congo's kraals. They came out with the Kaffers and cattle close to Trompetter's drift, when young Mahony sent Evidence to the house of Mahony at clay pits, to give notice of their arrival. On his return with Mahony Senior he found the Patrole from Kaffer drift. On this Mahony went up to the sergeant and reported he had lost his cattle. The sergeant went with Mahony but suspecting something left a corporal and some men behind who captured the cattle and Evidence ; Mahony's son being mounted galloped off.

They also purchased a horse from the Kaffers. The Cows were purchased for 23 Strings of beads and the oxen at 30 strings. Mami, Cobus Congo's Brother, built a hut for Mahony at the Drift at the Keiskamma, and also a kraal. Old Johnson the Irishman beyond Waai-plaats was also in Kafferland, and returned on Sunday the 16th with cattle.

The day that the Patrole captured the first drove of Cattle from Mahony Mr. Brown of the clay pits came out of Kafferland with 60 head of Cattle and Eleven Kaffers. These Kaffers then received beads for their trouble and returned home.

Evidence states that he was three times in Kafferland with Mahony Senior and twice with Mahony Junior, but previously they had always remained at the drift at the Keiskamma without crossing, Mahony being afraid to trust the Kaffers.

The first Cattle Mahony Senior purchased were 34 head, the second 72 head, the third time 16 head. The first time with Mahony junior he came out with 10 head, 6 Riems, 8 Sea cow Teeth ; the second time 46 head and one horse.

Evidence is not aware of what Mahony's Intentions are about the cattle, but he parted with 18 to an old soldier called David, late African Corps, 4 oxen and a cow to old Johnson, five he killed and four Calves, one was drowned in a water hole, and one the Wolf killed.

John Prince, a Hottentot, is aware of all these transactions, he ran away from Mahony, and is now with Mr. Hunt.

Some months ago Mahony lodged five Kaffers who had 60 Assegays, they were hid away one night and a day. The Patroles came by, but Mahony kept the Kaffers concealed and gave them provisions, he also sent one of his English servants to get them clay. Evidence's wife was present and also John Prince's wife.

Mahony gave them warm beer with sugar in it, and pointed out a place for them where they were to deposit the Elephants Teeth &c.

[Office Copy.]

*Letter from* EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 26 *February* 1825.

MY LORD,—In compliance with the request which has been conveyed to my Under Secretary of State by the Chief Secretary to your Excellency's Government, I transmit herewith for your information and guidance an attested copy of the bond which was entered into by Mr. Ingram with the Lords Commissioners of His Majesty's Treasury. I have &c.

(Signed) BATHURST.

[Original.]

*Letter from* MR. H. W. WILTON *to* EARL BATHURST.

4 REGENT STREET, PALL MALL, 26th February 1825.

MY LORD,—I have the honor to refer to a Memorial transmitted to your Lordship on the 7th Inst. on the part of several gentlemen proposing to form, under sanction of His Majesty's Government, a Corporate Company for agricultural and commercial purposes in South Africa.

A Deputation has subsequently had an interview with the Under Secretary of State, who then informed the Deputation that your Lordship would require, previous to coming to any final decision upon the application, a more detailed statement of the encouragement the proposed Company hope to receive from His Majesty's Government.

In consequence of that communication I now proceed, by authority of the parties interested, respectfully to submit the statement required.

The attention of the proposed Company would be directed in the first instance to the growth of corn, the culture of the vine and tobacco, the grazing cattle, the rearing merino sheep, and to all agricultural purposes to which the Country may be generally found suited, beyond those actually in existence; amongst these may be enumerated hemp, flax, the olive, the silkworm, and generally the products of the South of Europe. They would also particularly direct their attention to the Whale and Seal Fisheries, from which, when conducted with capital adequate to the undertaking, the Colony would derive a valuable export.

Partial experiments lead to the impression that iron, lead, and coal are to be found at the Cape of Good Hope; these the proposed Company would endeavour to bring into action, when sufficiently advanced in their primary objects.

In relation to the commercial views of the proposed Company, an immediate object would be the endeavour to open an active commercial intercourse with the Island of Madagascar and the Maritime tracts situated to the Eastward of the Colony.

To the feasibility of this project the parties interested rely

upon the detailed reports received from His Majesty's Naval Officers recently employed in those parts.

They trust that a consideration of the nature of the soil, and the peculiar geographical circumstances of Southern Africa, will induce your Lordship to feel that some degree of encouragement beyond that given to places more happily situated, is required to promote the application of capital to the Colony of the Cape of Good Hope, to such an extent, and in such a manner as may insure the realization of the advantages contemplated by the proposed Company.

In an agricultural point of view, the Cape of Good Hope from the frequent interspersion of tracts of arid and wholly unprofitable Land, cannot be considered as requiring merely the application of ordinary efforts, but rather as exacting the exercise of unwearied patience and perseverance, to produce those results more easily obtained in almost all other Countries having the same advantage of Climate.

As regards its commercial importance, an extension of agriculture seems to be mainly wanting, it being almost wholly destitute of exports, the creation of which would give an activity hitherto unknown there to every branch of its Trade.

Past events demonstrate that many difficulties are to be encountered, which can alone be overcome by the aid of Capital and the judiciously combined exertions of an increased population. It is by the application of these that the proposed Company hope essentially to ameliorate the condition of the Colony.

The introduction of free labour from this Country has naturally entered into the contemplation of the proposed Company, and the parties interested, adverting to the course taken by His Majesty's Government on similar occasions, entertain an expectation that such a measure on their part would constitute a claim for consideration in the mode of granting the Lands requested.

Under these impressions I beg leave to solicit :

The sanction of His Majesty's Government in favour of an application to Parliament for an act authorising His Majesty to incorporate the Applicants under the title of the South African Company.

And should His Majesty be pleased to grant a Charter,

That there be granted by the Crown to the Company, not exceeding one million of acres of Land, to be selected by them, as the precise localities can only be determined by actual survey, in the Cape, Stellenbosch, Zwellendam, and Tulbagh Districts, the Country along the Eastern coast of the Colony, and such tracts as might be found applicable in Graaff Reynet, Uitenhage, and Albany Districts.

That the Land be fixed at the valuation of nine pence sterling per acre.

That the Quit-Rents be established at the rate of 30s. for every £100 value of the Land.

That no Quit-Rent be payable until the expiration of seven years from the date of the Grant.

That the Company giving six months notice to the proper authority, be permitted to redeem any part of the whole of the Quit Rent at twenty years purchase.

That when there shall be expended five thousand pounds in making roads, canals of irrigation, clearing, cultivating, fencing or other improvements, the building of vessels, boats, and erections connected with the Whale and Seal Fisheries, the Company be permitted to alienate one twentieth part of the Land granted, and in like proportion for every £5000 so expended.

That when three hundred persons have been introduced into the Colony, before the expiration of five years after the commencement of the Rent, and the greater part of them have been employed during that period by the Company, that one third of the Quit Rents with the arrears shall be considered as redeemed: and if 200 more persons are in like manner introduced and similarly employed for the next five years, another third of the Quit Rent shall be considered as redeemed: and that if in a third term of five years an additional number of 200 persons are introduced and employed during that time, the whole of the Quit Rent shall be considered as redeemed.

The parties by whose authority I have the honor to address your Lordship have also conceived that an arrangement not inconvenient to His Majesty's Government might be made, by which the proposed Company should rent or purchase the existing Government Farms to be hereafter determined upon.

It is proposed on the part of the Company to effect these

objects a Capital should be subscribed of one million sterling, to be divided into ten thousand shares.

No shares to be transferred until the passing the Act and granting the Charter.

The affairs of the Company to be conducted under the management of not exceeding twenty-six gentlemen including Governor and Deputy Governor to remain in office for five years, and not to retain less than twenty-five shares as their qualification.

Having thus submitted to your Lordship the objects of the proposed Company, and the degree of encouragement they hope to receive from His Majesty's Government, I have most respectfully to add that a deputation from the parties interested will be ready to attend your Lordship whenever your Lordship's convenience may allow them the honor of an interview.

I have &c.

(Signed) H. W. WILTON.

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[Office Copy.]

*Letter from* EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 27th February 1825.

MY LORD,—As I consider it convenient and desirable that His Majesty's Government should be in possession of Regular Muster Rolls and returns of the Cape Corps of Cavalry and Infantry, I transmit herewith to your Excellency various Printed Forms which you will transmit to me regularly at the expiration of every month, and also to the Secretary at War.

I have &c.

(Signed) BATHURST.

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[Office Copy.]

*Letter from* EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 28th February 1825.

MY LORD,—I transmit to your Excellency herewith enclosed a copy of a note which has been addressed to His Majesty's Chargé d'Affaires at Frankfort by the Minister Plenipotentiary of the Prince of Hohenzollern Sigmaringen soliciting that the Judicial summons therein enclosed be served upon the Widow of Joseph Maria de Fraet or upon his legal representatives and that a certificate of the delivery of such Summons be duly made out. It is likewise requested that in the event of the said Joseph Maria de Fraet or his Widow having died intestate that a certificate to that effect be forwarded to the Hohenzollern Government, and I have to desire that your Excellency will take measures for fulfilling these several requests. I have &c.

(Signed) BATHURST.

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[Copy.]

*Letter from* R. WILMOT HORTON, ESQRE., *to* GEORGE HARRISON, ESQRE.

DOWNING STREET, 28th February 1825.

SIR,—I have laid before Earl Bathurst your letter of the 12th instant, transmitting a minute of the Board of Treasury relative to the introduction of the British silver currency into the Colonies belonging to the United Kingdom, under certain regulations therein detailed; and I am to acquaint you in reply, that Lord Bathurst entirely approves of the measures proposed by their Lordships, and is of opinion that it would be advisable to give effect to the arrangement by an Order of His Majesty in Council. I am &c.

(Signed) R. J. W. HORTON.

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[Copy.]

*Letter from the Assistant Secretary to Government to the Secretary to the Commissioners of Enquiry.*

COLONIAL OFFICE, 28th February 1825.

SIR,—I have the honour to acknowledge the receipt of your letter of the 1st instant, requesting me to prepare from the records of this office, and transmit to His Majesty's Commissioners of Enquiry, A List of the several "lands and houses, the property of the Batavian government, that were delivered up to the British Arms in consequence of the 10th article of the Capitulation of the 10th of January 1806, and were to remain as security for that part of the paper money which was not already secured by mortgages upon the estates of individuals, by its having been lent to them;" and to acquaint you in reply, for the information of His Majesty's Commissioners, that notwithstanding every research, I have not been able to discover among the records kept in this office, from the first of January 1806, any document containing the information they require.

Upon reference, however, to the proceedings of the Governor in Council for the period during which this Colony was in the possession of the Dutch East India Company, it appears that the Commissaries-General Nederburgh and Frykenius directed, on the 10th of April 1793, a commission from the court of justice to be appointed, for the purpose of appraising all the territorial possessions of the Dutch East India Company in this settlement, with the view of making an entry thereof in the books of the "*negotie overdrager*," (store-keeper), as the annexed extract from their letter to the Governor in Council, marked No. 1, will show.

This committee having accordingly been appointed, transmitted their report to the Governor in Council on the 28th of August following, as will appear from Annexure No. 2, being an extract from the proceedings of the Governor in Council of that date: from this document the Commissioners will perceive, that directions were given for the entry in the books of the "*negotie overdrager*," (storekeeper), of the appraisement made by the committee, agreeably to the intention of the com-

missaries-general ; but as the committee's original report, and the enclosure therein referred to, are not (I regret to say) to be found in this office, I have been at a loss how to supply this deficiency, no insertion of the appraisement above alluded to appearing to have been made in the proceedings of the Governor in Council, till it struck me that I had, a considerable time ago, seen among the effects left by an individual who died in the year 1813, and who had been employed in the "*negotie overdrager's* (storekeeper's) office, sundry books belonging to that department. I therefore called upon the heir of that individual, from whom I have been fortunate enough to obtain the very book in which the entry in question was made, and from which I have extracted Enclosure No. 3.

Although these documents do not afford grounds for concluding that the territorial possessions of the Dutch East India Company were at that time considered as a security for the paper money then in circulation, yet taking into consideration that by the capitulation of 1795 it was agreed, that the "lands and houses, the property of the Dutch East India Company, shall continue the security for that part of the paper money which was not already secured by mortgages upon the estates of individuals, by its having been lent to them," it may be useful for the Commissioners to become acquainted with them, and I have therefore taken the liberty of furnishing them therewith.

I beg leave to add, that I have been informed from good authority that none of the lands and houses comprised in the appraisement made in 1793, and herewith transmitted, had been disposed of between that period and the surrender of this colony to the British arms in 1795 ; between 1795 and 1806 (the second capture of the colony by His Majesty's arms), however, several of the lands and houses have been alienated.

Begging you will apologize to the Commissioners for the delay that has taken place in answering their letter, I have &c.

(Signed) P. G. BRINK,  
Assistant Secretary to Government.

[Enclosure No. 1 in the above.]

*Translation.*

*Extract of a Letter from the COMMISSARIES-GENERAL NEDERBURGH and FRYKENIUS to the GOVERNOR and COUNCIL OF POLICY at the Cape of Good Hope, dated the 10th April 1793.*

It has further appeared remarkable to us, with respect to the Commercial Journal, to find under the head of *items which are entered therein within the columns*, several of the Company's buildings, batteries, &c. stated at their value, without our being able to penetrate why all the buildings and immoveable effects of the Company in this colony have not been entered in the same manner, either according to their real, or as nearly as possible estimated value.

As it now appears to us to be conformably to good order and the interest of the Company that they should at all times know, as nearly as possible, the value of their territorial possessions, in so far as they are capable of being estimated, we have found good to direct you hereby to insert in future, under the above-mentioned head, all the buildings without exception which the Company possess in this colony, and likewise all the country places yet unsold; those, of which the expenses of the buildings are known, or which have been purchased, at their known value; and those, the value of which is yet unknown, at such value as they shall be appraised. This appraisement is to be made by commissioners from the court of justice, who are to observe that such effects as cannot be serviceable to individuals (such as guard-houses, powder magazines and the like) be appraised according to the relative value they ought to bear to the purposes which they are destined to serve.

(A true extract.)

(Signed) P. G. BRINK, Assistant Secretary to Govt.

(A true translation.)

HENRY MURPHY, Sworn Translator.

[Enclosure No. 2 in the above.]

*Translation.*

*Extract Resolution passed by the GOVERNOR and COUNCIL OF POLICY at the Cape of Good Hope, on Wednesday, the 28th August 1793.*

The commissioners from the court of justice, who were charged by their excellencies the commissaries-general with the appraisement of the Company's territorial possessions at this government, have sent in the following Report of their proceedings annexed to the valuation :—

To the Honourable Johannes Izaak Rhenius, acting Governor, and the further Members of the Council of Policy of this Government.

HONOURABLE GENTLEMEN,

Commissioners from the court of justice have received your resolution of the 16th April last, directing them to appraise all such of the Company's buildings and country places in this colony of which the value has not been already noted, in order, conformably to the respected commands of their excellencies the commissaries-general, to be entered in the commercial books here, with further directions that Captain Kuchler of the artillery, as being charged with the superintendence of the tradesmen's quarters, and Captain Thiebault of the engineers, should assist the commissioners, in order to make this appraisement with the greatest possible accuracy.

Together with the said resolution, the commissioners were furnished, not only with a specific list of the places and buildings taken from the report made by Colonel Gilquin to your Honors, shortly before his departure hence, but also an extract from the commercial books by Casparus van Eerten the book-keeper; the latter containing a statement of such works, buildings, and other immoveable effects belonging to the Company as are entered in the commercial books for the expense which they have cost.

Although the commissioners, on a consideration of the contents of said resolution, conceived that they could not deduce any thing else therefrom than that they should completely fulfil your Honors' intention, by making an appraisement of the buildings, works, and further possessions of the Company, the expenses of which are not entered in the commercial books, the first undersigned president, however, declared in this respect, that as the buildings and works specified in the said extract of the book-keeper are, for the most part, charged with only the expense of the materials required thereto, and as the amounts thereof are very erroneously entered in the commercial books, it was in his opinion, also your Honors' intention, to have all the territorial possessions of the Company in this country, *none excepted*, valued by commissioners from the court of justice, and as such entered in the books; and which the commissioners were subsequently informed of by a second resolution of your Honors, dated the 16th instant, through which their doubts having been removed, they therefore endeavoured to acquit themselves in the best possible manner of the commission with which they have been charged.

But they cannot avoid declaring to your Honors, that on a consideration of this commission, and of every thing required for its complete accomplishment, they have encountered doubts, which they have deemed necessary to inform your Honors of, with the report of their proceedings, in order that it may be seen in how far, and under what restrictions, they were only enabled to take upon them the task with which they were charged, and to comply with their orders in this case.

Among those doubts the first and principal was, the difficulty of what they were to understand by *territorial possessions*; namely, whether one should include herein, besides the buildings and works constructed and established by the Company, the lands also, which are situated in the magistracy of the Company here; or whether these lands (as most of the members of the commission were of opinion) should be considered as in themselves the property of the state or commonwealth; and, therefore, that in appraising the Company's possessions, nothing else should be brought into account than

the value of the constructed buildings and established works for as far as they could be estimated.

As the decision of this point would necessarily and naturally have the greatest influence on the appraisement to be made, it was deemed eligible to learn the opinions of the commissaries-general in this respect, which the first undersigned president having taken upon him to do, the result was, that their excellencies declared that the appraisement of the country places and *erfs*, or lands established and appropriated by the Company to their use, should be made in proportion to the probable amount, which each, in itself, would yield by private sale under the circumstances of the present times; and, consequently, not according to the value only of the buildings respectively constructed thereon, but also of the land itself, which could serve for individual use, and the utility which could be derived therefrom.

The commissioners likewise found themselves rather at a loss with respect to the appraisement of the fortification works, as a matter in which they must sincerely declare that they are totally ignorant; but in which regard, they, with due submission, conceived they could not better fulfil your Honors' intention, than by conforming to the opinion of Captains Kuchler and Thiebault appointed to their assistance, and who accordingly appraised the same, one for one, as accurately as possible, in presence of the commissioners.

In appraising the buildings, the commissioners endeavoured to value them according to what would now be required for their construction, allowing for their age, defects, or the deterioration found thereon, likewise for as far as they were capable of being reasonably estimated; while with respect to the places and country posts, they conceived they should regulate themselves according to the circumstances of the times, and the particular utility and purpose for which each of them was severally adapted.

Strictly keeping all these points in view, the commissioners, together with Captains Kuchler and Thiebault, as appointed to their assistance, proceeded to make, and effected the appraisement in such manner as is more fully stated in the specific lists annexed hereto, which they most respectfully beg leave to lay before your Honors; and in which, in order

to maintain every possible perspicuity, they have brought the said Company's territorial possessions under the five following classes or divisions ; namely,

1st. Fortifications mentioned in the report of Colonel Gilquin, of which the expenses are not entered in the commercial books.

2d. Buildings, likewise mentioned in the report of Colonel Gilquin, which are not found calculated in the commercial books.

3d. Buildings, gardens, country posts and places, &c. which neither appear in the report of Colonel Gilquin, nor of which any mention is made in the commercial books.

4th. Fortifications, which on the contrary are inserted in the said report of Colonel Gilquin, and of which the imaginary expense is calculated in the commercial books.

5th. Buildings and places, which, with regard to the former, are mentioned in the report of Colonel Gilquin, and both to be found in the commercial books.

The commissioners have also subjoined a total of the whole valuation of all the said fortifications, buildings, gardens, places and country posts ; and for the greater perspicuity, they have briefly noted against each of the said effects, the reasons and motives which operated with them in making the appraisement, and to which for the sake of brevity they take the liberty to refer.

The commissioners cannot avoid remarking, that the same as the value of all immoveable property depends on the circumstances of the times, and which, as your Honors well know, is no where so uncertain and changeable as in this colony, (experience having frequently shown that such property has differed in value fifty per cent in the course of three or four years), in like manner the real value of the Company's possessions is equally eventual, and must be considered as subject to the same uncertainty.

The undersigned in executing this commission, and making the appraisement, have acted sincerely and in good faith according to the best of their judgment, and trusting that they have herewith complied with your Honors' respected intention, as far as was in their power, they have the honor to subscribe themselves,



With all due veneration, Your Honors' most obedient humble servants,

(Signed) W. F. v. REEDE VAN	W. S. v. RYNEVELD,
OUDTSHOORN,	H. I. DE WET,
JOH. SMUTS,	C. MATTHIESSEN,
R. T. v. DER RIET,	A. FLECK.
P. H. MEYER,	

Delivered to the Council of Policy of the Cape of Good Hope, on the 28th August 1793.

Resolved, to transmit by letter copies of the above report and of the appraisement to their excellencies the commissaries-general; and also to allow a copy of the appraisement to be delivered to the Commercial Office, in order to make such use thereof as their excellencies have been pleased to direct in their letter of the 10th April last.

(A true extract.)

(Signed) P. G. BRINK, Assist. Secy. to Government.

(A true translation.)

HENRY MURPHY, Sworn Translator.

[Enclosure No. 3 in the above.]

(Translation.)

*Extract from the Books kept by the Commercial Book-keeper at the Cape of Good Hope.*

*In the CASTLE OF GOOD HOPE, 31st August 1793.*

The following territorial possessions of the Company in this settlement are entered on the books, pursuant to the orders of their excellencies the commissaries-general for the whole of Dutch India, and the resolution of this government, dated the 16th April last, passed thereon, at the respective values for which they have been appraised by commissioners from the court of justice, assisted by Captains G. C. Kuchler and L. M.

Thiebault, agreeably to their report, dated the 28th instant, in order to be so continued within the columns, namely :—

	l	s	d
The castle of Good Hope, consisting of five polygons, with its gate, sally port, outworks, two ravelins with their counter-scarps, and those of the outworks, likewise the battery Imhoff on the sea-side, which forms a part of these outworks, and all the profile walls, gates, sally ports, &c.	—	400,000	—
The lines along the sea-shore, extending from the battery Imhoff to Fort de Knokke	—	50,000	—
Fort de Knokke, consisting in a star fort	—	2,000	—
The dwelling house of the overseer of the magazines	—		
The smith's forge	—		
The carpenter's workshop	—		
The waggon-maker's shop	—	40,000	—
The lodgings of the artillery servants	—		
The bake-house	—		
The two guard-houses and the powder magazines	—		
The great water-bason built of stone at the wharf	—	1,000	—
The conduit-house and the under-sheriff's house opposite	—	4,000	—
The slaughter-house, with the book-keeper's dwelling-house annexed thereto	—	10,000	—
The timber magazine, with the cooper's shop behind the same	—	18,000	—
The three thatched wine stores situated at Rogge Bay	—	45,000	—
The menagery, or the so-called dairy, situated behind the Company's garden	—	20,000	—
The pottery	—	2,000	—
The Company's horse stables	—	25,000	—
The Company's slave lodge	—	50,000	—
The military guard-houses, viz. :—			
At Rogge Bay	4,000	—	—
Foot of the Devil's Hill	2,000	—	—
In front of the flank of the Imhoff	200	—	—
Entrance of the Company's garden	4,000	—	—
Stone quarries	2,000	—	—
		12,200	—
The water-mill behind the menagery	—	6,000	—
The parsonage-house, at present inhabited by the Rev. Mr. Serrurier	—	20,000	—
The Company's lime-kiln, including its surrounding walls, and the dwelling-house of the lime-burner, &c.	—	10,000	—
Carried forward		715,200	—

Brought forward . . . . .	f	f	715,200	-	-
Some attached buildings along the lines, with the dwelling of the commanding officer of that post . . . . .	—		20,000	-	-
The new building annexed the preceding, at present occupied by an officer of artillery, some of the artillery-men, and some artificers . . . . .	—		20,000	-	-
The great powder magazine behind the lines . . . . .	—		20,000	-	-
The small ditto in the Chavonnes Battery . . . . .	—		3,000	-	-
The building in Fort de Knokke . . . . .	—		1,000	-	-
The small building in the so-called new battery . . . . .	—		1,000	-	-
The great powder magazine near the Amsterdam Battery . . . . .	—		20,000	-	-
The two small ditto built in said battery . . . . .	—		18,000	-	-
The building at the Chavonnes Battery . . . . .	—		6,000	-	-
The little powder magazine at said battery . . . . .	—		6,000	-	-
The building in the kloof, between Table Mountain and the Lion's Head, appropriated to a guard-house for the garrison and as a lodging for the signalmen . . . . .	—		5,000	-	-
The place of execution, constructed with stone, and the small building standing thereon . . . . .	—		1,000	-	-
The marine store-house, built of stone, separate from the dock-yard, and situated between the same and Rogge Bay . . . . .	—		12,000	-	-
The ruins of the building formerly called the Silk Spinnery, which was burnt down, together with the ground belonging thereto . . . . .	—		15,000	-	-
The Company's garden in the Table Valley, for as far as it is let at present, with the gardener's dwellings, which latter are mentioned in the report of Colonel Gilquin . . . . .	—		60,000	-	-
The garden named Rustenburg, or the so-called Rondebosch . . . . .	—		25,000	-	-
The post named Paradise, together with certain ground, with exception of the woods on the mountain . . . . .	—		10,000	-	-
The post named Kirstenbosch and the Palmiet Valley, situated below the same, with exception of the woods on the side of the mountain . . . . .	—		15,000	-	-
The post at Hout Bay, with the extensive uncultivated valley to the so-called <i>Matroosen Drift</i> (Sailors Ford), not including the woods on the mountain . . . . .	—		10,000	-	-
Carried forward . . . . .			983,200	-	-

	f	f
Brought forward . . . . .		983,200 - -
The post named Witteboomen, with the adjacent wood-land, for so far as it is surrounded with pales . . . . .	—	50,000 - -
The post at Muisenburgh; what regards all the buildings belonging to the post, with the fishery accroached thereon . . . . .	—	6,000 - -
The post at Vischhoek, for as far as regards the buildings and garden belonging thereto, and the fishery . . . . .	—	6,000 - -
The post named Riet Valley, near Blaauwberg, with the outlet for cattle, which it now has . . . . .	—	24,000 - -
The post at Saldanha Bay, measured with as many morgens of land as is required for a freehold place . . . . .	—	12,000 - -
The post named Clapmuts, with the hay-field, including the ground cultivated from time to time . . . . .	—	20,000 - -
The post at the River Zonder End, or the Zoetmelks Valley, with the privileges for as far as regards the outlet for cattle, and remaining to the same; per balance . . . . .	—	8,000 - -
The post at Oute Niqua's Land, with the exception of the woods, to be sold for a grazing place . . . . .	—	5,000 - -
The post at Mossel Bay . . . . .	{ What regards }	15,000 - -
The post at Plettenberg's Bay . . . . .	{ the buildings. }	20,000 - -
The post at Robben Island, with the free use of the whole island . . . . .	—	40,000 - -
The place named Paarden Island, with the pasturage for cattle to the new mouth . . . . .	—	8,000 - -
The place named Jan Biesjes Kraal, with the salt-pans along the river to the Riet Valley, and outlet for the cattle from the new mouth to the first pale of demarkation, past the great ford of the salt-pan . . . . .	—	10,000 - -
The place named Groene Kloof, with the privileges at present allowed the farmer of the salt-pans at Groene Kloof during the time specified in the conditions of the farm . . . . .	—	16,000 - -
The wharf at Cape Town . . . . .	—	12,000 - -
The warm bath at Oliphant's River, with the privilege of allowing the use of it to those who may require it for a certain necessary sum . . . . .	—	5,000 - -
The warm bath at Hottentots Holland Mountains, with the same privilege as above mentioned . . . . .	—	10,000 - -
Carried forward . . . . .		1,250,200 - -

	f	f
Brought forward . . . . .		1,250,200 - -
The new battery at Salt River . . . . .	7,143 7 8	
From which deduct, according to transfer	5,143 7 8	
		2,000 - -
The unfinished battery Cohorn, between the castle and the Devil's Mountain . . . . .	—	27,836 11 8
The battery in Rogge Bay . . . . .	—	33,694 5 8
The battery Amsterdam . . . . .	—	367,073 18 8
The battery Chavonnes . . . . .	114,152 6 8	
To which is to be added according to report . . . . .	5,847 13 8	
		120,000 - -
The so-called new dwellings and pack- houses in the castle, namely :		
Government house.		
House of the second in command.		
House of the commandant of the militia.		
Great powder magazine;		
The armoury.		
The apartment destined for an armoury above the powder magazine;		
The commercial packhouse;		
The large money chest;		
The small ditto.		
The offices for the secretaries of policy and of the court of justice.		
The commercial office and office for military affairs.		
The orphan chamber:		
The dispensary;		
The lodgings of the military officers.		
The ditto for the cooks, gaoler, and the soldiers barracks.		
The well, arsenal and other storehouses for the artillery and ammunition;		
The prisons, amounting together . . . . .	49,979 10 8	
To which is to be added, according to report . . . . .	392,020 9 8	
		442,000 - -
The three granaries, each three stories high, situated at Rogge Bay . . . . .	14,759 6 8	
To which is to be added, as above men- tioned . . . . .	60,240 13 8	
		75,000 - -
The so called New Naval Magazine and Artificer's Quarters, under which title are comprehended :		
The artificer's yard;		
The dock-yard.		
The master attendant's house;		
The boatswain's house.		
The sailmaker's packhouse;		
Carried forward . . . . .		2,417,804 15 8

Brought forward . . . . .		<i>f</i>	2,317,804	15	8
The court of justice room, with the cellars underneath . . . . .					
The under-sheriff's and constables dwellings, and the prisons, amounting together to . . . . .	24,858	15	8		
To which is to be added, as above mentioned . . . . .	105,141	4	8		
			130,000	-	-
The great wine packhouse and granary next the Lutheran Church, purchased from the burgher F. J. van den Berg for	35,200	-	-		
From which deduct, as before mentioned	5,200	-	-		
			30,000	-	-
Government house, in the Company's garden, with the ground thereof, left for the use of the respective governors	8,790	10	8		
To which is to be added, as above mentioned . . . . .	26,209	9	8		
			35,000	-	-
The granary next the Reformed Church, purchased from the late J. T. Swanevelder, formerly magistrate at Batavia	19,800	-	-		
From which deduct, as before mentioned	4,800	-	-		
			15,000	-	-
The new hospital, for as far as it is completed at present . . . . .	619,262	8	8		
To which is to be added, as above mentioned . . . . .	180,737	11	8		
			800,000	-	-
The water-peeling mill . . . . .	7,186	5	-		
To which is to be added, as above mentioned . . . . .	2,813	15	-		
			10,000	-	-
The place situated behind the kloof, purchased from Van Camp for . . . . .	22,000	-	-		
From which deduct, as before mentioned	10,000	-	-		
			12,000	-	-
The new buildings at False Bay, under which title are to be included :					
The dwelling-house of the resident.					
The hospital.					
The doctor's house, old and ruinous.					
The stables.					
Different packhouses on the beach, &c.					
The slaughter-house.					
The Company's garden, and the wharf, making together . . . . .	10,792	19	-		
To which is to be added as above mentioned . . . . .	123,207	1	-		
			134,000	-	-
			3,483,804	15	8

(A true extract.)

(Signed) P. G. BRINK, Assistant Secretary to Govt.

(A true translation.)

(Signed) HENRY MURPHY, Sworn Translator.

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[Original.]

*Letter from the* REVEREND C. I. LATROBE *to* LORD BATHURST.

19 BARTLETT'S BUILDINGS, HOLBORN, *March 1, 1825.*

MY LORD,—Permit me to request the favour of a letter of recommendation to His Excellency, the Governor of the Cape of Good Hope, for Charles Frederic Nowhaus from Saxony, who is about to proceed thither in the service of the Mission established by the Church of the Unitas Fratrum, (commonly called Moravian) among the Hottentots in that colony. Trusting to your Lordship's condescension and favour towards the object of that Mission, I remain &c.

(Signed) CHRIST. IGNAS. LATROBE,  
Secretary of the Unitas Fratrum.

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[Office Copy.]

*Letter from* EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, *3 March 1825.*

MY LORD,—I beg leave to recommend to your Lordship's protection the bearer of this letter, Charles Frederic Nowhaus, who proceeds to the Settlements under your Lordship's Government in the service of the Moravian Mission among the Hottentots. I have &c.

(Signed) BATHURST.

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[Original.]

*Letter from ABRAHAM BORRADAILE, ESQRE., to LORD BATHURST.*

NO. 25 ROOD LANE, 3rd March 1825.

MY LORD,—I beg leave most respectfully to request that your Lordship will allow a Deputation from the Committee of Merchants and others interested in the Trade to the Cape of Good Hope, to wait upon you, in order to represent to your Lordship, the *fatal consequences* which must ensue to that Colony, in consequence of the Reduction of the duty on Foreign Wines, should no corresponding relief be applied to the wines of the Cape of Good Hope.

As the enclosed copy of a Memorial forwarded to H.M. Government through His Excellency Lord Charles Somerset, from the Cape in February 1824, contains a great part of what it would be our Duty to submit to your Lordship, I have forwarded it, in the hope of occupying less of your Time, should you deem it proper to honour us with an Interview.

I have &amp;c.

(Signed) ABRAHAM BORRADAILE.

[Office Copy.]

*Letter from EARL BATHURST to LORD CHARLES SOMERSET.*

DOWNING STREET, LONDON, 4th March 1825.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatch of the 7th of December last enclosing a correspondence which had passed between you and the Commissioners of Enquiry with respect to the propriety of making some encrease to the salary of the Assistant Secretary to your Excellency's Government.

I received at the same time a communication from the Commissioners in which they state more at length the reasons which induced them to recommend that the Assistant Secretary should in future receive a more adequate remuneration than his former salary, and I have the honour to acquaint your Excellency that under all the circumstances of the case I



approve the arrangement under which that Officer's Salary is to be fixed at six hundred (£600) pounds per annum.

I have &c.

(Signed) BATHURST.

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[Office Copy.]

*Letter from* EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, *5th March* 1825.

MY LORD,—I have the honor to acquaint your Excellency that it is the intention of His Majesty's Government to propose to Parliament to renew the Act of 1 George 4, cap. 11 which authorises His Majesty to regulate the Trade with the Cape of Good Hope and the Mauritius, and it is also proposed when the Act in question shall have been renewed to submit to His Majesty in Council a new Order in lieu of that of the 12th of July 1820; but as it has not yet been determined how far it may be proper to introduce any alterations or modifications in such new Order, I have to desire that your Excellency will take measures for ensuring the observance of the existing Orders in Council until you shall receive further instructions for your guidance. I have &c.

(Signed) BATHURST.

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[Original.]

*Memorial of the Committee of Cape Trade.*

*5th March* 1825.

To the Right Hon'ble F. A. Robinson, Chancellor of the Exchequer.

The Memorial of the Committee of the Cape of Good Hope Trade Sheweth,

That in compliance with the wish signified to the deputation of the Cape Trade Committee which had the honor of an interview with you yesterday, Memorialists proceed to submit a

compressed statement of the effects which the proposed reduction of duties on Foreign wines will have on the future welfare of the Colony.

Your Memorialists beg to state that the faith of His Majesty's Government was pledged in the most unconditional terms for the protection of the wine of the Colony, the proclamation of Sir John Cradock, Governor of the Cape, dated 19th Dec. 1811, and the subsequent measures of himself, and his successor Lord Charles Somerset, promising the constant support of Government, and strongly directing the attention of the Colonists and British Merchants, towards the production of wine, for the purpose of being consumed in Great Britain; confirmed by the act of the Legislature of July 1813 which admitted the wine of the Colony at one third of the duty on Portugal and Spanish wines; taken altogether, form in the opinion of your Memorialists the most complete proof of an unconditional pledge on the part of Government to continue this protection so long as the trade and state of the Colony required it; at least it has been so understood, and acted on by the Merchants trading to the Cape of Good Hope, and the Colonists.

In consequence of this pledge of support, and in furtherance of the views of Government, new capital to the extent of upwards of ten millions of rixdollars has been invested since 1814 in this branch of colonial industry.

It requires seven years from the first planting of a vineyard before it can furnish any disposable produce, and three years more before that produce is fit to be sent to a market for consumption, hence it follows, that scarcely any part of the capital laid out since 1814 can yet have been replaced, and also that sufficient time has not yet been afforded for either remunerating the owners of it, or for ascertaining what the Cape is really capable of doing, in respect to its producing wine of a quality fit to enter into competition with wine of a similar character produced in foreign vineyards which have been cultivated for centuries.

Memorialists affirm that a very considerable improvement has taken place in the quality of Cape Wine since its introduction into this country in 1814, and that still greater improvement will gradually be made, if time and protection are

afforded, of which there cannot be a stronger proof than the fact, that notwithstanding a great variety of unfavourable circumstances, the consumption of Cape Wine has been regularly increasing since 1814, and last year it amounted to about 6000 pipes, being the next in extent to port and sherry.

Besides the pledge from Government your Memorialists ground a further claim for support on the facts that the Colony is obliged to take its manufactured goods from England, into the price of which English taxation has largely entered, that the casks, staves, iron hoops, and brandy used for preparing their wine, are all carried from this country; that its great distance from markets increases the charges of freight and insurance; all these circumstances combined with others, caused by the Colonial regulations, render it impossible for Cape Wine to be brought to this market at as low a rate as that from foreign countries which are not subject to such disadvantages. It is therefore clear that the Cape Colonist cannot contend on equal terms with the Foreign wine grower, even supposing the quality of the wines to be as good, and without a protecting duty his commodity must be driven out of the home market altogether, a result which must bring so much distress and ruin upon the Colony, that Memorialists are unwilling to contemplate the possibility of its taking place, but it may easily be conceived what will be the effects of extinguishing suddenly by a revenue regulation a branch of industry which gives employment to one third of the population of the Colony, and in which a capital of upwards of twenty millions of rixdollars is invested, as appears by the accompanying printed copy of a Memorial to the Right Honorable the Lords Commissioners of His Majesty's Treasury, from the wine growers, Merchants, and Inhabitants of the Cape of Good Hope.

Memorialists proceed to give views of the protection afforded to Cape Wine as compared with Foreign wines of similar character, under both the old and new duties, calculated by the pipe of 110 gallons:

1st. Under the old scale of duties, Value of a pipe of Fayal;		
Teneriffe, or Sicilian wine of ordinary quality to the consumer . . . . .	£15	- -
Duty thereon at 7s. 7d. per gallon . . . . .	42	- -
	<hr/>	
	£57	- -

Value of a pipe of Cape Wine of ordinary quality to the Consumer . . . . .	£18 - -
Duty thereon at 2s; 6d. per gallon . . . . .	14 - -
	<hr/>
	£32 - -
	<hr/>
Difference . . . . .	£25 - -

Being the amount of protection afforded on each pipe of Cape Wine under the old duty.

IIInd. Under the new scale of duties, Value of a pipe of Fayal;	
Teneriffe, or Sicilian Wine as before . . . . .	£15 - -
Duty thereon at 4s. per gallon . . . . .	22 - -
	<hr/>
	£37 - -
	<hr/>
Value of a pipe of Cape Wine as before . . . . .	£18 - -
Duty thereon at 2s. 6d. per gallon . . . . .	14 - -
	<hr/>
	£32 - -
	<hr/>
Difference . . . . .	£5 - -

Being the amount of protection to Cape Wine, under the new law, placing it in a worse situation than it was by £20 a pipe.

III View. Value of a pipe of Fayal, Teneriffe, or Sicilian	
Wine as before . . . . .	£15 - -
Duty thereon at 4s. per gallon . . . . .	22 - -
	<hr/>
	£37 - -
	<hr/>
Value of a pipe of Cape Wine as before . . . . .	£18 - -
Duty thereon at the rate of one-third of the new duty on Foreign Wines, being 1s. 4d. per gallon . . . . .	7 6 8
	<hr/>
	£25 6 8
	<hr/>
Difference . . . . .	£11 13 4

Being the amount of protection that would be afforded to Cape Wine, if the new duty was made one third of the present duty on Foreign wines, placing Cape Wine in a worse situation than it was by £13 16s. 8d. per pipe, being less than one half of the former protection.

That the rate of £5 per pipe as above specified will not be a sufficient protection to Cape Wine admits of no doubt

whatever. Memorialists are confident that if no greater relief is afforded Cape Wine will be driven almost entirely out of the market.

Memorialists have no means of computing accurately the quantity of Cape Wine upon which duty has been paid in Great Britain, but they have reason for believing that for several years past it has not been much short of 6,000 pipes or 2,500 tuns annually which at 2s. 6d. per gallon contributed to the Revenue £78,750.

As Memorialists are of opinion that if the duty on Cape Wine is continued at 2s. 6d. while Foreign Wine is admitted at 4s. there will be little or no consumption of the former in this country, they beg to state that the above-mentioned sum of £78,750 is the amount of loss which the Revenue will suffer by the reduction of duties forcing Cape Wine out of consumption.

Memorialists are of opinion that if a protection is afforded to Cape Wine by admitting it at the former proportion of one third of the Foreign Wine duty, or 1s. 4d. per gallon, a limited consumption may take place to the extent of 3000 to 4000 pipes or about 1600 Tuns, affording a duty to the Revenue of about £27,000. But if protection to this extent is not given they are clearly of opinion, that nearly the whole of this sum will be lost to the revenue.

Memorialists consider it necessary to advert to an argument that has been urged against Cape Wine being admitted at all into consumption in this Country. It is said to be applied to a bad use, being mixed with Foreign Wines, thereby defrauding the Revenue, and imposing on the consumers. Memorialists take the liberty to state that if they were afforded a fit opportunity they could easily refute this charge, by proving that mixing Cape Wine with other wines is no injury to the Revenue, or Consumer, but the reverse; they consider the opinions generally expressed on this subject as being part of the erroneous notions formerly held regarding matters of trade, which have been so successfully combated by His Majesty's present Ministers. Memorialists are of opinion that no respectable wine Merchant will expose himself to the injury which his character and property would suffer from a conviction under the Excise laws at present in force against mixing

Foreign Wines, considering the risk of detection he runs from the survey of the Excise officers, and informations by his servants, or others, without whose knowledge and assistance he cannot effect it. Mixing of wine is an old complaint, which existed long before Cape Wine was brought into this Country. Foreign Wines of inferior quality, British made wines, and particularly Cyder, were said to be largely used for that purpose. It is said Cape Wine has now superseded them, and if it has done so, it is a manifest improvement. The Consumer who gets good Cape Wine in place of Cyder has no reason to complain.

If Cape Wine is to be driven out of consumption by the new scale of duties, Cyder will come again into use for this purpose, for it appears no laws, however severe, can entirely prevent it.

The next object to which Memorialists will call your attention is a very important one. The stock of Cape Wine on hand in the Bonded Warehouse in London is nearly . 6,500 pipes  
 In the outposts and Ireland may be about . 1,000 „  
 Now on the passage and including the quantity that will be shipped before information of the alteration of duty can arrive out at the Cape, estimated according to the shipments of last year at the same period will be at least . . . . . 2,500 „

Together . . . . . 10,000 pipes

which valued at the already estimated price of £18 per pipe amounts to the large sum of £180,000.

The consideration which presses itself upon the minds of Memorialists is, what is to be done with this large quantity of Cape Wine? If the duty on it is to be continued at the rate of 2s. 6d. per gallon, the prospect is appalling.

There will be no consumption for it in this Country, and Memorialists know of no other market to which it can be sent. Memorialists can see no other result than its remaining in the Bonded Warehouse till the time appointed by law expires, when it must be sold for payment of the duty, warehouse rent and charges; in which case it must prove a most ruinous loss to its unfortunate owners.

Memorialists most respectfully submit this statement to your favorable consideration as containing a faithful representation of the matters therein mentioned, according to the knowledge and means of information possessed by them on the subject.

Memorialists take the liberty of suggesting that in their opinion much of the evil which the new scale of duties threatens to inflict on the Colony, and those connected with it, will be reversed, if His Majesty's Ministers will confirm the pledge formerly given by Government, which induced Memorialists, and the Colonists, to embark so largely in the Cape Wine Trade, by continuing the former rate of protection in favor of Cape Wine, being one third of the duty on Portugal and Spanish Wines, which by the new scale will make it one shilling and fourpence per gallon.

Memorialists are of opinion that at this rate the trade may be carried on to a limited extent, but Memorialists beg leave to submit that if His Majesty's Ministers in their liberality shall think fit to grant a greater protection to Cape Wine by fixing a still lower duty, it would have a most favorable effect in extending the consumption of it, and in all probability the Revenue at no very distant period would be benefited to the full extent of the old duty,—at all events His Majesty's Ministers would thereby confer a boon on the Colony, which could not have any other than the happiest and most extensive influence over the affairs of the colonists, and all those connected in trade with them.

And your Memorialists as in duty bound shall ever pray.

Signed in the name and by the order of the Committee.

(Signed) ABRAHAM BORRADAILE.

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[Original.]

*Letter from MR. THOMAS WILLSON to EARL BATHURST.*

STOCKWELL, 5 March 1825.

MY LORD,—When I reflect upon the principle of your Lordship's communication of the 14 February Instant, my heart bleeds with self reproach at the blindness of my confidence in

the seductive paper which betrayed me into the labyrinths of so doubtful and so fearful an enterprise !

I feel the deepest remorse at withstanding the entreaty of my late revered Father to abandon the specious allurements, as visionary and delusive, unproductive of everything but distress, chagrin, and disgust. Still I cannot despair of justice from the hands of His Majesty's Government, if further evidence of my right is needful, I pray you to inspect the public vouchers, and I beseech your Lordship (as the last two years have been unavailingly consumed in addition, simply in discussing my right) to relieve the agony of my feelings by at once satisfying my claims !

Although I by no means specifically engaged to depute an Agent at all, in case of my absence, I nevertheless considered it expedient and useful so to do ; thus notwithstanding any invidious testimony of Mr. Boardman and other of my followers to disprove my assertion, permit me to ask your Lordship, do not the public vouchers contradict the allegation of that Gentleman, and the evidence of my ungrateful and self-interested party ?

If it is further requisite to support my prayer for justice at your Lordship's hands, I have copies of the Instructions which I left in the hands of Mr. Boardman when I deputed him to further the wishes of Government, as laid down by the Authorities for the maintenance of the Settlers after I had placed them, in person, upon the banks of a river which runs through my location ; and be it remembered that it was always my particular object and foresight to hold myself independent, to guard against any future entanglement with the Individual Interests or " fate " of my followers. I carefully specified and publicly declared in England before we embarked that on our arrival at my location, our connexion would cease, that my engagement with the Settlers as Head of the Party would finally terminate at the instant of our arrival ; it was publicly declared and fully understood (as the wish of all concerned) that every Individual from that period henceforward must depend upon his and their own resources for subsistence, and upon their mutual support to guard against casualty. In this I carefully modelled my proceedings upon the precaution of His Majesty's Government which professed to leave us to our



fate immediately *on our arrival* at Algoa Bay : and notwithstanding this precaution, still in imitation of the humanity of Government, to the full extent of my means and ability I continued to administer to their wants throughout the storm of Insults, threatenings of murder, and the blackest ingratitude, which I endured with unmoved patience and forbearance : wherein then have I failed, My Lord, to fulfil my entire obligation.

If after all this, it is the wish of His Majesty's Government (as appears to be the case by your Lordship's last Letter) notwithstanding these services so faithfully, zealously and gratuitously discharged on my part, if it is your wish to seize a pretext upon the *Ipse dixit* of my interested and unprincipled followers, and crush a man who has so well deserved your protection and honorable reward, so to stifle the clamour of the many, to the manifest injury of one, so well entitled as I am, I beseech that your avowal of such intent may be candidly announced to me, and I will instantly resign all my pretensions of claim to lands in Africa, relying upon the honor, integrity and dignity of the Crown to grant me other means of compensation. I have &c.

(Signed) THOS. WILLSON.

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[Office Copy.]

*Letter from* EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, *6th March* 1825.

MY LORD,—His Majesty's Government having determined to establish the British currency as the circulating medium of all the Colonial Possessions of the Crown, your Excellency will by this opportunity receive Instructions from the Lords Commissioners of His Majesty's Treasury for your guidance in the arrangements to be adopted for the future payment of the Troops ; and I have at the same time to signify to your Excellency His Majesty's Commands that your Excellency in Council do issue a Proclamation declaring that the British Silver money shall be a legal tender in the Colony in discharge of all debts due to Individuals and to the Public, at the rate

of one shilling and six pence for each paper Rix Dollar, and so in proportion for any greater or less sum ; and your Excellency will take care that this Proclamation be issued simultaneously with the general Orders which you are instructed to issue to the Troops.

I have further to desire that your Excellency will take measures for preparing and for issuing with the Proclamation aforesaid, a new Schedule of rates, duties, &c., payable to the Crown, in which Schedule the present rates in Rix Dollars and the new rates in British money at the proposed fixed rate of the Rix Dollar, shall be specified ; and your Excellency will instruct all Collectors and other Civil Servants of your Government to render their accounts in British money.

I deem it necessary to add that it is the intention of the Lords Commissioners of His Majesty's Treasury that the operation of exchanging the Paper Currency of the Colony for the British Metallic Currency, by which such Paper Money will be gradually and without any compulsory measures withdrawn from circulation shall be left exclusively to the management of the Officer in charge of the Commissariat at the Cape.

I have &c.

(Signed) BATHURST.

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[Copy.]

*Letter from R. WILMOT HORTON, ESQRE., to  
MR. GEORGE GREIG.*

DOWNING STREET, 7th March 1825.

SIR,—I have received and have laid before the Earl Bathurst your letter of the 17th ult. in which you request some explanation of the arrangements under which you have already been informed that you would be authorized to resume the publication of a journal at the Cape of Good Hope.

With respect to the repayment by you of the sum which you have received as the awarded value of your types, his Lordship will have no objection, in compliance with your request, to instruct the colonial government to receive that repayment in fixed instalments to be completed in five years ; but his

Lordship thinks it right to apprise you at the same time, that he cannot undertake to give such peremptory instructions upon this point as would preclude the colonial government from enforcing the whole repayment of that sum, if the public interests should at any time require it.

You are not to commence the publication of a journal until you shall, upon application to the Governor, have obtained a licence for that purpose, and the grant of this licence will entirely depend, as has already been stated to you, on your undertaking to adhere to the conditions prescribed in your own prospectus of the 20th December 1823 ; and these conditions appear to his Lordship to be so defined as to render it unnecessary to explain the sense in which, conformably with the pledge contained in that prospectus, you will restrict yourself in the selection of topics of public disquisition. It must rest with the Governor in Council to decide whether you violate your compact, and if after being warned of your having exceeded the prescribed limits, you should in the opinion of the Governor in Council disregard such an admonition, your licence will be withdrawn.

His Lordship is not aware that there can be any objection to your pursuing your general business as a printer, independently of the publication of your journal ; and if your licence should be eventually withdrawn from you, your business as a printer would not therefore be suspended, unless you should attempt, under the pretence of exercising your trade as a printer, indirectly to defeat the object of interdicting you from publishing your journal.

In conveying to you this detailed explanation for your accurate understanding of the conditions upon which you are at liberty to return to the Cape for the purpose of resuming the publication of your journal, his Lordship directs me to acquaint you that in thus fully enabling you to attain the object which you have stated to have in view, he understands that you have relinquished all attempts to indemnify yourself by other means, for the disappointment which you have experienced in undertaking the publication of a journal in the colony without due authority. I am &c.

(Signed) R. W. HORTON.

[Copy.]

*Return of the Amount raised in each year on account of the Tax upon Slaves from the period of its first assessment.*

Year 1823 Rds. 4644, 1824 Rds. 4198, total Rds. 8842, placed to the credit of the District Treasury.

(Signed) C. TRAPPES.

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[Copy.]

*Statement of the Sums for which the late Drostdy Buildings and Estate at Tulbagh and the Cattle place at the Witzenberg were respectively sold.*

1. The late Drostdy Buildings and Estate at Tulbagh. Sold 6th March 1823. Purchased by Mr. Thomas Heatlie for the sum of f35,100. The whole of the Purchase Money will be allowed to remain at interest for the first five successive years at 4 per cent per annum, after which period 10 per cent will be required to be paid annually in diminution of the Capital, together with the interest due thereon.

2. The Cattle place at the Witzenberg. Sold 6th March 1823. Purchased by Jan Carel Winterbach for the sum of f20,000. Conditions as in No. 1. Rds. 266 5 sks. 2 sts., being one year's interest to the 6th March 1824, received and placed to the credit of the District Treasury.

WORCESTER, 7th March 1825.

(Signed) C. TRAPPES.

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[Original.]

*Letter from the REVEREND WILLIAM GEARY to EARL BATHURST.*

26 KING STREET, WESTMINSTER, March 7th 1825.

MY LORD,—I have the honor to inform your Lordship that I am just returned per ship *Greenock* from Graham's Town in the Settlement of the Cape of Good Hope, from the Chaplaincy

of which I have been removed by Your Lordship's Letter of Instructions to Lord Charles Somerset. Believing however that no less in Africa than in England my chief attention has been directed to the conscientious, useful, and zealous prosecution of my professional duties, I submit to Your Lordship that I cannot but feel that my late dismissal (without the institution of any inquiry into my conduct, or even the slightest previous notice) as a most *serious* grievance, not only from its having ruined me in a pecuniary point of view, but as conveying a sad imputation on my public character, and which I deem it a duty I owe to myself as a Clergyman of the Established Church to spare no pains in attempting to remove.

In commencing therefore the execution of so painful yet necessary a step, I take the earliest opportunity of soliciting the honor of an interview with your Lordship, not doubting that when the true statement of my case is known, I shall obtain that redress which your Lordship's sense of justice and well known attachment to the Church of England cannot but dispose you to afford to a Clergyman of that Establishment suffering from having honestly discharged his duty in a foreign Land, and deprived as he now is of every means of providing for a Wife and an Infant Family. I have &c.

(Signed) WM. GEARY.

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[Copy.]

*Letter from MR. GEORGE GREIG to R. WILMOT HORTON, ESQRE.*

32, CITY ROAD, 8th March 1825.

SIR,—In answer to your communication of yesterday's date, I beg to express my satisfaction at the arrangement which Lord Bathurst proposes for the payment, in five years, of the sum which may be awarded as the value of my printing types, &c.

With regard to the terms upon which his Lordship proposes I should recommence a publication at the Cape of Good Hope, I have before stated, that one of my *chief* objects in coming to England, is to set at rest the dispute which arose between the

Governor and myself as to the construction of my prospectus of December 1823; but as his Lordship considers it unnecessary to explain his view of the restrictions which that prospectus imposes on the selection of topics for public discussion, as it was my intention at the time of issuing the prospectus, and is unquestionably the united desire of the Cape Community, that the press should be at liberty to examine into the practicability of laws to the purposes contemplated in their promulgation, and as his Lordship has vested a power in the Governor in Council to prevent its abuse, I beg to submit the enclosed amendment of my prospectus, as an effectual means of preventing a recurrence of the difficulties to which I have been exposed by the ambiguity of its present wording, and of removing the principal difficulty I contemplated in returning to the Cape of Good Hope.

With reference to the "warning" it is proposed I am to receive before the suspension of my licence, I submit the following as my view of its meaning: that in adverting to any public measure, I am liable to an admonition from the Governor in Council; but this admonition will of course require to be renewed, should I subsequently, in the opinion of the Governor in Council, transgress any prescribed limits. I also, Sir, take it for granted, as stated by you, in the event of my licence being withdrawn, the Governor in Council will be specially amenable to Lord Bathurst for such an act in order to its final decision.

I trust, Sir, when it is considered the limited population of the Cape, and various other difficulties attending the establishment of a newspaper, Lord Bathurst will protect me against the imposition of any stamp duty.

I beg you will acquaint me with his Lordship's opinion upon these remarks; and as I am but little apprehensive they will meet with his Lordship's approbation, I have no hesitation in expressing myself willing to return to the Cape of Good Hope, and recommence the publication of a newspaper. In acceding to Lord Bathurst's arrangement I wish however to take this (I trust the last) opportunity of stating, that I do it not because I feel that it fully meets the justice of my case, but in the confident hope that such an amelioration will ere long take place in the constitution of the Cape government as will secure to its inhabitants, as far as practicable, the advantages of British

laws and British privileges. In saying this, I wish to retract none of the gratitude I have already expressed for the ample consideration which my various communications have received, and the respect personally extended to myself. The reliance I have throughout placed in his Lordship's equity and justice, and the heavy losses to which I have been subjected, *solely* from my connexion with the conduct of a newspaper at the Cape, also induce a hope, that I shall not be wholly overlooked in the dispensation of any advantages in the colony coming within his Lordship's scope and my capacity.

In conclusion, Sir, I beg to call your attention to that part of my last communication which had reference to a passage to the Cape being granted to myself and wife; and to request you will be pleased to urge it upon his Lordship's favourable consideration. I have &c.

(Signed) GEORGE GREIG.

[Enclosure in the above.]

The Erasures are in Brackets, and the words in small capitals are the amendments proposed.

Prospectus of the "SOUTH AFRICAN COMMERCIAL  
ADVERTISER."

The "South African Commerical Advertiser" is intended chiefly for the use and accommodation of persons connected with *trade* and *merchandize*. Its columns will be open for *advertisements*, at a reasonable charge, in the English and Dutch languages, announcing sales, arrivals of goods, and such other matters as the merchant or retail dealer may wish to make known: also rates of exchange; arrivals and departures of vessels; state of the market; and any information that may tend to the advancement of *trade* and *commerce*, the improvement of *agriculture*, or the elucidation of science.

A small portion of the "South African Commercial Advertiser" will be appropriated to *original miscellaneous matter*, in which will be discussed subjects at once interesting and amusing;—occasional extracts will be made from *English papers* and other *literary productions*;—an offering to the muses, or an inoffensive point of humour, may find room in its columns;

—and while we shall be happy to receive communications from intelligent correspondents, [the “South African Commercial Advertiser” will *ever* most rigidly *exclude* all personal controversy, however disguised, or the remotest discussion of subjects relating to the *policy or administration of the colonial government*], IT IS MOST UNEQUIVOCALLY TO BE UNDERSTOOD THAT IN THE CALM AND TEMPERATE CONSIDERATION OF TOPICS OF GENERAL INTEREST, ALL “PERSONALITY” WILL BE RIGIDLY ABJURED AND GUARDED AGAINST.

As we are desirous of obtaining the earliest information tending to improvements in *agriculture*, we shall be happy to receive communications from persons acquainted with this branch of science.

In submitting to the public a prospectus of the “South African Commercial Advertiser,” we are aware of the difficulties that must, in its onset, attend an enterprize of this nature. Our promises, therefore, respecting literature, must be for the present limited. To those whose talents have hitherto lain dormant for want of an opportunity of exerting them, a facility is now offered, which we hope will develop *genius*, and raise the literary reputation of the colony; and as a free diffusion of knowledge is the grand means of giving a tone to society, by elevating its morals and promoting a taste for literature, we look to the more enlightened part of the community, in the confident hope that they will not allow this, the first attempt to establish a medium of general communication in a British colony, to fail for want of that support which the well-informed, the intelligent, and the patriotic are alone able to afford.

The “South African Commercial Advertiser” will be published every Wednesday afternoon, and advertisements received till the Tuesday morning preceding publication. Communications to be addressed to the Editor “South African Commercial Advertiser Office,” No. 1, Long-market-street; if from the country, post paid.

[Terms of subscription, 4 rix dollars per quarter, or a single number three skillings. Subscriptions to be paid in advance.]

THE SIZE OF THE PAPER WILL BE ENLARGED, AND CONSEQUENTLY THE PRICE ENHANCED.

*December 20th, 1823.*



[Original.]

*Letter from MR. H. W. WILTON to EARL BATHURST.*

NO. 4 REGENT STREET, PALL MALL, *March 10th 1825.*

MY LORD,—The result of the Interview with your Lordship on Monday last having, at a meeting held this day, been communicated to the Gentlemen interested in the formation of a South African Company, they desire me respectfully to solicit the favor of your Lordship granting them another interview on the subject, when it may suit your Lordship's convenience to do so. I have &c.

(Signed) H. W. WILTON.

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[Original.]

*Letter from the REVEREND WILLIAM GEARY to EARL BATHURST.*

26 KING STREET, WESTMINSTER, *10th March 1825.*

MY LORD,—Having been honored by no reply to my Official Document, addressed to your Lordship on the 7th Inst., the desperate circumstances to which I am now reduced by my late removal from Africa, involving the fate of a wife and three children with the near prospect of an increasing family, will I trust be considered as a sufficient apology for intruding myself again on your Lordship's attention.

I cannot but believe, My Lord, that even from the Reports of his Majesty's Commissioners of Inquiry, still at the Cape, (compared with Documents of theirs which I now hold, and am ready to produce) that your Lordship must be impressed with the extreme hardships of my case, and the unjust and cruel treatment which I have been compelled to endure under the unfortunate Government of Lord Charles Somerset. I shall not now trouble your Lordship with a narration of the miseries to which I have been, and still am exposed, by my removal from the clerical appointments which I held at Graham's Town. In a future letter necessity will compel me to detail them.

In the meantime, unversed as I am in the forms of Office, and unbefriended and unprotected as I feel myself in the character of a persecuted clergyman of the Church of England,

inviting the strictest scrutiny into my private and public conduct, I conceive that I possess no other chance of engaging the notice and compassion of the British Legislature than by addressing my complaints to your Lordship, in a series of letters from the public press, in one of the Daily Journals. If in these public communications to your Lordship, certain proceedings of the African Colonial Government are brought into notice, your Lordship's candour must acquit me of every shadow of blame (while the statement is confined within the boundaries of truth) connected as such an exposure will be with the vindication of my own character, and rendered the more necessary from my having so lately experienced the fruitlessness of any less public appeal to your Lordship, in your official situation as Secretary to the Colonies.

I judge it of importance to apprise your Lordship that I have been honored with a communication from His Royal Highness the Commander in Chief in reply to my complaint against Major Somerset for twice publicly insulting me without the slightest provocation on the Lord's Day, while engaged in the exercise of my Ministerial Duties ; as well as against Lord Charles Somerset for a gross, scandalous and false Libel, which His Excellency caused to be inserted in the Official Cape Town *Gazette* of February, 1824 ; in which His Royal Highness states, that *mine* being a Colonial Appointment the case was referred to your Lordship as Secretary to the Colonies. Will your Lordship therefore be pleased to inform me if any notice is intended to be taken of the insult offered to my character as a Gentleman, and the outrage to my sacred office as a Clergyman of the Church of England ?

The Commissioners of Inquiry, in a Letter which I hold, and am ready to furnish, are convinced of the falsehood of the above named Libel, and approve of my determination "to rescue my name and sacred character from these aspersions," and in the same letter *advise* me as to the mode of my addressing His Excellency on his disgraceful act, and in my complaint to him "to avoid the introduction of topics that may only have the effect of diverting His Lordship's mind from the consideration of the falsehood of the imputation with which you have thus been publicly assailed." I have &c.

(Signed) WM. GEARY.

[Original.]

*Letter from MR. B. BURNETT to R. WILMOT HORTON, ESQRE.*

6 DUKE STREET, WESTMINSTER, *March 10th 1825.*

SIR,—I beg leave to inform you of my arrival in London from the Cape of Good Hope, under sentence of five years banishment from that Colony.

Connected with this sentence and the causes promoting it, I have sundry documents to lay before Earl Bathurst, requiring a personal delivery at your Office. I have therefore to request you will be so obliging as to intimate when it will be your pleasure that I should wait upon you. I have &c.

(Signed) B. BURNETT.

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[Office Copy.]

*Letter from R. WILMOT HORTON, ESQUIRE, to MR. BISHOP BURNETT.*

DOWNING STREET, 10 *March 1825.*

SIR,—In reply to your letter of this day, I have to acquaint you that I shall be ready to receive you to-morrow at one o'clock. I am &c.

(Signed) R. W. HORTON.

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[Copy.]

*Letter from R. WILMOT HORTON, ESQRE., to MR. GEORGE GREIG.*

DOWNING STREET, 11th *March 1825.*

SIR,—In answer to your letter of the date of 8th March, I am directed by Lord Bathurst to inform you that his Lordship cannot consent to the proposed alteration in your prospectus.

You have been already informed that the Governor and Council of the Cape of Good Hope will be responsible for any act of suspension of your licence. I am also directed to

explain that your paper will not be subject to any stamp-duty, except in common with other publications.

I am also directed to inform you, that until your answer on these points is received, Lord Bathurst does not consider it necessary to advert to any other. I remain, &c.

(Signed) R. W. HORTON.

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[Office Copy.]

*Letter from R. WILMOT HORTON, ESQRE., to the REVEREND WM. GEARY.*

DOWNING STREET, 11th March 1825.

SIR,—I had received Lord Bathurst's directions to write to you in the course of this day, to require specific information on some points with reference to your letter, received here on the 7th Inst., complaining of your being removed from the situation of Chaplain at Graham's Town. But as you have intimated in your letter of the 10th Inst. your intention of making an appeal to the public in another form, I am directed by his Lordship to state that he must decline all further communication with you on the subject. I am &c.

(Signed) R. W. HORTON.

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[Hansard's Parliamentary Debates.]

*Army Extraordinaries—Cape of Good Hope—Lord Charles Somerset.*

March 11, 1825. The House resolved itself into a committee of Supply. On the resolution "That £620,000 be granted to defray the Extraordinary Expenses of the Army."

Mr. *Hume* begged to know in what manner a former grant of a similar kind, in respect of the military establishment at the Mauritius, the Cape of Good Hope, &c. had been applied.

Mr. *Wilmot Horton* said, that the commissioners, who were pursuing their inquiries in the colonies, had taken occasion, in their report to government, to express their entire satisfaction

at the manner in which the grant in question had been disposed of.

Mr. *Hume* felt the more anxious for explicit information on this head, because there was no British colony which had so much reason to complain of its governor, as the Cape of Good Hope; none in which the settlers had been more oppressively or unjustly treated; and no governor whose arbitrary and highly improper conduct was more to be reprobated than lord Charles Somerset (hear). If the statements that had been published respecting the course adopted by that individual—and he had seen a great many such statements—were true, lord Charles Somerset ought not to be continued any longer in his government. His conduct seemed to have been not only most arbitrary to the colonists, but most hostile to the liberty of the press. It was to be hoped, therefore, that the report of the commissioners would be immediately communicated.

Mr. *Wilmot Horton* assured the hon. gentleman that the commissioners were as actively engaged in the prosecution of their important inquiries, as men could be. Whenever their report should be received, there would be, on the part of the colonial department every disposition to meet the object adverted to. But, if the hon. gentleman expected that all the statements which had met the public eye respecting the individual in question, and recent transactions at the Cape, necessarily *ex parte* as those statements must be, were to receive an answer from him, the hon. gentleman's expectations would be disappointed. That hon. member on a former night had said that all the complaints which had been preferred by the settlers at the Cape to the Colonial-office were received with indifference and contempt—that all their applications were unattended to. Now this imputation he denied in the strongest manner; and he challenged the hon. gentleman to adduce a single instance, in which such complaints had not been made the object of careful examination by the Colonial-office.

Mr. *Hume* desired to repeat his conviction, that the conduct of lord Charles Somerset had been so very reprehensible—so entirely contrary to the interests of the settlers, and the welfare of the colony at the Cape—that the colonial department ought by no means to have continued him in his government up to this time. He knew, indeed, that some of the individuals

aggrieved had received a partial remuneration for the ill treatment which they had been subjected to. The editor of a journal published at the Cape had been allowed to return ; but had been refused any remuneration for the losses he had suffered ; and he must say, that in continuing lord Charles Somerset in such a situation, the colonial department had manifested very little regard for the interests or the feelings of the colonists.

Mr. *Wilmot Horton* said, that when the report should have been communicated to parliament, the colonial department would be in a condition to meet any specific charge which the hon. gentleman might bring forward.

The resolution was agreed to.

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[Copy.]

*Letter from MR. JOHN GREGORY to the SECRETARY TO THE DISTRICT OF WORCESTER.*

CAPE TOWN, 11th March 1825.

SIR,—The Commissioners of Inquiry having had occasion to refer to the Proclamation of the 7th February 1823, and having observed that it empowered the Board of Landdrost and Heemraden of Worcester to levy the Sums of Two Rixdollars per head for each Slave above the age of 14 and 4 Skellings for each Slave under that age, I am directed to request you will acquaint me, for the information of the Commissioners, whether this rate of assessment has been acted upon, or whether one Rixdollar only per head has been levied, in pursuance of the suggestions of the Board conveyed to Government in their letter of the 11th October 1822. I have &c.

(Signed) JOHN GREGORY, Secretary.

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[Original.]

*Letter from* LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 12th March 1825.

MY LORD,—I had the honor to receive Your Lordship's despatch of the 27th September 1824 on the 9th Instant, by the Ship *Patience* relative to the trial of William Edwards (alias Alexander Lowe Kaye, suspected of being a runaway Convict from New South Wales) and, in reply thereto, have the honor to state to your Lordship, in reference to the two Letters under date 22nd and 26th of April 1824, addressed by that Person to me, that I merely placed them in the Hands of His Majesty's Fiscal to take such measures regarding them as he considered his public duty bound him to adopt, as your Lordship will perceive by a Copy of the Official Letter addressed by the Assistant Secretary to the Government to His Majesty's Fiscal on that occasion.

I have the honor to transmit a translation of the proceedings of the trial of the person styling himself Wm. Edwards.

I have &amp;c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

*Letter from* LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 12 March 1825.

MY LORD,—I had the Honor to receive, on the 9th Instant, by the Ship *Patience* Your Lordship's Despatch under date 28th September 1824, No. 125, in reply to mine of the 27th February 1824, No. 75, and of the 21st May 1824, No. 92, in which Your Lordship observes that "as I had not stated in what manner the accusations, by Mr. Launcelot Cooke, against the Collector of Customs at this Port, were published, Your Lordship was at a loss to understand upon what principle the Prosecution for a libel was directed."

In Reply I have the honor to transmit to Your Lordship, the

legal opinion of the Chief Justice (Sir John Truter) on that Head.

With respect to a prosecution being directed by me, I have the Honor to state to Your Lordship that I so far yielded to the solicitation of the Collector of Customs, that the Law Officer of the Crown might be allowed to proceed against the Person who defamed his character, as to direct that Officer to refer to Mr. Blair, in order to obtain every Information for prosecuting Mr. L. Cooke for defamation, but of course, the instituting any suit against Mr. Cooke rested entirely upon the Information His Majesty's Fiscal should receive from Mr. Blair, and on his being borne out by the Laws of the Colony in so doing.

The only directions which were given by me on this subject are contained in Annexure B.

I have to observe that Wm. Edwards (alias Alexander Lowe Kaye, suspected of being a runaway Convict from New South Wales) not being legally qualified could not appear before the Court as Mr. Cooke's legal Adviser.

With regard to any punishment, the Court deemed necessary to inflict on the above named Person, or any other Individual, for disrespect or contempt of Court, it is a matter in which I could not presume to interfere, having ever considered it one of my first duties in administering the Government of this Settlement to leave the most entire free Agency in the constituted Courts, and to consider myself, of all His Majesty's subjects in the Colony, the most scrupulously amenable to its Laws.

With reference to Wm. Edwards's representation of ill-treatment in the Prison, I have the Honor to transmit to Your Lordship the copy of a letter I caused to be written to His Majesty's Fiscal thereon, and also a Copy of the Proceedings which took place in consequence.

As Wm. Edwards has introduced the Name of Mr. Richardson (late an Officer in the Ceylon Civil Service) in his Statement to Your Lordship, I feel myself called upon to state that Mr. Richardson waited upon me to inform me that Wm. Edwards had imposed upon and defrauded him most grossly ; that he had recently learned that the real name of this man was Alexander Lowe Kaye, and that he was a runaway convict



from New South Wales. Mr. Richardson referred me to the Person from whom he obtained this Intelligence, and I have to add that from further Enquiries I have not the slightest doubt in my mind of its authenticity. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

CAPE TOWN, CAPE OF GOOD HOPE, 13th March 1825.

MY LORD,—I have the Honor to acknowledge the receipt of a Letter from the Assistant Colonial Secretary soliciting my legal opinion conformable to the Colonial Law on the following points, viz. 1st. whether a libel is considered as published, if transmitted to a magistrate or constituted authority, without having been made known to the Community at large ?

2nd. What is the extent of punishment for libel authorized by the Colonial Law ?

3rd. Whether a Notary Public not being an Attorney can appear in, or be acknowledged by the Court of Justice here, as the legal adviser of a Party before the Court ?

In dutiful compliance with Your Excellency's desire, I beg leave to submit the following, as my legal opinion, on each of the proposed queries.

1st. Whether a Libel is considered as published if transmitted to a Magistrate or constituted authority without having been made known to the community at large ?

According to the Colonial Law every one is considered guilty of the crime of *defamatory Libel*, "who shall have composed, published, disseminated, communicated, or printed any writing, relation, theatrical piece, pamphlet, or song, to the contempt, ridicule or dishonour of anyone, or who *mala fide* shall have occasioned anything of all this to take place."

The act of composing a Libel renders the author liable to prosecution and punishment, as soon as it is followed by any act of communication, to any other person, either public or Private.

This constitutes a publication in the Eye of the Law, *Literis injuria fit, si quis libello Principi oblato vel alteri dato famam alicujus insectatus fuerit*. And a Memorial presented to a

Magistrate or Constituted Authority is only then exempted from prosecution, when the Contents are not libellous, and admit of a construction, that the author has acted either to defend or protect his own lawful interest, or that of the Public, and not from any vindictive or other offensive motives.

2nd. What is the extent of punishment for Libel authorised by the Colonial Law ?

The Crime of composing, publishing, disseminating, communicating, or printing libellous writings, is by the Colonial Law considered as a Crime of a most serious nature, the punishment of which in most cases attaches infamy on the Character of the Persons convicted, which regularly renders him incompetent to give evidence before a Court of Justice, and deprives him of several civil advantages in Society. This evidently shows, that the nature of the Crime of Libel, in the eye of the Colonial Law, is very different from what it is in the English Law, as may more fully appear from the following testimony of a Dutch Jurist of great repute : “ According to the Laws practised in our Country (the Netherlands) the injury, as well verbally as in writing, is restrained by discretionary punishment, which according to the circumstances and nature of the facts and persons, can be extended to corporal punishment and even to death itself,” quoting in support of this testimony a Series of Statute Laws enacted in the Seven United Provinces of the Netherlands, to which may be added a Proclamation of the States of Holland dated 7th March 1754.

And in this spirit the Court of Justice passed Sentence of Banishment for Life or Civil death (*mors Civilis*) against A. Krynow in 1783, and against Dr. Halloran in 1810, neither of which cases in degree of criminality can be compared to that of *W. Edwards* (alluded to in the above query) who at a moment of public ferment, strives to vilify His Majesty’s Government, and to set at defiance every constituted authority in the colony.

3rd. Whether a Notary Public not being an Attorney, can appear in or be acknowledged by the Court of Justice here, as the legal adviser of a party before the Court.

A Notary Public here is a person admitted by Government and sworn after due examination by the Court of Justice to draw up, and to execute in the presence of two witnesses, all

sorts of extra-judicial Acts, excepting the transfer of Landed property, for instance, Testaments, Bonds, Contracts, Protests, Affidavits, &c., all which Acts are considered as public Acts to which full credit is due. But a Notary Public has no professional Character before any Court in the Colony, on the contrary by the 44th Article of his Instructions is expressly forbidden to act as an Attorney at Law, whilst no one is allowed to employ any other legal assistance before the Court, but that of regularly admitted Advocates and Attorneys. I have &c.

(Signed) J. A. TRUTER.

His Excellency the Right Honourable General Lord Charles Henry Somerset.

[Enclosure 2 in the above.]

COLONIAL OFFICE, 30th January 1824.

SIR,—I am directed by His Excellency the Governor to forward to you herewith in original, a Letter transmitted to His Excellency by Mr. Edwards a Notary in Cape Town, styling himself the Attorney to Mr. Lancelot Cooke, together with the Documents therein referred to, and as these Papers contain assertions injurious to the character of the Collector of His Majesty's Customs at this Place, His Excellency desires that you will be pleased to refer to Mr. Blair, in order to obtain every information for prosecuting Mr. L. Cooke for defamation of a Public Servant. I have &c.

(Signed) P. G. BRINK.

D. Denyssen, Esqre., His Majesty's Fiscal.

[Enclosure 3 in the above.]

COLONIAL OFFICE, 9 March 1824.

SIR,—I am directed by His Excellency The Governor to transmit to you, the enclosed Copy of a letter from Mr. W. Edwards, complaining of his being prevented from speaking to Persons visiting him except through the Bars of the Prison, and to request you will be pleased to give immediate orders

for correcting the evil complained of, His Excellency conceiving that Mr. Edwards has undoubtedly a right to communicate with whomsoever he pleases provided it does not disturb the good order of the Prison. I have &c.

(Signed) P. G. BRINK.

D. Denyssen, Esqre., His Majesty's Fiscal.

[Enclosure 4 in the above.]

FISCAL'S OFFICE, 16th March 1824.

SIR,—Having in compliance with His Excellency the Governor's directions, communicated to me in Your Letter of the 9th Instant, repeated my Orders, which I had before given; that Mr. W. Edwards's visitors should be allowed a free access to him, I feel it now incumbent for the information of His Excellency to state, that the complaint of difficulties thrown in his way by the means of which he should have been allowed to be prevented rebutting my charge, appears to be unfounded, his complaints if ever he has made any having been attended to by the 1st Under Sheriff and no difficulties having ever been thrown in his way, as will more fully appear to His Excellency from the enclosed judicial record containing the evidence of Mr. Bamberger and Mr. Diddlestone. I cannot pass observing that Mr. Edwards seems to have aimed at me when calling himself a *Fiscal's Prisoner*, for it cannot be unknown to him, that he has been a Prisoner of the Court and not a Fiscal's Prisoner, and that he was entitled to immediate redress from the Court itself should the Fiscal or rather the 1st Undersheriff under whose management the Prison concerns are placed have acted improperly towards him. I have &c.

(Signed) D. DENYSSEN.

P. G. Brink, Esqre., Assistant Colonial Secretary.

[Enclosure 5 in the above.]

*Records held before RALPH ROGERSON, ESQRE., Commissioned Member of the Worshipful the Court of Justice of this Government for the purpose of elucidating some complaints made to HIS EXCELLENCY THE GOVERNOR in a letter of the 8th Instant.*

*Friday, the 12th March 1824.*

His Majesty's Fiscal having appeared before the sitting Commissioner stated he had received from the Colonial Office, Copy of a letter written by the Prisoner W. Edwards to His Excellency the Governor bearing date the 8th Instant, containing some complaints as to his treatment during his confinement in the Prison viz. That two Women who had come there the day previous to acquaint him with some of Mr. Blair's unfair dealings, and had been stopped before the gate, and who had told him to speak with them through the iron Bars of the Gate where a Constable was sitting who could hear every word that passed; That he had declined to do so and that he had written to the Fiscal on the subject, so that when one of the Women had departed the other had been allowed to enter.

Requesting therefore that the following Witnesses might be examined to elucidate the complaints preferred to His Excellency the Governor, whereupon the following were examined.

1st. Nicholas Bamberg 33 years of age a Native of Fersveld in Germany, who after having made Oath, deposed as follows :

Did the Prisoner William Edwards meet with any obstacles in seeing his visitors and if so state the same ?

Yes, the two first days after W. Edwards' confinement, Mr. Cooke and another person came down to see him, when they were informed by the 2nd Undersheriff Mills that they could not go in at once together, but that one at a time had liberty to enter, Mills having informed me thereof, I immediately made this known to His Majesty's Fiscal who told me that said Edwards was at liberty to see as many persons as he thought proper, when I lost no time to redress the mistake.

Did a Commissioner of the Court visit the Prison last month ? if so state who it was and when ?

Yes, Mr. Hiddingh, it was about the 25th or 26th Feb. last. Who were present at this visitation on the 25th or 26th February last ?

Mr. Van der Riet 2nd Head Clerk to the Court of Justice, Mr. Van Ryneveld and myself.

Did Mr. Edwards make any complaint to the Commissioner at that occasion as to his not being allowed to see his friends ?

No, not to my knowledge.

Did the Commissioner speak to you as to such a complaint ?

No.

Do you know that two Women have been at the Prison on the 7th Instant desiring to see Mr. Edwards ?

Yes, the first was Mrs. Diddlestone and the other I do not know.

What took place with those Women ?

On the 7th Instant two Women came down about 2 or 3 o'Clock to see Mr. Edwards, I was at that moment not at the prison, the Bookkeeper told them that they could see Mr. Edwards at the gate, Mr. Edwards was then called and came down but declined seeing those women in that manner, Mr. Edwards then went back to his room and wrote a letter to His Majesty's Fiscal, which letter was delivered to the Bookkeeper to be forwarded to the Fiscal, the Bookkeeper then communicated to me every circumstance as to the two Women, and also delivered to me an Open letter addressed to His Majesty's Fiscal (hereunto annexed and on which the date of its production in Court has been noted) when I told the Bookkeeper, after having previously read the letter, that he was aware that His Majesty's Fiscal had given directions that any one could go in, and why he had refused the Women to enter, and ordered him immediately to do so. I then asked the Bookkeeper why access had been refused to the two Women, when he told me that he was well acquainted with Mrs. Diddlestone and that as long as he had known her she had always kept a Wine and eating house for sailors and low people and that she was also a Woman of bad Conduct. After the Bookkeeper had left me with the orders to allow free access to the Women, the unknown Woman had gone away, while Mrs. Diddlestone was still standing at the gate who was immediately allowed to go in to Mr. Edwards. When I read the letter I did not think it of

that consequence to trouble the Fiscal about it, as it was in my power to redress the complaint mentioned in the same, which I immediately did. The Fiscal knew nothing of the letter, I received it on a Sunday and laid it on my Table and on Monday morning I was called at the Fiscal's who spoke to me concerning that letter, when I informed the circumstance and delivered the letter to him.

Did anything else happen, except the circumstance of the two Women, of which Mr. Edwards complained ?

On a certain day being on a Saturday without being able to state the precise date, when said Edwards had made application to Mr. Van Ryneveld to have his door open till 9 o'Clock in the evening, Mr. Van Ryneveld spoke to me about it and informed him that I was bound by my instructions to close all the doors at sunset.

2. Mary Ann Galloway, widow Diddlestone, being of a competent age, who after having made Oath, replied to the undermentioned Queries as follows.

Were you at the Prison on Sunday last ?

Yes, I wanted to see Mr. Edwards.

At what hour of the day was it ?

I cannot exactly state the time.

Did anyone accompany you ?

Yes, a Girl named Peggy who came here with Mr. Ingram and who is in my service, I took her with me for the sake of company.

Had that Woman also occasion to see Mr. Edwards ?

No.

Whether she was refused to go in ?

After I had asked to go in and this being refused me, I was referred to the Bookkeeper who sent me to the Keeper by whom I was not admitted. Mr. Edwards then wrote a letter to His Majesty's Fiscal and shortly after the letter was sent, I was admitted, (stated further) the Girl was in the mean time sent home by me.

Have you been treated in an unbecoming manner or did you experience any incivilities while you were at the Prison ?

No, never.

Did you, in visiting Mr. Edwards afterwards meet with any obstacles ?

No, I visited him afterwards without any hindrance whatever.

When you saw Mr. Edwards, could you perceive that he was aware that the Woman who had accompanied you wanted to see him ?

No.

At the Cape of Good Hope die et Anno ut Supra.

(Signed) R. ROGERSON.

[Original.]

*Letter from LORD CHARLES SOMERSET to EARL BATHURST.*

CAPE OF GOOD HOPE, 12th March 1825.

MY LORD,—I had the honor to receive Your Lordship's Despatch of the 25th October last No. 128 on the 9th Instant, by the Ship *Patience*, in which Your Lordship requires that I should furnish you with a more explicit Explanation of the Circumstances which led to the proceedings on the part of this Government in May last, relative to Mr. Geo. Greig, than in the Despatch I had the honor to address to Your Lordship on the 10th May last No. 87 or in the Complainant's own Statement to Your Lordship under date 11th of that Month. Your Lordship will, I trust, ere this have received a Despatch from me on this subject under date 5th December last, which will I hope supply the greater part of the Information Your Lordship requires on this Head.

I have to inform Your Lordship that Mr. Geo. Greig is correct in the answer He states to have received from this Government under date 14th August 1823; but He is not correct in stating that he received *no* Answer to his further Application in the December following. He presented the Paper, of which the Enclosure A is *the Original*, and he was informed that under the Conditions he had given in, signed by himself, and herewith transmitted, that he was permitted to publish.

Upon a reference to the Official Documents in the Colonial Secretary's Office it appears by some Omission (unknown to



me and for which I am at a Loss to account) that my Directions on this Head were not communicated to Mr. George Greig in writing, and he has artfully availed himself of this Omission to assert a base Untruth, of which his own Letter of the 2nd January relative to the payment of One Rixdollar as a Stamp duty on each Advertisement, and Mr. Brink's Official Letter of the 28th January, notifying my acquiescence in a Diminution of the charge of Postage for his Weekly Publication and his notification thereof in the 5th number of his *Advertiser* convey ample Proof. Vide Annexures B, C, and D.

Mr. Greig cannot, will not I am sure, dare to deny that He waited upon me to thank me for my acquiescence in his request to publish under the Conditions he had presented to me, and that he received from my own Lips on that occasion an authority to put my name down as a Subscriber to his Paper. He also wrote to me on the 17th Jany. to solicit in consequence of my having become a Subscriber that he might use my name at the Head of the leading Article of his Paper, signifying that it was edited under my Patronage to which I gave the Answer contained in Enclosure E.

I have to observe to Your Lordship that the Order for Mr. Geo. Greig to quit the Colony within a given period was rescinded long previous to the expiration of that time, and that his allegation of having suffered Loss by Sums expended upon Printing Presses and Materials is untrue; the Materials having been purchased from him by the Government at a Valuation to which he unreservedly assented, as Your Lordship will perceive by the Enclosures F, G, and H, and the press being the property of the London Missionary Society, as asserted by Dr. John Philip after the departure of Mr. Geo. Greig for Europe. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure A in the above.]

*Prospectus of the "South African Commercial Advertiser."*

The "*South African Commercial Advertiser*" is intended chiefly for the use and accommodation of persons connected with *Trade* and *Merchandize*. Its columns will be open for

*Advertisements*, at a reasonable charge, in the English and Dutch Languages, announcing Sales, Arrivals of Goods, and such other Matters as the Merchant or Retail Dealer may wish to make known: Also, Rates of Exchange:—Arrivals and Departures of Vessels:—State of the Market:—and any information that may tend to the advancement of *Trade and Commerce*, the Improvement of *Agriculture*, or the elucidation of *Science*.

A SMALL Portion of the “SOUTH AFRICAN COMMERCIAL ADVERTISER,” will be appropriated to *Original Miscellaneous Matter*; in which will be discussed subjects at once interesting and amusing;—occasional Extracts will be made from *English Papers*, and other *Literary Productions*; an offering to the Muses, or an inoffensive Point of Humour, may find room in its columns:—and, while we shall be happy to receive Communications from intelligent Correspondents, the “SOUTH AFRICAN COMMERCIAL ADVERTISER,” will *ever* most rigidly *exclude* all PERSONAL CONTROVERSY, however disguised, or the remotest discussion of Subjects relating to the *Policy or Administration of the COLONIAL GOVERNMENT*.

As we are desirous of obtaining the earliest information tending to improvements in *Agriculture*, we shall be happy to receive communications from persons acquainted with this Branch of Science.

In submitting to the Public a Prospectus of the “SOUTH AFRICAN COMMERCIAL ADVERTISER,” we are aware of the difficulties that must, in its onset, attend an Enterprise of this nature. Our promises, therefore, respecting LITERATURE, must be, for the present, limited. To those, whose talents have hitherto lain dormant for want of an opportunity of exerting them, a facility is now offered, which we hope will develop *Genius*, and raise the Literary reputation of the Colony; and, as a free diffusion of knowledge is the grand means of giving a tone to Society, by elevating its Morals, and promoting a taste for Literature, we look to the more enlightened part of the community;—in the confident hope that they will not allow this, the first attempt to establish a medium of general communication in a British Colony, to fail for want of that support which the well informed, the intelligent, and the patriotic, are alone able to afford.

The "SOUTH AFRICAN COMMERCIAL ADVERTISER" will be published on *Wednesday Afternoon*, and Advertisements received till the *Tuesday Morning* preceding publication. Communications to be addressed to the Editor, "SOUTH AFRICAN COMMERCIAL ADVERTISER OFFICE," No. 30 Longmarket Street—if from the Country, *Post Paid*.

Terms of Subscription—4 Rds. per Quarter; or a single Number, 3 Sks. Subscriptions to be paid in advance.

G. GREIG.

Jan. 1 1824.

[Enclosure B in the above.]

*January 2, 1824.*

MY LORD,—In consequence of a communication from Col. Bird Colonial Secretary, "that Your Excellency has directed the imposition of One Rixdollar upon every Advertisement that may appear in my Paper" thereby legalizing it: I have to request that Your Excellency will give directions for its transmission to the Country Districts, in the same manner as the existing Paper is now transmitted.

As I feel confident Your Excellency will at once see the propriety and justice of this measure, and as the *first Number* will be published on Wednesday next, January 7th, I trust Your Excellency will allow me to urge an early answer.

I have &c.

(Signed) GEO. GREIG.

Lord C. H. Somerset, &c., &c., &c.

[Enclosure C in the above.]

COLONIAL OFFICE, *28th January 1824.*

SIR,—I am directed by His Excellency the Governor to inform you that he has been pleased to fix the rate of Postage to be paid for the Paper you have established at One Skilling for each number sent to the Country districts. I have &c.

(Signed) P. G. BRINK.

Mr. G. Greig.

[Enclosure D in the above.]

*Extract from The South African Commercial Advertiser, dated  
Wednesday, February 4th, 1824, No. 5. First Column.*

Notice.—In consequence of a representation to His Excellency The Governor, the rate of Postage to the Country Districts is fixed at One Skilling, as will be seen by the subjoined Letter. It is therefore respectfully announced, in answer to numerous inquiries on this subject, that the price to those resident out of Cape Town will be 20 Rixdollars per Annum, (Postage included.) The Proprietor thus, sacrificing profit to a desire to circulate useful information, hopes this liberal arrangement will be fully appreciated.

It will be regularly forwarded every Post to, and Subscriptions (in advance) received by Mr. Wrangmore, Stellenbosch; Mr. E. Evans, Paarl; Mr. Dunn, Postmaster, Port Elizabeth; Messrs. P. Hough & Co., Uitenhage; Mr. C. Stone, Graham's Town; and such other Agents as may be hereafter named.

[Enclosure E in the above.]

NEWLANDS, 19th January 1824.

SIR,—In reply to your letter of the 17th Instant, I have to say that in signifying to you my Intention to be a Subscriber to your Publication, I gave no permission to you to make use of my name and must particularly request that it may not appear in Print. I am &c.

(Signed) C. H. SOMERSET.

Mr. G. Greig.

[Enclosure F in the above.]

CAPE TOWN, July 7th 1824.

SIR,—I have the honor to acknowledge the receipt of your Letter of to day, in which you inform me, that His Excellency the Governor will consent only to the nomination of Messrs. Johnstone and Mollet, to set a valuation upon my Printing Materials.

I beg to state, in answer, that under these circumstances, I am willing to abide by their decision.

It will be necessary that the seals of the Room be broken. In making an arrangement for this purpose, and also in administering the Oath to the appraisers, I have to request as much dispatch as is practicable, being on the eve of sailing for England. I have &c.

(Signed) G. GREIG.

P. G. Brink, Esqre., Acting Colonial Secretary.

[Enclosure G in the above.]

I hereby acknowledge to have received from P. G. Brink Esqre. Acting Chief Secretary to the Colonial Government the Sum of £ Stg. 848 13. 11 $\frac{3}{4}$ , at the rate of Rds. 14. 6. 1 per £ Sterling, Rds. 12,535 7 3., being the value of the Printing Implements, according to the appraisalment made by Messrs. Mollet and Johnstone, which I have surrendered in favor of Government.

Cape Town, 9th July 1824.

(Signed) GEORGE GREIG.

[Enclosure H in the above.]

*Valuation of the Printing Materials in the Printing Office of*  
MR. GEORGE GREIG, No. 30 Longmarket Street, Cape Town.

[The items are so numerous as to cover ten pages of foolscap, and need not be given here. The total amount is £647 17s. 3d. cost price, and £200 16s. 8 $\frac{3}{4}$ d. charges and expenses of different kinds, making £848 13s. 11 $\frac{3}{4}$ d. in all.]

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[Original.]

*Letter from* MR. ABRAHAM BORRADAILE *to* R. WILMOT  
HORTON, ESQRE.

FENCHURCH STREET, 12th March 1825.

SIR,—I have the honour to enclose a Copy of a memorial from the Committee of Merchants and others trading to the Cape of Good Hope, which was submitted to the Right Hon'ble the Chancellor of the Exchequer last week, and to request you

will take an early opportunity of laying this document before the Right Hon'ble Earl Bathurst, soliciting his Lordship's favourable consideration of the subject, and requesting permission for a Deputation to wait on his Lordship for the purpose of giving any further explanation which may be required regarding a measure which if persevered in, will be productive of incalculable misery and ruin to the Colony.

I have &c.

(Signed) ABRAHAM BORRADAILE.

[Original.]

*Letter from the REVEREND WILLIAM GEARY to EARL BATHURST.*

26 KING STREET, WESTMINSTER, 12th March 1825.

MY LORD,—Apprized by Mr. Wilmot Horton that your Lordship had instructed him to interrogate me on points connected with my Letter of the 7th Inst., I most humbly request that your Lordship will deign to accept my sincerest and deep felt regret that in my forgetfulness of the more important business that demanded your attention, I should be guilty of doing such injustice to your Lordship's disposition and feelings as to apprehend that I should be condemned unheard, and that every document in exculpation of my conduct, would be met with silence and neglect.

Could your Lordship witness my present situation and perturbation of mind, excited on viewing myself, a wife, and 3 children, with the early prospect of a 4th, reduced at once from a state of Independence to that of absolute Penury and Want, with nothing but famine and imprisonment staring me in the face, oppressed too by the Stigma which my late and sudden removal fixes on my character, I am confident that your Lordship's sympathy and candour would readily induce you to excuse and forgive any expression of feeling into which I was inadvertently betrayed in my hasty, but by no means *intentionally* disrespectful address to your Lordship. But, my Lord, until this imputation on my character is removed, my mind can have no peace, my future usefulness will be pre-

vented, and I must abandon the few but highly respectful clerical connexions which I deemed it once my privilege and happiness to have formed. Under such circumstances, My Lord, I felt myself reduced to the alternative of vindicating my character at every hazard, and of attempting to preserve that reputation I have hitherto enjoyed, and am unconscious that I have ever forfeited. Allow me to add, My Lord, that nothing is more repugnant to my natural habits than to obtrude myself on the notice of the public, or to intermeddle with affairs of a political nature. I therefore beg, My Lord, and earnestly hope that nothing which may have escaped my pen in a moment of acute feeling will induce your Lordship to retract your determination of affording me an opportunity of exculpating my conduct before you, in the humble conviction that such an explanation will have the effect of restoring me to your Lordship's good opinion. I have &c.

(Signed) WM. GEARY.

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[Original.]

*Note from the* REVEREND WM. GEARY *to* R. WILMOT  
HORTON, ESQRE.

26 KING STREET, WESTMINSTER, 12th March 1825.

Mr. Geary presents his Compliments to Mr. R. Wilmot Horton, and with reference to his Letter of yesterday evening, whose receipt Mr. G. has the honor to acknowledge, solicits the favor of a short interview, promising Mr. R. Wilmot Horton that the utmost intrusion upon his time shall not exceed a few minutes.

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[Original.]

*Letter from MR. BISHOP BURNETT to R. WILMOT  
HORTON, ESQRE.*

6 DUKE STREET, WESTMINSTER, 12th March 1825.

SIR,—Your letter appointing to receive me yesterday (the 11th) at one o'Clock was not delivered at my lodgings till past six of the same day. I await the intimation of your further pleasure. I am Sir &c.

(Signed) B. BURNETT.

[Original.]

*Letter from MR. BISHOP BURNETT to ROBERT WILMOT  
HORTON, ESQRE.*

6 DUKE STREET, WESTMINSTER, 12th March 1825.

SIR,—Having received no acknowledgment of a Letter I addressed to you from the Cape of Good Hope, dated 12th August 1823, I beg leave to enclose you a copy of it, with a continuation of my history in the Colony from that period, and sundry documents the narrative refers to.

These I have to request you will be so obliging as to bring forthwith under the consideration of Earl Bathurst. I am &c.

(Signed) B. BURNETT.

[Enclosure No. 1.]

See Volume XVI, Page 182.

[Enclosure No. 2.]

I shall now take up my statement from the period of my last communication to the Colonial Department, 12th August 1823, premising that from facts developed by myself I am strictly justified in a suspicion that that communication, although sent in triplicate, has been suppressed by the colonial government. What I have established by incontrovertible



facts at the Cape, I need have no scruple in promulgating at home; I therefore charge the colonial government with invading the privacy of correspondence, and intercepting communications between the colony and the mother country, through the medium of the post, and I am prepared to prove my charge.

My condition at length becoming absolutely insupportable, about the period of writing to Mr. Wilmot I determined to bring matters to issue by laying my cause before the next commission of circuit, in a legal form, and I accordingly gave the proper authority instructions to commence actions forthwith against Robert Hart, his Excellency's confidential steward at the Somerset farm, and Mr. Van der Riet, the sequestrator. To explain the grounds of this proceeding I must recapitulate some circumstances more fully than they are disclosed in my letter to Mr. Wilmot.

The farm therein alluded to was the property of this Hart, and hired by me on lease for three years, renewable at my option for three years more, giving me the right of purchase for a sum specified, during any part of the whole period. That it was my intention to make good the purchase will be at once manifest, when I state the fact of my having sunk twenty thousand rixdollars upon it during the first year of my occupancy, and that Mr. Hart's action against me for the recovery of nine hundred rixdollars (from whence all the legal persecutions I have endured has emanated) could be the result only of the basest cupidity, must be equally apparent from the same circumstance, because no man actuated by principles of common honesty, or regard for public opinion, would think for a moment of persecuting such a tenant as I had proved; the truth is, that superadded to much personal hostility, there was an irresistible temptation in the chance of appropriating to himself the fruits of my capital and industry, which the known dislike of the government to me rendered far from improbable, and he well knew, also, that to annoy me in any way was a sure passport to that government's favour. It is scarcely necessary to say that this conduct was universally decried; every person exclaimed against it as equally cruel and unprincipled.

All that I know of his proceedings in this affair was, that

a messenger left, at different periods, three Dutch papers at my house without translations, purporting to be summons to Cape Town, until the landdrost sent for me to propound what he called a sentence, in favour of Robert Hart for nine hundred rixdollars. It was then explained to me that unless the money was immediately paid, or property sufficient to cover this amount was placed in the hands of the sequestrator's agent, that I should be declared insolvent, and my estate would be brought to sale. I objected to this, the excessive harshness and severity of such a proceeding, and also, that as the whole of my property was mortgaged to the firm of Ebden & Eaton for a considerable claim that house had upon me, there was no property to offer, but that I had a claim upon the commissariat for grass supplied the Cape Corps, which would more than cover the amount, and this I formally tendered; Mr. Rivers, the landdrost, without assigning any reason, peremptorily declined receiving this claim in payment, and refused even to allow a protest I drew up on the occasion to be deposited with the proceedings: to avoid any future digression, it will be best to explain here that the mortgage to Messrs. Ebden & Eaton was given at the suggestion of a number of persons, some of them government functionaries, and at the express wish of Mr. Eaton, solely to defeat the manifestly projected rascality of this Hart.

In the course of a post from this interview with the landdrost, I was gazetted in the newspaper as insolvent, and my estate advertised for sale within the customary term. I discharged all my people in consequence, declined a very profitable contract I was about undertaking, broke up my establishment altogether, and began to take measures for my return to England; on the day however preceding the sale, it was suspended by public notice, and an intimation to this effect was dispatched to me by the landdrost; struck with astonishment at a proceeding so arbitrary and irregular, one of equal injustice and cruelty to all parties concerned, I went immediately to the district secretary to have it explained; from him I learnt that Mr. Eaton had undertaken to discharge any claims existing against me, and that I was free to proceed in my own affairs as I had hitherto done. I could have no reason to feel other than the most perfect satisfaction with this official assurance,

and accordingly I resumed my occupation with my usual enterprize and spirit.

The suspension however of my operations, and the loss of the contract, was attended with a serious loss ; this, in strict equity, should have been made good by the government, because, as there was no manner of truth in the secretary's account of Mr. Eaton's interposition, the sale had been stopped by its own arbitrary act. The publication of my insolvency was either legal or illegal : if legal, it was unjust to retard the sale ; if illegal, scarcely any recompence could be an equivalent for the injury I had sustained. Nevertheless, as all I wanted was to be left in the peaceable enjoyment of my property, and to be protected against this scandalous attempt at robbery, I bore patiently with these losses, and only sought, at the hands of the government, the revocation of the advertisement by which I had been illegally declared insolvent.

On the day the second year's rent of the farm became due, Mr. Hart applied for it, not in the ordinary way, but through the medium of a messenger of the Court, who called upon me late in the day at a tradesman's in Graham's Town. It was not likely I should have six hundred dollars in my pocket from home, or that I should pay such a sum to a person not legally authorized to receive it, far from sober when he applied for it, and that at twilight in the evening ; but as the application had been made through an official channel, I repaired on the following day to the secretary and formally tendered it ; the secretary declined to receive it, and referred me to Mr. Hart's general agent in Graham's Town ; the agent likewise refused it, so that I had no alternative but to await Mr. Hart's arrival in Graham's Town.

In less than a month from this period, and before any opportunity offered for discharging the rent, I was served with a notice from Hart, sanctioned by the landdrost, to give up possession of the farm within the ensuing twenty-four hours, and a formal intimation from the latter, that two impartial persons would be forthwith sent to assess the value of such improvements as I had made upon it ; I immediately sent a protest to the landdrost against these proceedings, and of sufficient efficacy to prevent any attempt at the threatened ejection, though the assessment took place.

The conduct of this assessment was such a burlesque upon consistency that its audacity absolutely staggered the public. The two impartial persons, chosen in a district mainly English, were two Dutch boors, both incapable of appreciating the style of improvement I had effected ; and either of whom, in the purchase of an estate, would not have allowed a single stiver for an erection upon it equal to the land or mansion-house ! They were, moreover, Hart's particular friends ; had had extensive dealings with him, were under considerable obligations to him, and in a word, were wholly in his power. This is, however, so trifling an instance of the oppression I have experienced, that I should scarcely think it important enough for the trouble of relation, but that it serves to illustrate the invariable practice at the Cape, where every subject's property is at the mercy of the local authorities, and, consequently, at the government's. My expenditure exclusively upon the farm at this period was upwards of twenty-three thousand dollars. The improvements were assessed at *thirteen hundred*.

Whether owing to the remonstrances I made on this occasion, or to any compunction in the government, I cannot pretend to say, but no further measures were pursued until the arrival of the ensuing commission of circuit, when Mr. Hart brought his action of ejectment against me, founded on my insolvency as published in the Cape Gazette, and the nonpayment of the last year's rent ; whilst I, on the other hand, instituted proceedings against him for the illegal attempts he had already made to eject me, and for the recovery of damages thereon.

I have been particular in relating all the foregoing circumstances, because they are indispensable to a clear developement of the iniquitous treatment I have experienced ; and I earnestly claim attention to the proceedings of this commission of circuit, so decisive as they were of the charge I have advanced.

The commissioners on this occasion were Messrs. Buisinne and Bentinck ; Mr. Hart's action was first called, when to his utter astonishment he was told by the court that it could not be maintained ; that I was not insolvent ; that the publication alluded to originated in mistake ; that I was, consequently, as free to act in my own concerns as any other person ; that as his interruption of my proceedings on the farm had occasioned

it to lie unproductive on my hands, he had no right in equity to demand rent ; and in answer to his application, that I should be compelled to restore the title deeds, he was informed that as they were to all intents and purposes my property till the expiration of the six years, it could not be complied with. On the other hand, my action against Hart was declared to be good, although untenable in its present form from the omission of Mr. Van der Riet's name, who, as equally culpable, I should have joined with Mr. Hart in my suit for the recovery of damages.

What, may I be permitted to ask, could be more conclusive than these public declarations of the commission ? It was here announced in open court that I was not insolvent ; that the publication had arisen from mistake ; in addition to which, if confirmation had been wanting, I maintained an action at the same sessions against a tenant of my own, and cast him.

Could it be even conjectured that two judges of the worshipful court would pronounce a decision liable to be rescinded by any but a superior tribunal, or run the remotest risk of leading me into measures involving no less a consequence than that if I was a bankrupt, every day of my life I became a fraudulent one ! The payment of a bill, pay the purchase of food for my family, would become, under such circumstances, acts of delinquency by the laws of the colony.

The twelve months intervening between this and the ensuing commission of circuit were marked with the same spirit of persecution as the former. Fresh attempts were made to eject me from the farm. I received summons after summons to Cape Town, there to answer fresh proceedings against me on the part of Hart ; and when I had made preparations for this formidable journey at a considerable expense, it was intimated to me that the whole mass of dispute between Hart and myself was finally referred for legal decision to the commissioners of circuit, about proceeding to the frontier.

With the conduct of the last commission in review, and absolutely exhausted with anxiety and suspense, I hailed the approach of these commissioners with inconceivable pleasure, satisfied that even if deficient in that manly independence and partiality so characteristic of Messrs. Bentinck and Buissinne they would scarcely dare, in violation of all consistency and

uniformity of proceeding, to manifest themselves the tools of the government in the very teeth of the Commissioners of Inquiry, who had recently arrived at the Cape. In what degree these hopes were realized I now resume the course of my narrative to disclose.

The actions I gave instructions to bring against Hart, and the sequestrator, were two, on the grounds already stated. These were divided and subdivided by the district clerk into five, and again as capriciously amalgamated by the court into three, so that with the nature of their separate or individual merits I am utterly unacquainted; the aggregate amount of damages laid was thirty thousand rixdollars. Mr. Hart also brought his action against me, which by the same species of amplification was multiplied into four.

It will be here necessary to point out that as the very basis of all this litigation was the publication of my insolvency in the Cape Gazette, the merits of every action resting entirely on the simple question, Was that publication legal or illegal? all matters in dispute between us merging in the issue of this one question, it was obviously the duty of the court to give my action against Mr. Van der Riet, the sequestrator, the first hearing; indeed with any regard to justice it was their only course, because the issue of this cause would inevitably settle the point, and was intended as a preliminary to any of the suits against Hart; any other mode was a manifest incongruity, about as absurd as to try a man for high treason on an assumption of overt acts that never had existence; but this extraordinary court of justice thought otherwise; and to the utter astonishment of every individual throughout the colony acquainted with the circumstance, they refused entertaining this suit altogether, referred it for decision to the full court at Cape Town, assumed its unfavourable termination for me as a certain event, and upon this postulate, adjudged all the causes at issue. The public was absolutely horror-struck at this monstrous proceeding, so contrary to justice and the universal expectation; the very secretary to the commission ejaculated his surprise, and recommended me to appeal. Several other functionaries confessed equal astonishment; one of the heemraads, notoriously servile to the government, and a man of singular reserve in his conversation, admitted to me in con-

fidence that the whole affair was, without exception, the most flagrant instance of venality, prostitution and execrable injustice that ever came beneath his observation ; and that no doubt could exist but that I had been tried by the government at Cape Town, and that these men were mere vehicles of its pleasure ; while Mr. Hart himself gave currency to this opinion by publicly boasting that in answer to a letter he wrote the Governor, his Excellency had expressed himself in terms very favourable to him ; that he had sent to Sir John Truter, the chief justice, had given him instructions on the subject, and that on the arrival of the commissioners of circuit he should be put in possession of the farm.

I should be very sorry to encounter my Lord Bathurst's further reprehension for want of temperance in my language, but matters have come to too terrible an extremity for me to temporise. God knows there has been no moderation in the treatment I have experienced ; and it is not because Messrs. Borchers and Truter, or Lord Charles Somerset, are clothed with power that I am to submit to their iniquitous oppression without complaint, or an appropriate use of terms in the relation of my grievances. I am stating facts known to thousands, facts that have excited universal disgust and indignation, and it would be a compromise of integrity to conceal or qualify them.

In one of the actions brought against me by Hart, the testimony I adduced in disapproval of his charges was so overwhelming that I left five witnesses uncalled, and the court could not avoid giving judgment in my favour, but it decided nevertheless that I should pay the costs ; a decision that excited an instant burst of indignant laughter in the audience, and one, I will venture to say, likely to prove incalculably mischievous in its effects. What greater incitement can be held forth to vexatious and oppressive litigation than such a result ? A bad neighbour, through the instrumentality of such men, could at any time crush his victim ; perfectly indifferent as to the issue, he would have nothing to do but institute suit after suit, no matter on what pretence, and thus easily effect his ruin in law charges alone.

The conduct too of these judges, on every occasion connected with the proceedings before them, was distinguished by the

grossest partiality. Hart, high in the confidential service of the Governor, with thousands of the public money constantly passing through his hands, and possessed of no small share of local patronage, was surrounded with dependents, whom the court permitted to become auxiliars to his purpose. Innumerable questions to evidence, as insulting to me as they were irrelevant to the subjects litigated, were publicly written by these persons in court, and handed over to him in spite of every remonstrance I could make. One person, to my utter astonishment, declared that I was not only a bankrupt but a fraudulent one, in the very teeth of the declarations made by Messrs. Bentinck and Buisinne at the last commission ; and the court absolutely ordered the Board of Landdrost and Heemraaden to make formal inquiry into the merits of this accusation. Conscious that no action of my life could bear the imputation of meanness or dishonour, much less of fraud, I was staggered at this attack, and apprehended some plot for my destruction, until the grounds of it proved to be not any specific charge of delinquency, even had I been a bankrupt, but that I had bought and sold since the publication in the Gazette. My causes with Mr. Hart, which occupied only a portion of three separate days, were protracted in their hearing to eleven, although I resided three miles from Graham's Town, and was throughout this period so ill as to be scarcely able to stand, and so hoarse with coughing as to be nearly inaudible.

My only resource now was to appeal from these judgments, and I certainly took some consolation to myself in the triumph which awaited me when I should expose them in Cape Town ; but as I could not by any importunity procure copies of the recent proceedings, so essential to the prosecution of my appeal, I thought it necessary to address the Governor at once, to recount to him the conduct of these judges, and to request, what surely I was entitled to, that it should be investigated. I accordingly memorialled him upon the subject.

In the mean time, although appellant in all the actions to the Court of Appeals, the decisions of the commission of circuit were immediately acted upon. The farm was forcibly taken from me at the threat of the Cape Corps bayonets. My own estate, for which I had refused thirty-two thousand dollars, was brought to the hammer without regular notice,



and with only two bidders present, sold for four thousand six hundred dollars.

But the determination of the government to persevere in alienating me from its protection, was visible on every occasion which brought me before its notice. Just before the arrival of the commission of circuit we had experienced one of the heaviest floods ever known in the colony, in which I lost the whole residue of my property; a new house I had built on my own land totally destroyed. The waters rushed in with such impetuosity that Mrs. Burnett narrowly escaped with life, with nothing on but her night-clothes; she was borne through a sea upon the shoulders of labourers. For three days, with no access to the town, we had barely food to sustain life, and no change of clothes. One would have thought that his Excellency's beneficence might have manifested itself upon an occasion so powerfully taxing it; his Excellency, however, did not even condescend to answer a memorial I sent him on the subject, in which, after setting forth the deplorable condition we were reduced to, I solicited some temporary relief by way of loan, but on the contrary ordered His Majesty's fiscal to commence a prosecution against me forthwith, founded on my complaint against the commissioners of circuit.

As my claim on the commissariat for grass supplied the Cape Corps is intimately connected with these judicial proceedings, I shall here introduce a brief account of the transaction. On first taking possession of my land, I found that this regiment supplied itself from thence with grass and fuel, without the formality of asking leave, or any apparent consciousness of committing trespass: it became necessary to check this; and I accordingly desired the foragers to desist, with a threat of complaint to their commanding officer should I find them upon my premises again. This produced a message from Captain Somerset, that as the troops must have grass, and there was none other in the neighbourhood, he would thank me to let the men cut upon my land, and I should be paid for all that was taken. With a large herd of cattle of my own, I was particularly solicitous to preserve the grass, but wishing to be friendly with Captain Somerset, I consented. The supply was taken exclusively from my land, till Captain Somerset was about quitting the frontier, when I applied to

him for a certificate of the quantity delivered, as an authority for its payment by the commissary ; Captain Somerset was at this time busily engaged attending the sale of his effects, and could not conveniently give it, but he promised to leave it with the commissary on the following morning before he left Graham's Town. I felt so satisfied with this assurance, that it was late the next day before I went to town, when I discovered, much to my astonishment, that Captain Somerset had left the frontier without depositing the certificate. I felt no suspicion of juggle on the occasion, but attributed the omission to forgetfulness ; and as a Mr. Francis was about proceeding after him, I dispatched a letter by this gentleman, reminding him of his promise. He expressed to Mr. Francis his regret at the neglect he had committed, and promised to forward me the voucher by the first person of his suite who should return to Graham's Town, which pledge he also infringed.

All my efforts to obtain payment for the grass proving fruitless, I summoned the officer commanding the corps before the commission of circuit at Bathurst, who was ordered to give me a certificate for what quantity the regiment had taken since Captain Somerset's departure ; this he stated to be forty-eight loads, admitting at the same time that even these had been taken contrary to his positive orders, that neither wood or forage should be drawn from my land ; and the court referred me to Captain Somerset for the adjustment of the former claim, who from that time never answered any application I made to him on the subject.

When Sir Rufane Donkin paid his second visit to the frontier, I submitted this grievance to him ; he expressed to me, and also to Captain Campbell, much indignation at the treatment I had met, ordered his aid-de-camp to give the D. A. Commissary General instructions for the immediate liquidation of the claim, and subsequently sent me a written assurance, through Colonel Bird, that I should positively be paid. On the arrival of Lord Charles Somerset I renewed my application, and after a long, fruitless and evasive negociation, I received the exhibit No. 1. When Major Somerset reached Graham's Town, I lost no time in calling his attention to the subject. He told me in the presence of Mr. Rivers, the landdrost, that the claim should now be discharged ; that as the accounts which embraced it

had been closed more than two years, the commissary could not now pay it upon his certificate, which otherwise he would cheerfully give me ; but if I would make oath before the landdrost of the quantity of grass delivered, he would forward my attestation to his Excellency by following post, who would in return transmit him his warrant for the full payment of the claim with interest, *and all this he promised upon his word of honour.*

Repeatedly as I had been deceived by Major Somerset, I could not permit myself to question his sincerity after a pledge so solemnly given, and with a confiding frankness, which merited a different return, I communicated the important consequence attached to the payment of this money ; that it established the illegality of the sequestrator's measures, and all ulterior legal proceedings consequent upon them, and thus allowed myself to be defeated by my own ingenuousness. From that hour I heard no more of the grass claim ; and no doubt exists, but that to shield the sequestrator and the landdrost, who had refused to receive it in liquidation of Hart's sentence, the government has not scrupled to make me the sacrifice, by the commission of as barefaced and disgraceful a robbery as ever was perpetrated by a burglar or a highwayman.

Not to recur again to this claim, I shall here conclude its history. On my arrival at Cape Town, I renewed my application for its settlement to the Governor ; and here, just as I had anticipated, the obstacle projected was precisely the one opposed to me at Graham's Town, only converted to the Cape. As nothing could be done heretofore without communicating with the commander of the forces, so it became now as necessary to correspond with the commander of the regiment.

The first intelligence from Major Somerset on the subject, was a denial of the claim altogether, from the circumstance of his finding no vestige of it in the regimental accounts. How came he, then, twice to promise me a voucher for the liquidation of a charge which had no existence ? and how came he to promise upon his honour that his last communications to his father respecting it, should be of a nature to insure the transmission of his warrant for its payment by return of post, coupled with an observation (in his own phraseology) that

since his return to the frontier he had twice had his knuckles rapt for not seeing it discharged? Thus, after three virtual recognitions of its justice, and the most solemn assurances that it should be settled, so driven were they for expedients to defraud me, as to resort to the despicable subterfuge of denying its existence altogether, from the fact of my confidence in Major Somerset's honour having induced me to neglect the precaution of insisting on certificates being given for every separate load of grass as it was taken from my land; so that a compliment to this gentleman's integrity has become at last the only available weapon in their hands to defraud me of my right.

But expedients of this sort, founded in trick and falsehood, are sure to be traversed by an opposition that has truth and justice for its basis. It fortunately occurred to me that Mr. Francis was at this time in Cape Town, and to him I applied for a notarial statement of his delivery of my letter to Major Somerset, and the answer he received; and this with my own notarial declaration also, I lost no time in laying before his Excellency. I justly argued, that if the point could only be settled by weight of testimony, surely the attestations of Mr. Francis and myself, unimpeached in our veracity, would bear down the single *ipse dixit* of Major Somerset, who had taken pains to record himself equal to the utterance of premeditated deliberate falsehood.

Shortly after I had an interview with his Excellency, in the presence of his aid-de-camp, Captain Fitzroy, when to my astonishment his Excellency betrayed the most entire ignorance on the subject, although the correspondence upon it was voluminous, and had occupied a period of three years. After I had stated the case to the Governor, Captain Fitzroy, with that liberality of mind which I am persuaded is his characteristic, observed in the most handsome manner, that with submission to his Lordship he thought Mr. Burnett's word of honour might be allowed to adjust this business without any further proceeding whatever; his Lordship, however, thought proper to dissent from this proposition, observing that the signature of every officer in the service conveyed a pledge of equal sanctity with his word of honour, or even his oath, and that the least he could do would be to consult Major Somerset

on the occasion ; to this I objected that Major Somerset could not consistently deviate from the statement he had already transmitted, that as it was a matter involving neither inquiry or research, but resting entirely with his discretion to infract or fulfil promises repeatedly given, I should consider the case altogether hopeless, and our discussion of it quite unsatisfactory, unless his Excellency would be so obliging as to assure me that the *quality* of his communication to Major Somerset should insure me the return of the certificate. His Excellency smiled at this, and answered, " Well, Mr. Burnett, leave the case in my hands, and I promise to do the best for you in my power."

Now I was perfectly satisfied ; I looked upon this virtual promise of the Governor as tantamount to his order for the money, not only from a natural reliance upon such authority, but from my conviction that no doubt had at any period been entertained of the justice of my claim. To prove this it will be only necessary to state, that during the course of its investigation it was made manifest that more than double the number of loads of grass were taken from my land than I charged for ; and it was as well known that my conduct towards this regiment was marked throughout with liberality and forbearance. Fuel to an enormous value had been taken for which I made no charge ; my property had been constantly trespassed upon, my gardens robbed, and my family annoyed by this corps without retaliation. On one occasion I received the thanks of the magistracy for my moderation in declining to prosecute six of the privates whom I had in custody for theft ; and on another I forbore to proceed against a gang of them who attempted to assassinate me. Five rapes had been attempted, and three perpetrated by these miscreants upon settlers' wives, chiefly upon my premises, which a respect for his Lordship's feelings prevented my disclosing to the military secretary at the Horse Guards.

To conclude, Major Somerset's communication was at length announced to me, which proved a mere echo to the one preceding it, and the best commentary I can possibly offer upon this iniquitous transaction is to add the final result, videlicet : His Excellency's proposition that I should submit my claim to the inquiry and adjudication of a board of Cape Corps

officers, that is to say, submit an inalienable *bona fide* right to the caprice of men smarting under my merited castigation for conduct disgraceful to them as christians as well as soldiers.

It is barely necessary to add that I spurned this proposal as became me, merely intimating to his Excellency, through the medium of his aid-de-camp, that as I found it impossible to obtain justice at the Cape, I should cease to struggle for it farther, but look alone to a quarter from whence it had ever flown freely and unpolluted, His Royal Highness the Commander-in-Chief.

Soon after the judiciary sittings had closed in Graham's Town, the Commissioners of Inquiry arrived, and I laid my case before them, but I decline making any allusion to these gentlemen, both from my ignorance of any steps they took in my particular, and the inviolable secrecy which I think should accompany any knowledge or conjecture of their proceedings. The colonists no doubt look steadfastly as they do anxiously to the result of their inquiries, with that reliance which talents and integrity must at all times insure.

In obedience to the fiscal's citation I now proceeded with my family to Cape Town, where I arrived in the month of April last. The day of my trial had been protracted two months at my own request, and now on my representing to the court that it would be impossible for me to prepare my defence without copies of the recent causes in Graham's Town, these papers were ordered me, and the trial was postponed two months longer.

During this interval a circumstance of the most extraordinary kind occurred. A paper was said to have been found pasted on a post in one of the most public parts of the town, accusing the Governor of having committed the most execrable of all offences with the physician to his household, and a proclamation immediately appeared offering a reward for the discovery of the publisher. Universally unpopular as his Lordship was, this unmanly attack excited general disgust and indignation. The merchants and public functionaries took the matter up with great spirit, and increased the reward to something above twenty thousand rixdollars. It was at this juncture that, while walking with a friend on the parade, I was summoned home by a servant with intelligence that the house where I

lived was beset by officers of justice and myself inquired for ; I repaired thither on the instant and was received in the hall by His Majesty's fiscal, and a member of the Court of Justice, attended by the secretary, who announced their errand by showing me his Excellency's warrant for the seizure of my papers to search for a copy of this infamous placard. It is impossible to express the indignation I felt at this proceeding, that his Excellency actually suspected me of having any participation in this business I felt assured was not the case, and the conduct of the gentlemen delegated to perform so revolting a duty very soon convinced me that they also thought me incapable of it, but it required no great depth of penetration to reconcile this or any other despotic measure with his Excellency's invariable policy. As a persecuted individual who had manfully opposed every attempt to crush me, I stood high in public regard, and it was especially piquant to his Lordship to abate that regard by circulating a probability of my being implicated in this transaction. I extracted however some satisfaction from the surprise with which I was taken. I had manifestly no time for preparation or the secretion of any paper, so that after the search my innocence would not only be established in point of form but in essence also. I therefore conducted these gentlemen to my room, the door of which from their first arrival had been strictly guarded by police officers, and delivered to them the key.

As many sheets of my defence, with a list of questions to evidence in the pending trial were lying on the table, which would unavoidably fall under the fiscal's inspection, I cannot avoid pointing out the invidiousness of selecting this gentleman to effect the search of my papers, while a search was simultaneously going on at Mr. Greig's the printer, by the deputy fiscal, against whom this objection could not lie, as he had nothing to do with the conduct of the prosecution against me, but so it is at the Cape.

After the search, which was conducted throughout with the most scrupulous delicacy, and every manifestation of feeling and reluctance, these gentlemen acquitted me of having any improper papers in my possession and took their departure. As originating in this affair of the supposed placard, an insult so gross in all its bearings had been passed upon me, I

feel myself entitled to express an opinion upon the subject, especially as that opinion is now the pious belief of the whole community at the Cape. The placard then in question was beyond all doubt written and affixed by Oliver the spy, in conjunction with another miscreant, (whose name it would at present be injudicious to disclose) and torn down the moment it had obtained sufficient publicity for their nefarious purpose. I am prepared to enlarge most satisfactorily upon the subject should it at any time become expedient. This opinion I had no scruple in disclosing before the court and the public on my trial for the libel, and this most dreadful of all the human species is well aware that I am ready to stand forth his accuser at any time.

As this seizure of my papers was professedly in consequence of private information received by the government, I now applied to the fiscal to give me up the name of the informer that I might prosecute him criminally. This gentleman assured me that my request should be complied with the moment the investigation then in progress was closed, and his Excellency in person made me a similar promise. Nothing however of the kind was ever fulfilled, and this imputation upon my character remains till now unpunished.

My trial for the libel upon Messrs. Borchers and Truter next took place, not only in direct opposition to the wishes of those persons, but against the better judgment of the fiscal himself, who confessed to three different gentlemen on separate occasions that there was no existing law in the colony on which I could with any propriety be tried, and in short that he had not a leg to stand upon. It was my intention to have made a very elaborate defence, and to have disclosed in it a history of the persecution I had sustained, but as this was impossible without inculpating the Governor and his son to a very considerable extent, and as a sample of the consequences accruing from such a course was then but too manifest in the case of a Mr. Edwards, who had just been adjudged to seven years transportation for writing a letter to his Excellency, I declined making any defence whatever. The document No. 2 is my answer to a two hours speech of the fiscal, rendered to me in court by the sworn translator in as many minutes, a circumstance I only mention as accounting for the paucity of



my arguments against a speech which I perceive, now I have a copy of it, should have been more amply discussed.

The result of this trial was, my banishment from the colony for five years, with imprisonment till the period of embarkation. Against the latter part of the sentence I appealed to the full court, my trial having taken place before two of its commissioners only, when the court, after a protraction over the long vacation, thought proper to reject the appeal and confirm the original sentence. Before the appeal came on, I met the fiscal by accident in one of the court lobbies ; we had some conversation together, and sauntered without any apparent design into his office. By some neglect of my notary in serving the fiscal's summons I had forfeited my right to appeal, and was then entirely at his mercy ; he apprised me of this omission, and inquired what course I meant to pursue ? I told him, in consideration of my ignorance of legal forms, and the fault having originated with the notary, the court would doubtless, on my applying to it, purge the default and entertain the appeal. He strongly recommended me not to make any application at all to the court, with an assurance that it was not his intention to imprison me, provided I was sincere in my determination to carry the sentence into effect, and quit the colony by the first convenient opportunity. I very readily pledged myself to this, and observed that I should at once adopt his suggestion, provided he would give me such assurance in writing, otherwise, without at all distrusting his sincerity, I might, on the first whim of his Excellency, find myself *nolens volens* in the tronk. He stated, in reply, that if I would see him an hour hence, in all probability he should be able to comply with my wishes. At once perceiving his drift from this speech, and that it was a renewed attempt to induce an application from me to his Excellency for grace, I answered him emphatically—" Mr. Denysen, I would have no manner of objection to lay myself under an obligation to *you*, and be proud to acknowledge it everywhere ; but if you think I would receive any thing as a boon at the hands of Lord Charles Somerset, the Governor of this colony, you are indeed mistaken nay, if the only morsel of bread with which I could sustain life was to be the gift of a man who has so remorselessly persecuted me, and whom I do thoroughly despise, believe me, I would

reject it and die." I therefore applied to the court, the appeal was allowed, but the hearing was postponed over the vacation, evidently to give me an opportunity of quitting the colony in the interval.

No expedient for getting rid of a person obnoxious to his Excellency could be more simple in its conduct than that of banishing him for five years, through the medium of a court of justice so constituted as to render any opposition to his wishes a contingency next to impossible. I do not mean this as a reflection upon the court, because the most abject obedience to the will of the Governor is an unavoidable condition of its tenure, and no man can be expected to innovate upon precedents of a century standing, at the price of his daily bread, however he may be under the discipline of his conscience. The Dutch *morale* too, in this respect, varies materially from the English; and as the court is formed entirely of that people, not remarkably profound in jurisprudence, with the exception of one Englishman retired from the commissariat, they may safely do as their forefathers have done before them without much imputation of blame. It is true, an Englishman accustomed to independent, learned, upright judges, and honest juries, is apt to get a little indignant upon such occasions; but as the colony is, to all intents and purposes, virtually Dutch, we may, possibly, have no right to complain. Be this as it may, it is an hypothesis which cannot extend to England. Great Britain is not one of Lord Charles Somerset's dependencies, fortunately for humanity, and I do not permit myself to doubt for a moment that His Majesty's Government will redress those wrongs inflicted in a quarter where the most flagitious injustice prevails without remedy or resource.

I must here observe, and what, by the way, will readily account for the persecution I have suffered, that for the last three years the colonial government has attributed to my insignificant pen all the libels and trash with which the colony has been inundated; lampoons, satires of attic wit, insipid, illiterate placards, or unintelligible doggerels, all have been indiscriminately foisted upon me; and so confirmed is this suspicion, that the fiscal, on the hearing of my appeal, made it an argument for my committal to prison, that several placards had recently made their appearance. Whether this originated

in my having strung together a few couplets, on reading a very inflated account of the rivers in South Africa, and which was said to be personal on Mr. Rivers the landdrost, I cannot pretend to say ; but I can protest most solemnly that this suspicion is without the slightest foundation, and that I have neither lampooned, satirized, or attacked the government in any way.

I now occupied myself in preparations for quitting the colony, and was still in the enjoyment of my liberty, although the original sentence of imprisonment was confirmed ; but while busied in getting ready for my departure, which was to take place the following week, I was again subjected to the tyrannic measures of his Excellency. The fiscal, accompanied by his deputy, a member of the court of justice, and the secretary, once more invaded my dwelling with a warrant from the Governor to seize my papers, on suspicion of my having libelled his Excellency. As I knew these gentlemen must perform their duty, I opposed nothing to the discharge of it, but contented myself with protesting in very strong terms against the continuance of such intolerable persecution. My papers were all examined, and nothing found, with the exception of the little poem upon the rivers, (see Document No. 3.) A considerable ferment was excited by this scandalous proceeding. A general alarm prevailed as to whose house would be beset next ; inquiries poured in upon me from every quarter, and I was not left without very consoling assurances upon the occasion. The motives for this fresh outrage were developed on the instant, and universally stated to be his Excellency's apprehension of my return to England, and that the ceremony of seizing my papers was only to colour some plot in performance for sending me, under a sentence of the Court of Justice, a very different voyage to the one I was preparing for.

Nothing further transpired during the remainder of the day ; but early on the following morning intelligence was sent me that my papers would be forthwith seized altogether, and that a warrant was then preparing for my committal to the tronk. I lost no time in availing myself of this information, not with the remotest intention of evading any proceedings the government might meditate against me, but merely to avoid imprisonment for the few days which I knew must intervene

before the court of justice assembled. It was now Friday, and Monday was the day appointed for its convention. My first step was effectually to secure my papers; I then walked leisurely to a friend's house in the suburbs, where I proposed remaining till the Monday, and then surrendering myself in court. I had scarcely been housed an hour before word was brought that the fiscal with his posse had again searched the house for my papers, and that I was summoned to appear immediately before him. Nothing during these proceedings could equal the anxiety manifested by all classes for my safety. "I hope he is not taken," and a hundred other ejaculations of the sort were heard at every turn, while repeated offers of service and assistance were sent me from every direction. I think I may venture to say, that I entertained infinitely less apprehension from these measures than any one of my friends in the colony.

I had scarcely received this information, before the sheriff and a large body of police were seen approaching the house; and, upon the spur of the occasion, I was compelled to conceal myself beneath a bedstead. The worthy family which had sheltered me felt the most lively concern for my safety; and, by the adroit answers which were given to the sheriff's inquiries, an apprehended search of the premises was prevented; but the house was left beset with police officers, more than thirty of whom kept their station around it during the night, the greater part of which I lay concealed on the roof of a hen-house, partially hidden by its parapet. I had in the evening dispatched a friend to the fiscal, with a note expressive of my readiness to surrender to any decent messenger he pleased to send; but my friend choosing first to consult some gentlemen as to the propriety of this measure, very speedily returned to me with their positive interdiction of the step contemplated, and assurances that in the universal opinion of the town, his Excellency entertained so much dread of my return to England, as to render my transportation to New South Wales, if taken, a matter of absolute certainty; that I had specimens enough of what reliance innocence or a good cause could place in the court of justice, and that as Oliver the spy was known to be actively engaged in the business, some plot was to a certainty in agitation, which might have for its object not only to

deprive me of liberty but of life. I was cautioned, if taken, to eat nothing in the tronk until the arrival of friends to administer to my wants, and to hold myself in readiness to follow up a plan then maturing for my escape.

Strong as these arguments were, I still felt a considerable reluctance to continue my concealment, conscious that the charge against me, whatever it might prove, was utterly destitute of any foundation in truth. I thought it a compromise of rectitude to assume for a moment, even under such appalling circumstances, the semblance of guilt; but when, on the other hand, I reflected on the vindictive pitiless character of the Governor, with whom to be suspected was to be convicted, and that the court of justice, with whatever reluctance, would inevitably decree as he might be pleased to dictate, I decided to follow the advice of my friends.

The night passed in the utmost state of solicitude and apprehension, for such was the vigilance of the police that escape was rendered impossible; the premises were completely circumvallated by thief-takers in every variety of disguise, so that I was hermetically sealed. The following day was passed much in the same way, till at length a plan was concerted which bade fair to be attended with success.

It was ascertained that a search-warrant would to a certainty be issued on the Monday morning, so that no time was to be lost. Accordingly, on Sunday evening, a little before gun-fire, Mrs. Burnett, disguised as a Malay slave, came to the house through a whole phalanx of the police, carrying in her hand a large lanthorn, according to the Cape custom, and conducting a gentleman and lady. I lost not a moment in assuming her disguise, and boldly sallied forth, re-conducting the same lady and gentleman into the town. So admirably was this plan concerted, that not the slightest suspicion was entertained by any of the officers, all of whom saw me depart, and some of whom passed within a few yards of my person. In short I made my escape, got safe to the house of one merchant, where I put on a fresh disguise, and finally arrived at the house of another, where a place of effectual concealment had been provided for me.

The most active exertions were now made to discover me. His Excellency was said to have offered a private reward of

four thousand dollars ; the coast was guarded to prevent my embarkation, and the masters of such vessels as were about sailing were interdicted, under a very heavy penalty, from receiving me on board ; the police, in the mean time, were exploring every part of the town and suburbs, and were harassed, night as well as day, in their toilsome but fruitless search.

I had been a fortnight confined in a room not ten feet square, inaccessible to a breath of wind, where the thermometer ranged from 90 to 105, when in a total loss of appetite and an alarming prostration of strength, I had reason to apprehend the very speedy consummation of his Excellency's wishes without the formality of trial, and I determined to shift my dwelling to a situation a little more salubrious, under proper precautions ; I therefore resumed my former abode in the suburbs.

In the meantime preparations were making to smuggle me away. The threatened penalty to the captains was at no time an impediment, as several merchants offered to become their security to any amount, and such was the general sympathy in my favour, that some masters of vessels declared their determination to receive me, if I was prepared, at their own sole risk. My friends had also circulated a report that I had sailed in the *York*, which, from the relaxed exertions of the police, seemed to have obtained some faith with the government.

It is here necessary to observe, that in spite of the ridicule of my friends and a concurrent opinion to the contrary, I could not divest myself of a belief that the fiscal was not only anxious for, but had actually been instrumental in my escape, and this belief in the end has received complete confirmation. Actuated, however, by it, and a report that Sir John Truter set his face against these proceedings of his Lordship, I commissioned Mrs. Burnett to see both these gentlemen, and in a private and confidential interview to ascertain, if possible, from them what was to be the upshot of those violent measures ; from Sir John Truter she learnt that I had nothing further to apprehend in any proceedings of the bench of justice, as it had rejected the fiscal's application for the institution of a criminal prosecution against me, founded upon the recent suspicions of

his Excellency ; he informed her that whenever I was prepared to sail, on her making application to the fiscal, that officer would give her a passport to justify the captain of the vessel in taking me from the colony ; but he recommended that till the very moment of embarkation I should on no account quit my concealment. To Mr. Denyssen I wrote a confidential letter, introductory of Mrs. Burnett, and the nature of the business which occasioned her to call upon him. This gentleman gave her similar assurances with Sir John Truter, and as strenuously recommended that I should persevere in secreting myself as long as I continued in the colony. The idea of meeting with sympathy and even protection from such authorities, in direct opposition to the fell determinations of his Excellency, was extremely flattering and consolatory, as it tacitly admitted that I was regarded by the highest functionaries of his government less a turbulent radical (as his Lordship had been pleased to call me, and for which I shall have an opportunity some day of thanking him in person,) than an aggrieved and persecuted individual whom it was meritorious to rescue from his vengeance.

I had been in this state of hide and seek for nearly a month, when the attention of the police was again directed to the place of my concealment, and positive information was sent me that a plot, dreadful in its character, was then getting up by one of the police officers, under the tutelage of Oliver the spy. This man had formerly been servant to Mr. Edwards, and was the person suborned to accuse his master of having composed the placard which occasioned the first seizure of my papers. This ineffable miscreant, whom I had never seen or spoken to in my life, professed to be in correspondence with me, and was imprisoned upon this confession. I began now to think in good earnest that Lord Charles, from some inscrutable motive, was resolved to sacrifice me, and I came to a corresponding determination of pursuing such measures of precaution and defence, that I have no scruple in confessing the police would have had little reason for felicitation should we at any time have come in contact.

On this last occasion my situation was truly critical ; I had been seen by the sheriff walking on the terrace in front of the house, so that no doubt of my retreat any longer existed, and

escape was now generally supposed to be impracticable. My good fortune however did not desert me ; in the disguise of a military officer, and with a well laid plan to render it effectual, I once more made my escape, and achieved my retreat to a place of safety.

As the *Alacrity* was to sail in the course of two days, it now became necessary to obtain the passport, for which purpose Mrs. Burnett, accompanied by a gentleman, called upon the fiscal ; finding him absent, they repaired to Mr. Ryneveld, the deputy fiscal, when the intervention of a fresh difficulty excited in us all considerable alarm. This was no less than a stipulation on his part that I must be actually reported on board of ship by one of his officers before the passport could be granted ; as a condition of this kind, so utterly unnecessary, was calculated to excite suspicions of treachery, these were very frankly avowed, but Mr. Ryneveld gave the most satisfactory assurances on this head, not without expressing some indignation at my supposing him capable of practising any deception ; “ But,” added that gentleman, “ I am not at all surprized at it when I reflect how Mr. Burnett has been treated.” The passport was nevertheless sent the same day to Mrs. Burnett, and on the following one I embarked on board the *Alacrity*.

I have now, in terms as concise as the subject would admit, given a summary of the persecution Earl Bathurst cannot conceive it possible I should have experienced, and I have adhered throughout to the most scrupulous and rigid regard to truth ; independent however of these main accusations against the colonial government, I could relate a hundred little petty annoyances, not perhaps so fatal in their effects, but infinitely more galling in their operation, and more conclusive of the charge advanced ; but if what I have already stated is insufficient to obtain the interposition of His Majesty’s Government between my utter ruin and the unparalleled oppression of its Governor at the Cape, it would be futile to adduce any thing further. From the earliest period of my location as a settler, I have been thwarted and opposed by every instigation of the most ingenious malice, my credit has been blasted, and my character defamed by an act of flagitious illegality, involving in it the sacrifice of my capital, my domestic



happiness, my health, and my peace of mind ; upon a sentence which has no basis either in law or equity, and for an offence which the statutes of my own country virtually invite the subject to commit. I have been banished from the land of my interests, my hopes, and my best connections, at the caprice of that Governor's suspicions, or his fears ; the privacy of my correspondence has been twice violated, and my actions subjected to political surveillance ; and finally, after inflicting as complete a ruin as the most insatiable tyranny could propose, I have been hunted down from covert to covert like a beast of prey, and compelled to fly the very land from which I have been so iniquitously banished.

Nothing on my part has contributed to such proceedings. I am in possession of all my correspondence with the colonial government, from their outset up to their close, and nothing can be gleaned from it extenuatory of such treatment ; if at any time I have used terms of severity, they will invariably be found justified by the occasion, or I have lived to little purpose if I have yet to learn that the aggressions of power are not to be repelled and its tyranny opposed. That Lord Charles Somerset could have pursued me in this way without some motive it would be rash to maintain ; on the contrary, he has been influenced by very powerful ones ; it has been my lot, very undesignedly, to traverse and circumvent him on many occasions, and his Excellency is proverbially as indiscriminate as he is implacable in his resentments. It was sufficient offence in me that I rescued the character of Captain Stockenstrom, the landdrost of Graaff Reinet, from opprobrium, and chastised a military scoundrel. It would have been equally so, that I exposed the nefarious green forage system, that I conducted the defence of three settlers, tried for trafficking with the Caffres, and obtained their acquittal, although they stood condemned in Earl Bathurst's office without trial ; it would have proved quite sufficient provocation to his hostility, that I established the utter inutility and licentious insubordination of the Cape Corps, and prevented the right of stuprating our wives and daughters becoming one of its immunities—or that I have the reputation of detecting in the fractional items of a sham contract an enormous diversion of public money. Less than these offences would be sufficient to call forth the

vengeance of a man bearing his faculties with more meekness than his Excellency Lord Charles Somerset.

With regard to my political principles, I hold it a paramount duty to disclaim the imputations his Excellency has cast upon me ; because as he has not scrupled to call me the king of the radicals, and represent me at the Cape as turbulent and disaffected, it is fair to infer, that if he has thought proper to notice me at all to His Majesty's Government, he has described me in similar colours. I can solemnly declare that I never gave a political opinion in my life, that I never interested myself in any political question, or made the measures of any government the subject of a moment's reflection. The whole of my kindred and connections are in their principles what is termed ministerial, and so far from any actions in my life impeaching my loyalty or attachment to monarchy, these principles are so inherent in me, that no persecution or accumulation of injury could ever tempt me to forego the one or the other. But this species of attack is so common at the Cape as to become at length quite innocuous : if Lord Charles has a dispute on a race course, the party at variance is set down by his minions forthwith as a radical, so that the term applies to those persons personally obnoxious to his Excellency rather than his government ; but to show the unwarrantable uses to which this engine has been applied, his Lordship thought proper in a private and confidential letter to the Reverend Mr. Geary, the pastor of Graham's Town, to caution him as to what society he should keep, and to denounce to him Major Pigot, Captain Campbell, Mr. Phillips and myself, as disaffected radicals !! It would be superfluous to make any comment upon this anecdote.

I have likewise throughout this statement sedulously avoided making any observations upon his Excellency's government not immediately connected with my own case. It would be useless to conceal that I am in possession of that vast accumulation of matter which forms the subject of the present official inquiry at the Cape, and I may venture to add something beyond it, but I consider my case much too important in its own elements to require any adventitious aid. If, therefore, I am fated to join issue with his Lordship, it shall only be at the Bar of the House of Commons that I will make my dis-

closures, and I will confess that I am armed at all points for the contest.

Upon the whole I have made out a case of the most unparalleled injustice and persecution, and I look with unbounded confidence to His Majesty's Government to do me right. I found this hope exclusively upon the merits of my case, with opinions involving no one political speculation, and with views embracing no sinister dependence upon expediency. I have been defrauded of my property by Lord Charles Somerset's injustice, and my pursuits in life have been for the last four years held in abeyance by his persecution. I can repeat, without boast, the universal sentiment at the Cape, that not one man in a million can be found capable of sustaining an equal weight of oppression with the courage and equanimity I have manifested throughout; and it is as generally allowed that the display of these qualities has especially goaded his Excellency to the unwarrantable length he has gone, while, with the moderation of my conduct, His Majesty's Government must be satisfied, whatever may be the representations of his Excellency, when they perceive the very grounds of my banishment, to be an illegal prosecution and a sentence emanating from that prosecution which, if legal, it would fail to justify. His Majesty's remission, therefore, of the sentence of banishment by which I can return to my family, my connections, and the conduct of the important causes in which I am appellant will, I trust, be the forerunner of that redress I am soliciting, while in strict proportion to the confidence I have expressed in the justice of the Government will be my obedience to the wisdom of its dictates.

(Signed) B. BURNETT.

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[Copy.]

*Return of Ivory purchased from Kaffirs.*

FORT WILLSHIRE, 13th March 1825.

Amount of Ivory purchased during the period that Sergeant Bentley 6th Regiment was Market Master, from 18th August 1824 to 11th January 1825, 38,424 lbs.

Amount of Ivory during Acting Market Master Syrowens 49th Regiment, from 12th January to 12th March 1825, 12,017 lbs.

Total 50,441 lbs.

During the time that I have been acting Market Master the Colonists paid on an average for the Ivory per lb. One Rixdollar to One and a half, according to the price given for Beads, Buttons, &c. The Beads have varied in price from Four Rixdollars and a half to Twenty and upwards the lb., Buttons from Four Rixdollars to Ten and upwards the gross. The articles given by the Colonists in general are as follows, for Ivory : Beads, Buttons, Knives, Tinder Boxes, Axes large and small, Blankets, and Handkerchiefs. Beads or Buttons are given for Hides, and Buttons for Gum, Mats, Baskets, Hats, Skins of Wild Animals, &c. &c. These remarks are principally from my own observation, and the receipt of Ivory I have collected from the information of the Colonists who purchase that Article, having no scales to weigh it myself.

(Signed) W. O. WELLS, Colour Sergeant 49th Regt.,  
Acting Market Master.

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[Original.]

*Letter from LORD CHARLES SOMERSET to EARL BATHURST.*

CAPE OF GOOD HOPE, 14th March 1825.

MY LORD,—During my absence lately in the Frontier Districts of this Colony a scurrilous and libellous Paragraph in the *Times* Newspaper of the 5th of October last, purporting to be a report of the proceedings of the trial of William Edwards here, attracted the notice of His Majesty's Commissioners of Inquiry, and considering it important to ascertain if an imputation of so base a nature had any foundation in truth, those Gentlemen proceeded to examine such persons as were immediately connected with the transaction alluded to, and the result of which was, I am informed, transmitted to your Lordship in Duplicate, by those Gentlemen, on the 15th and 18th of February last. The same paragraph I understand appeared in the *Morning Chronicle* of the 6th October last.

As the promulgation of so gross an assault upon my Honor and Character cannot fail to weaken my authority in the Execution of the Duties His Majesty has been graciously pleased to entrust to me, and consequently to impede His Majesty's Service, I take the liberty of soliciting that your Lordship may be pleased to authorise His Majesty's Attorney General to institute legal proceedings against the Printers of those Papers, the more especially as I am given to understand that those Paragraphs have been followed by others of a similar nature. I have &c.

(Signed) CHARLES HENRY SOMERSET.

P.S. I have the honour to enclose a Copy of the Paragraph from the *Times* Newspaper, above alluded to, together with Copies of the Result of the Investigation relative thereto by His Majesty's Commissioners of Inquiry.

[Enclosure 1 in the above.]

*Extract from the Times Newspaper dated 5th October 1824.*

CAPE OF GOOD HOPE.

We yesterday received Letters from the Cape of Good Hope dated the 10th July which disclose some curious additional particulars of the late Events, and of which has arisen so violent a ferment in that Colony, viz. The Trial of Mr. Edwards for Libel, the restrictions on the Press followed by the Suspension of the *South African Advertiser* and a Magazine called the *South African Journal*, and the Anonymous Placard reflecting on the Character of Lord Charles Somerset.

It is well known that one of the motives for restraining the Press at the particular period in which the interference took place was to prevent the publication of the Trial of Mr. Edwards, of which therefore little has yet transpired, except that he has been convicted of a Libel against the Governor and sentenced to Transportation for Seven Years to New South Wales. Edwards' crime it now appears consisted in having addressed Letters to Lord Charles Somerset in which he introduced severe imputations on his character. His Lordship immediately gave these Letters to the Fiscal or principal Law Officer of the

Colony, who immediately commenced a prosecution for Libel against Mr. Edwards, founded on their Contents. Mr. Edwards on the Trial energetically insisted on his right to be tried according to the mode of procedure for Libel in England, and defied the Court to prove either that he was the Author of the Letters or the publisher of the Libels. "Suppose," said he, "that any person were to call me a Cockfighter, a Horse Jockey, a Black Leg, a Swindler, a man that had been Blackballed and Horsewhipped at Newmarket, that person would not be guilty of publishing a Libel upon me. But if I myself were to tell all the World what names had been cast upon me, I alone should be guilty of publishing a Libel. So in the present case. His Lordship has been guilty of publishing the Libel, which is stated to be in a private Communication to himself." On hearing the List of Witnesses read over, Mr. Edwards remarked "I observe that the name of One of the Witnesses is not inscribed, I will acquaint the Court with her name. It is Catherina formerly Slave to Mr. Van der Riet, and at present Mistress of His Excellency Lord Charles Henry Somerset. His Excellency's name as a Witness is also omitted, but I will dare His Excellency to shew his Face in this Court. I would prove how many Prize Negroes he gave this Mr. Van der Riet to purchase the freedom of this Woman." The Commissioners of the Court, Messrs. Bresler and Borchers, before whom he was tried, permitted Mr. Edwards during the first days of his Trial to proceed in a similar strain, but at length they absolutely prohibited him from using any Language of a personal nature. No witnesses were called on the occasion, either to prove the Libel or the publication of it, yet he was found guilty, and condemned to Seven Years Transportation, which Sentence was afterwards confirmed by the full Court.

This conviction it is stated is not under the English, but the Dutch Law, the provisions of which, it is said, are still allowed to remain in force in this Colony. As a full report of this Trial is however on its way to England, where Lord Charles Somerset fortunately does not possess so much power as at the Cape of Good Hope, it will soon be ascertained by its publication on what principles this extraordinary decision has taken place. Respecting the restrictions on the Press, we find few new facts in the Letters. Mr. Pringle, the Editor of the

Magazine, had indulged in some remarks on the administration of the Colony, for which he received a reprimand and a requisition to submit his articles previous to publication to the Censorship of the Fiscal, on which he at once abandoned the Undertaking, giving up at the same time his appointment of Librarian at the Public Library. On the affair of the Placard, the Letters state that it was first seen by Captain John Findlay one morning early, on his way to the parade to look for Signals. He did not remove the offensive paper, but it was afterwards, as reported, taken down by a man on horseback.

Captain Findlay made known the affair at the Government House, on which an Oath of Secrecy respecting it was administered to him by the Fiscal, who immediately advertised a reward of 5,000 Rixdollars for the discovery of the person who wrote the placard, and Rds. 1,000 to any person who would produce the paper itself. A Statement was then drawn, in which this Placard was described to be of a very horrible nature, but without any further particulars; and the principal residents at the Cape, under the impression of the moment subscribed an additional reward to that offered by the Government to the amount of 15,000 Rixdollars; still neither the Author of the placard nor the placard itself had been brought to light. The Merchants therefore, who had no information of the precise nature of this placard, nor any proof, in fact, that it had ever existed, began to feel themselves in an excessively ridiculous and humiliating Situation. But their Mortification was not to end with this, for this affair of the Placard had been made the pretext for many Acts of a very offensive and arbitrary nature. The houses of several respectable individuals were searched and their private papers ransacked by virtue of Search Warrants, to look for this supposed or ideal Placard. One person was sent to prison on suspicion, but was afterwards liberated, and even poor Edwards, who was quietly awaiting there out of harm's way, the execution of his Sentence, was ordered into close confinement. Reports were also circulated that Warrants were out for the apprehension of other persons, among whom Pringle, the Editor of the Magazine, was said to be included. This report as regarded him, proved to be without foundation. He waited on the Fiscal to learn whether any Warrant had really been issued against him, but could

obtain no information on the subject. The Fiscal however insisted on knowing who had told Mr. Pringle that a Warrant had been issued against him, and on his hesitating to reveal the name, was taken before the Commissioner Mr. Bentinck who asked him "if he was aware of a Dutch Law which authorised his being sent to Prison in case he persisted in refusing to give up the name of his friend, who told him of the Warrant for his Committal being made out." After a conversation or examination of two hours by Mr. Bentinck, Mr. Pringle gave up the name of his informant.

After this period, Loyal Addresses were poured in upon His Excellency from the Court of Justice, in which the Merchants were invited to join, but the Committee refused, and said the subject ought to be consigned to oblivion.

It was understood also that the conduct of the Government was disapproved of by the Commissioners sent out to enquire into the Administration of the Colony, who were fortunately on the spot, during a scene of perhaps the greatest confusion and disorder that has ever occurred in an English Settlement, and from whom the Government at home will doubtless receive a true statement of all that has occurred.

One thing is sufficiently evident, which is, that Lord Charles Somerset, notwithstanding his powerful Family, cannot much longer continue as Governor at the Cape of Good Hope.

[Enclosure 2 in the above.]

I do hereby certify upon my word of honor as an Officer and a Gentleman that some years ago (1819) my Slave girl Carolina came to ask me if I would sell her for her Freedom. I told her to ask Mrs. Van der Riet, which she did. Mrs. Van der Riet however could not spare her at that time and therefore declined selling her.

That some time afterwards the mother of said Carolina applied to me herself and begged of me to persuade Mrs. Van der Riet to dispose of her daughter Carolina to her for the purpose of emancipating her. Although it was very inconvenient to Mrs. Van der Riet at that time, I could not resist the repeated application of a distressed Mother and sold Carolina consequently to her Mother for emancipation, which



fact (if necessary) or required can be proved by several Witnesses.

On the 21st August 1819, Regina the Mother of Carolina came to me with the money to pay for her daughter, but not finding me at home, left the money with Mr. Smuts, from whom I received it the next morning as appears from annexure No. 1.

I further beg to state that I never had nor have at this moment a prize Slave or apprentice of any description in my possession or belonging to me as will appear from annexure No. 2, and finally I declare to be willing to take a Solemn Oath upon this Statement.

(Signed) L. W. VAN DER RIET.

Cape Town, 12th February 1825.

[Enclosure 3 in the above.]

Ontvangen van Regina een Somma van Vier duizend Rijksdrs. voor de vrijdom van Carolina, Slavijn van de Heer W. van der Riet.

21 August 1819.

(Signed) - - - SMUTS.

*Translation of the above.*

Received from Regina a Sum of Four thousand Rixdollars for the Freedom of Carolina a Slave of Mr. W. van der Riet.

21 August 1819.

(Signed) - - - SMUTS.

These are to certify that no apprentice of whatever colour or description has to my knowledge or belief ever been indentured or in any other manner assigned to the service of Mr. L. W. N. van der Riet either by myself or my Predecessors.

Fiscal's Office, the 15th February 1825.

(Signed) D. DENYSSEN, Fiscal.

I do hereby certify that no Prize Negro or Negress condemned by the Vice Admiralty Court of this Colony has or ever have

been apprenticed to Mr. L. W. N. van der Riet by His Majesty's Collector of Customs.

Collector absent.

(Signed) W. WILBERFORCE BIRD.

CUSTOM HOUSE, CAPE TOWN,  
CAPE OF GOOD HOPE, 15th February 1825.

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[Copy.]

*Records held before HIS HONOR SIR J. A. TRUTER, Chief Justice, and the Members of the Worshipful Court of Justice at the Cape of Good Hope and the Dependencies thereof, in the Criminal Case of HIS MAJESTY'S FISCAL, Prosecutor for the Crown, versus*

1. Galant, formerly a Slave of the late W. N. van der Merwe,
2. Abel, Slave of B. van der Merwe,
3. Isaak Rooy, and 4. Isaak Thys, Hottentots in the service of the late W. N. van der Merwe,
5. Hendrik, a Hottentot in the service of Jan Dalree,
6. Klaas, Slave of Barend van der Merwe,
7. Achilles, and 8. Antony, formerly Slaves of the late W. N. van der Merwe,
9. Valentyn, and 10. Vlak, Hottentots formerly in the service of the late W. N. van der Merwe,
11. Adonis, Slave of J. A. du Plessis,
12. Pamela, formerly a Slave of the late W. N. van der Merwe, and
13. Petrus Josephus de Campher, Inhabitant, all prisoners in said case.

Monday the 14th March 1825, Ten o'Clock A. M.

All the Members present.

The Court being opened and the R. O. Prosecutor having taken his seat, and the prisoners put to the bar, the usual prayer is read by the Secretary, on which the Fiscal exhibits the Act of Accusation with preparatory Informations annexed

thereto, and also a list of the Witnesses as well for the Crown as for the Prisoners, together with the record of the Act of Accusation having been duly communicated to the Prisoners, said record being of the following tenor :

Record held before W. Hiddingh, Esqre., Commissioned Member from the Worshipful the Court of Justice, on Thursday the 10th March 1825.

Appears before the Sitting Commissioner aforesaid His Majesty's Fiscal, as also the undermentioned Prisoners, viz. 1 Galant, 2 Abel, 3 Izaak Rooy, 4 Isaak Thys, 5 Hendrik, 6 Klaas, 7 Achilles, 8 Antony, 9 Valentyn, 10 Vlak, 11 Adonis, 12 Pamela, and 13 P. J. de Campher. To all of whom the Act of Accusation drawn up by His Majesty's Fiscal being clearly and plainly read and explained as intelligibly as possible in presence of Advocates Hofmeyr and Faure, as charged with the prisoners' defence, a copy of the Act is also delivered to the said advocates.

The Sitting Commissioner having hereupon asked the prisoners successively for the names of such Witnesses as they wish should be called in their defence, they all, with the exception of P. J. de Campher, declare not to have any, while said Campher requests that the following Witnesses may be examined : Carel Pretorius, Marthinus, a Hottentot in the service of Isaak van der Merwe, and Rachel, a Hottentot, Concubine of Platje Pas. The prisoners are hereupon informed that their trial will commence on Monday next.

Done at the Cape of Good Hope day and year as above.

(Signed) W. HIDDINGH.

In my presence.

(Signed) J. F. JURGENS, Head Clerk.

The R.O. Prosecutor further exhibits the Interrogatories for the respective examinations of the Prisoners.

The Chief Justice informs the prisoners that they will now be examined on the Interrogatories exhibited by the R.O. Prosecutor, and likewise such further questions put to them as the Court itself may deem proper.

The Act of Accusation is hereupon publicly read to the prisoners by the Secretary, which Act is as follows :

*Act of Accusation in the Criminal Case of D. DENYSSEN, ESQRE.,  
His Majesty's Fiscal, acting R.O. by precedence, versus*

1. Galant, formerly a slave of the late W. N. van der Merwe,
2. Abel, Slave of B. van der Merwe,
3. Isaak Rooy, and 4. Isaak Thys, Hottentots in the service of the late W. N. van der Merwe,
5. Hendrik, a Hottentot in the service of Jan Dalree,
6. Klaas, Slave of Barend van der Merwe,
7. Achilles, and 8. Antony, formerly Slaves of the late W. N. van der Merwe,
9. Valentyn, and 10. Vlak, Hottentots formerly in the service of the late W. N. van der Merwe,
11. Adonis, Slave of J. A. du Plessis,
12. Pamela, formerly a Slave of the late W. N. van der Merwe,
13. Petrus Josephus de Campher, a Christian Inhabitant,  
All prisoners in the common gaol here.

Be it hereby made known that it has appeared to His Majesty's Fiscal from a report dated the 8th February last from the Landdrost of Worcester to the Secretary to Government, and from the further preparatory Informations obtained in this case, that the first prisoner Galant, who in one of the winter months of last year had been guilty of deserting from his Master, of taking possession of a gun and of threatening his master with the same on the occasion of his having pursued and attempted to apprehend him, and in this manner effecting his escape, but having afterwards voluntarily returned to his master was excused by him from his well deserved punishment ; and who further, during the time of the last harvest, which must have been in the latter end of the month of December 1824, had formed the wicked intention, together with the other people in his Master's service and with the 13th prisoner Petrus Josephus Campher in the service of Jan Dalree as overseer, to provoke his Master, while they were at work at the land, by complaining of bad victuals, and then should their Master punish them, to murder him, but which intention they did not carry into execution, in consequence of their Master when they told him that they could not eat his victuals having merely answered that he could not give them better, without his having said anything further or attempted to punish them,

availed himself of the opportunity that offered, by his Master taking him and his fellow prisoners Isaac Thys and Isaac Rooy with him when riding round to visit his friends after the Harvest was got in, to draw into his Interest the people of the several places where his master stopped and especially those of J. A. du Plessis, among whom was the prisoner Adonis, slave of said Plessis, and likewise the people of P. Zwanepoel, from which time he communicated to and persuaded some of those people to join in the plan he had framed to attack the places and effect a general effusion of blood among their masters, and in this manner to get possession of the places as far as should be in their power, and finally to repair to Cape Town ; or in case they might not be safe in Town or within the Colony, to proceed beyond the boundaries to the Great or Orange river and join a number of Bastards who had collected there.

That the 1st prisoner Galant, both previous to, and on his said journey and also after his return to the place of his Master, got some of the people belonging to other persons to join in his plan, and in particular those of his own Master, namely the prisoners Isaak Rooy, Isaak Thys, Achilles, Antony, Valentyn, and Vlak, likewise Abel, belonging to the place of Barend van der Merwe, Hendrik, who was in the service of Jan Dalree and some people belonging to the places of Isaak van der Merwe, and Rasmus van der Merwe, together with the people in the Service of Jan Dalree, among whom was the prisoner P. J. de Campher, and in all probability the convict named Dollie.

That of all the prisoners whom Galant had persuaded to join in his said plan, the second prisoner Abel took the most active part, by using his endeavours to get his fellow slaves to co-operate therein, and actually persuaded the prisoner Klaas to take a part.

That the principal cause which seems to have incited the leaders Galant and Abel to the execution of a plan so hostile to their masters and the Christian Inhabitants of this Colony, has been not unintelligibly stated by them, to consist in their dissatisfaction of their state of slavery and in the idea that such was prolonged by their masters contrary to the intention of Government ; through which idea they appear to have been spurred on to enmity and revenge and finally to the

resolution of procuring for themselves by treachery and murder that which was withheld from them by their masters.

That however this cannot be the only reason which induced the ringleaders to persuade their accomplices to co-operate in their plan, because there were a number of Hottentots among them, who although they lived in the Service and under the control of the Christian Inhabitants, had nothing to do with the idea of a release from a state of Slavery, which did not exist ; and therefore the pretext that they were not well treated by their masters appears to have been resorted to as their plea, but which pretext it is evident had no other object than to conceal the real intention.

That the night between the 1st and 2nd February last having been fixed as the time for carrying their plan into execution, the 2nd prisoner Abel on the evening of the 1st set out for the place of the late W. N. van der Merwe, in order with the people of that place to commence the execution of their plan ; where having arrived, he proceeded to the hut of the 1st prisoner Galant and his Concubine a Hottentot named Betje, and having found the prisoner Galant already prepared together with the 3rd, 4th, and 5th prisoners Isaak Rooy, Isaac Thys and Hendrik, to proceed on horseback to the place of his Master Barend van der Merwe, he accompanied them, and having reached the place in the night, he and the 1st prisoner Galant began their operations by rushing into the house, while his master was enticed out of doors by the sheep running out of the Kraal, and where they seized two guns together with the powder and ball belonging to his master.

That the 1st and 2nd prisoners Galant and Abel, the former of whom acted as Captain and the latter as Corporal of the gang, while the others put themselves as Soldiers under their orders, divided the guns and the powder and ball between them, and being further joined by the 6th prisoner Klaas, they each fired a shot at Barend van der Merwe, who in the meantime had perceived treachery through the barking of the dogs, of which shots the one fired by Abel wounded him in the heel, but the other missed him ; on which Barend van der Merwe ran into the house, but having shortly afterwards come out through the back door and taken flight, he was again fired at by the 1st and 2nd prisoners, but without effect.

That the wife and children of Barend van der Merwe having at the same time availed themselves of the darkness of the night, made their escape from the place, in which it appears she was assisted by one of her Slaves named Goliath, who had not joined the gang, after which the five first prisoners, augmented in their number by the 6th Prisoner Klaas, rode back to the place of the late W. N. van der Merwe the 1st prisoner's master.

That on their way thither, the six first prisoners, although it was their intention to murder Jan Dalree, who lived at an Erf situated between the two places and belonging to that of the late W. N. van der Merwe, and the other masters, they however did not call at the dwelling of said Jan Dalree, in order that the late W. N. van der Merwe should not be put on his guard to defend himself by hearing the shots that they might fire there, but they nevertheless inquired on passing by if the people, and especially (as the 1st Prisoner states) if their fellow prisoner P. J. de Campher and a Hottentot named Platje Pas were at home, in order to take them with them ; the Slave Dollie who likewise lived there having deserted a few days before on his Master's horse.

That on being informed that neither of the two was at home, the said six first prisoners rode forwards to the place of the late W. N. van der Merwe, where they arrived in the middle of the night, and having dismounted and put up their horses, they proceeded to the 1st prisoner's hut, where it is possible they were joined by the 7th and 8th prisoners Achilles and Antony, and where the first prisoner's Concubine the above-mentioned Hottentot Betje likewise was, who previously to their departure was bound fast on the orders of the 1st Prisoner, by the 7th and 8th prisoners, after that she was told what their intention was, that she should not have the opportunity of informing her Master thereof, but whom the 1st prisoner then unbound.

That while they were in the hut, they came to an agreement to wait there till nearly daybreak, when four of them, namely the 1st, 2nd, 4th, and 6th prisoners Galant, Abel, Isaae Thys, and Klaas should place themselves under the peach trees before the door of the house, and there keep concealed till it was day, when the late W. N. van der Merwe would go, as

was his custom, to the Kraal; and that the 5th prisoner Hendrik should remain at the stable. It not appearing that any particular post had been assigned to the 3rd, 7th, and 8th Prisoners, Isaak Rooy, Achilles, and Antony on the occasion of that arrangement.

That about break of day the 1st, 2nd, 4th, and 6th prisoners Galant, Abel, Isaac Thys, and Klaas proceeded to the appointed place, while the 3rd and 5th prisoners Isaac Rooy and Hendrik were charged with the care of the horses, and the 7th and 8th prisoners Achilles and Antony remained at the Cattle Kraal, where they were to wait their master's coming, the 9th and 10th prisoners Valentyn and Vlak having been hitherto entirely passive.

That, while they were thus concealed, the late W. N. van der Merwe, accompanied by J. H. Janse van Rensburg, came out of the front door of the house and went to the Kraal, on which the 1st and 2nd, 4th and 6th prisoners Galant, Abel, Isaak Thys and Klaas, seeing them pretty nearly advanced to the Kraal, left their hiding place and ran into the house, when the 1st and 2nd prisoners Galant and Abel immediately proceeded to the late Van der Merwe's bedroom, where they knew that he kept his two guns on a rack against the wall, and while Van der Merwe's wife was still in bed, they each seized a gun.

That the late Van der Merwe's wife on seeing this, leaped up and got hold of the guns one in each hand, but of which the one Galant had taken from the rack was immediately forced from her by him and given to the 4th and 6th prisoners, who in the interim had remained outside the bedroom, on which the wife of Van der Merwe having used her utmost endeavours to force the other gun from the 2nd prisoner Abel, who it appears was assisted by Isaak Thys, she in this manner struggling got to the kitchen, when the other people having called out to the 1st prisoner Galant *shoot*, the latter actually fired the gun that he had in his hand, which was loaded with shot, at the wife of the late W. N. van der Merwe and most dangerously wounded her in the upper part of the left thigh near the hip, whereby she fell and was obliged to let go the gun that she had got possession of, and which Galant thereupon took up and brought out of the house.

That the 1st prisoner Galant, being thus outside the door,



was immediately followed by the 2nd, 4th, and 6th prisoners Abel, Isaak Thys, and Klaas, and thereupon successively joined by the 3rd, 5th, 7th, 8th, 9th, and 10th prisoners, Isaac Rooy, Hendrik, Achilles, Antony, Valentyn, and Vlak.

That the two guns of the late W. N. van der Merwe, which had been taken away, one of which was without a lock, were distributed on that occasion by the 1st Prisoner Galant, the one to the 6th prisoner Klaas and the other without a lock to the 8th prisoner Antony, while the 4th prisoner Isaac Thys was armed with a sabre that had been stolen from the house of Barend van der Merwe, and Achilles with an assagaay which his master had purchased for him to take care of the sheep; the prisoners having likewise in their possession at that time the necessary gunpowder and balls, partly made from a quantity of lead, which together with the bullet mould was stolen by the 11th prisoner Achilles from his master and given to Galant, and partly with other balls and slugs made of shot, all stolen from their masters, the latter having been made by the 7th and 8th prisoners Achilles and Antony.

That while the prisoners were thus outside the house, the late W. N. van der Merwe and the late J. H. Janse van Rensburg, who had heard the shot that wounded the wife of the former, proceeded to the house, upon which the 2nd prisoner Abel, whose gun was loaded with shot, fired at the late W. N. van der Merwe and wounded him in the left arm or shoulder, notwithstanding which however both Van der Merwe and Janse van Rensburg got into the house.

That after this took place, a short time elapsed, during which the gang of murderers prepared to attack and again rush in, which opportunity said Janse van Rensburg availed himself of to get out of the house, mount a horse, and ride to the place of J. Dalree, but which the 3rd prisoner Isaak Rooy having perceived and warned the other prisoners of, he at the order of Galant brought the horses to the house, and having mounted, he accompanied by Abel and Isaac Thys pursued the late J. H. Janse van Rensburg (while Galant and Klaas remained at the house), who was soon overtaken by Abel, who had a good horse, and driven back to the house of the late W. N. van der Merwe, into which he rode with the horse, when the door was shut after him.

That the house having been thereupon surrounded by the first eight or ten prisoners and each person's post assigned to him, they waited for the moment that they could execute their murderous plan against the late W. N. van der Merwe, J. H. Janse van Rensburg, and J. M. Verlee, the Schoolmaster, who was also in the house, all of whose deaths they had resolved on; but the 1st prisoner Galant, who it seems was driven by impatience because the master would not open the door, had more than once resolved to set fire to the house, which however it appears he was dissuaded from by the 7th and 8th prisoners Achilles and Antony, because as they said the women and children would be burnt; while the 4th prisoner Isaac Thys made an effort, but without success, to get into the house by breaking open one of the window sashes.

That the 2nd prisoner Abel however soon found an opportunity, while he saw the late W. N. van der Merwe endeavouring to reconnoitre them through the window, to thrust in his gun and fire at him, which shot grazed the side of his head; upon which Van der Merwe opened the front door a little and begged and prayed the murderers to spare his life, but in vain, although the 2nd prisoner Abel, who was within shot of him, hesitated a little, which caused the 1st Prisoner Galant to call out to him with a curse *Abel fire*; on hearing of which W. N. van der Merwe having shut the door, the 1st Prisoner placed himself in such a situation that he could shoot his master himself when the door should be again opened; shortly after which the late W. N. van der Merwe having opened the door, the 1st prisoner Galant gave him a shot in the head, of which he immediately fell dead.

That the late J. H. Janse van Rensburg, on seeing this, shut the front door and went to the kitchen whither the late J. M. Verlee likewise went, and to which the wounded wife of the late W. N. van der Merwe also made her escape from her bedroom, and endeavoured to conceal herself in the oven; which the gang of murderers perceiving went round the house outside to the kitchen, when the prisoner Galant first broke a hole in the oven with an iron crow and thereupon together with the other prisoners fired, in consequence of which breaking of and firing at the oven, the widow of the late W. N. van der Merwe fell out of the oven on the ground covered with rubbish

and clay ; upon which the 1st prisoner Galant, having broken open the kitchen door with his crow, he and the other prisoners rushed in, just at the moment that the late J. H. Janse van Rensburg was employed to extricate the widow Van der Merwe from under the rubbish.

That the late J. H. van Rensburg, seeing that his life was also aimed at, advanced towards the murderers and begged and prayed of them to spare him, to which Abel answered that no Christian should have pardon, for that the report had been that the slaves were to have been free at the New Year, but that it not having been done they would make themselves free, upon which without any hesitation he presented his gun at said Janse van Rensburg and gave him a shot in the breast, the consequence of which was his immediate death.

That about the same time J. M. Verlee, who had laid hold of the muzzle of Abel's gun after he had fired at Rensburg, received a shot in the left arm from the 1st prisoner Galant, through which he fell, and as it would appear left the murderers in the idea that he was also killed, which gave them time to search round the kitchen and elsewhere, whereby they got possession of a pair of pistols and some powder and ball that they found there.

That after the pistols were found, the 6th prisoner Klaas having perceived and informed the others of the gang that J. M. Verlee still lived, the 2nd prisoner Abel gave him another shot in the breast, but Verlee still retaining signs of life, the 1st prisoner Galant gave one of the pistols to the 3rd prisoner Isaak Rooy with orders to shoot Verlee dead, in these words *shoot him with the pistol that you have right on the head, for he is not yet dead ;* which order the 3rd Prisoner Isaac Rooy complied with, and accordingly shot said J. M. Verlee.

That while this took place, the widow Van der Merwe found an opportunity to conceal herself under a table in the hall, where however being sought for and found by Galant and Abel, she heard the former give orders to the latter to shoot her ; on which she came out from under the table and begged and prayed of Galant to let her live, as she was already severely wounded, whereby he answered that there was no pardon for her, and turned the muzzle of the gun towards her breast, which she having pushed aside, and run up to him and again

begged her life, he desisted ; on which she went into her bedroom and after many entreaties was at last allowed to shut the door.

That Galant and his accomplices thereupon left the house, but returned shortly afterwards, during which intermediate time the widow Van der Merwe made her escape out of the bedroom through the kitchen to a loft, where she had placed her children, and where the widow of the late J. M. Verlee also concealed herself.

That the 12th prisoner Pamela, who is a concubine of the 1st Prisoner, as well as a Hottentot named Betje, and who, from the commencement of these murderous acts to the time that her mistress took refuge in the loft, was in the house, remained all that time entirely passive, without affording her mistress any assistance ; but after her mistress made her escape to the loft, she went to Galant's hut, where she met the abovementioned Hottentot Betje (who that morning when Galant had first entered his master's house had likewise come in), when she found in the kitchen Pamela and Lea, and who after her mistress was wounded and Galant and his accomplice had gone out, accompanied her together with the wife of the late J. M. Verlee to the assistance of her mistress and helped to bind her wounds, after which however she left the house and went back to the hut with her children, and having informed her that all the men were murdered and that the widow Van der Merwe had made her escape to the rye loft with her children, said Betje thereupon returned to the house.

That on coming into the kitchen, she found the first prisoner Galant there again, together with the 4th prisoner Isaac Thys and the 6th prisoner Klaas, to the last mentioned of whom Galant having given orders to go and see whether his mistress and her children were not in the loft, said Betje interfered and begged of him to spare her, but with no other effect than that the 1st Prisoner Galant threatened to shoot her because she spoke for her mistress, in which however he was prevented by the 6th prisoner Klaas, who thereupon went to the loft, and seeing the situation in which the widow Van der Merwe already was, told her not to be alarmed, for that Galant had called for her not to take her life, but only to frighten her. After which the said widow heard the 1st prisoner further say in these

words, “ *Whitehead I have already got, but now I must have Isaak van der Merwe and Jan Abraham du Plessis, my gun is good and I am likewise good.*”

That the 4th prisoner Isaac Thys did not scruple on that occasion to threaten the children of the late W. N. van der Merwe with his sabre ; while the 1st prisoner Galant threatened to fire at them, but in which he was opposed by the maids.

That the 1st prisoner Galant previously to leaving the house of his murdered master, broke open the drawer of the table, from which he took the lock of the gun that he had found without one, which having been screwed on, he gave the gun to the 3rd prisoner Hendrik, and having drunk of his master’s wine with his accomplices, he thereupon accompanied by the 2nd, 3rd, 4th, 5th, and 6th prisoners, Abel, Isaac Rooy, Isaac Thys, Hendrik, and Klaas, left the place, leaving behind the 7th, 8th, 9th, 10th, and 12th prisoners, Achilles, Antony, Valentyn, Vlak, and Pamela, the three latter of whom after the gang was gone made their escape to the mountains, where the 1st prisoner was to meet them at the appointed time and place, while the 7th and 8th prisoners were still at the late W. N. van der Merwe’s place, when the Commando under the Fieldcornet came there in pursuit of the murderers.

That the first six prisoners, armed with the four stolen guns and the two pistols, having rode back to the habitation of Jan Dalree with an intention to murder him also, but not finding him at home they rode forward to the place of Barend van der Merwe, which they had left the night before, for the purpose of murdering him likewise should he come home ; where having arrived, they found he was not there, but met two Hottentots named Admiral Slinger and Andries Wildschut, with a slave named Moses, all in the service of P. van der Merwe senior, and belonging to a grazing place of his situated in the neighbourhood of Barend van der Merwe’s Place, and whither the wife of the latter had the night before made her escape, each of whom was armed with a gun, and who as it would appear were sent there by the wife of said B. van der Merwe to assist her husband.

That these three persons however perceiving the superior strength of the gang were induced to join them, and after drinking some brandy with the others at Barend van der

Merwe's place, they accompanied them to the grazing place of G. van der Merwe, where Moses having got away, he was pursued and found by the gang, together with a slave named Goliath belonging to Barend van der Merwe, who with his wife had escaped to this grazing place.

That the 1st prisoner Galant, in discovering said Moses and Goliath, wanted to shoot them both, but on their promising to join and assist he was induced to spare their lives.

That about this time a number of the Inhabitants, who had placed themselves under the command of the Field Cornet Du Toit, on the report of those wicked deeds having pursued and overtaken the gang, Admiral Slinger, Andries Wildschut, Moses, and Goliath immediately separated from them, while the first six prisoners, Galant, Abel, Isaac Rooy, Isaac Thys, Hendrik, and Klaas, having mounted their horses, resisted the Commando, in consequence of which shots fell on both sides, Galant and Abel in particular having fired at the Commando, but without wounding anyone; upon which having taken flight they were pursued and dispersed by the Commando, and thereupon apprehended, first the 5th and 6th prisoners Hendrik and Klaas, and afterwards the other prisoners successively, and in this manner brought into the hands of Justice.

That the 2nd prisoner Abel at the time of his being apprehended by a slave named Carel belonging to P. Muller, which was in the evening of the 4th February last, near the place of Hendrik Janse van Rensburg, under the Fieldcornetship of J. S. Theron, attempted to fire at said Carel with the gun that he carried and which was loaded with ball, but which however Carel prevented by first laying hold of the muzzle and thereupon striking it away, through which it fell and went off in the fall.

That finally the 2nd prisoner Abel being apprehended confessed in the presence of the said Carel that he had intended to have gone to the place of Rasmus van der Merwe named Matjesfontein, for the purpose of first putting himself at the head of said Van der Merwe's people, who were included in the gang, and of committing fresh murders, and thereupon to proceed from the one place to the other in the Warm Bokkeveld where he expected not to find any other than old people at home, as all the young men were absent with the Commando.

From all which circumstances the following points of accusation are to be deduced against each of the prisoners :

I. Against the 1st prisoner Galant.

That he has become subject to the following charges.

1st. Of having stirred up and put himself as Captain at the head of a gang composed of slaves and Hottentots belonging to different places, with the wicked intention of attacking their masters' places and those of other Christian Inhabitants, of murdering their masters and all those who should offer resistance, and of forming from the slaves and Hottentots in the service of the Colonists a faction which should assist them in the execution of their plans, maintain them in the possession of places they were to attack, and enable them to penetrate to Cape Town ; but not succeeding, then to take the road to the Great or Orange River and to join the enemies of the Colony there ; and thus of the crime of sedition aggravated by the principal part which the 1st prisoner took therein.

2nd. Of having commenced with the execution of his wicked intentions by riding with his accomplices to the place of Barend van der Merwe, treacherously rushing into his house, making himself master of the guns, powder, and ball, which were there ; treacherously firing at said Barend van der Merwe, and causing him to be fired at with the intention of killing him ; driving the family of Barend van der Merwe to take flight from their place ; thereupon riding with his accomplices to the place of the late W. N. van der Merwe, there likewise treacherously rushing into the house, taking possession by force of the guns, powder, and ball that were found there, and dangerously wounding the wife of the late W. N. van der Merwe by firing at her ; causing the late J. H. Janse van Rensburg to be driven back to the house when he had attempted to make his escape ; causing the late W. N. van der Merwe, who was his master, to be fired at, and shooting him dead himself, again at the head of his gang storming into the house by force and violence, where the widow of the murdered W. N. van der Merwe together with the late J. H. Janse van Rensburg and J. M. Verlee were, and thus being the cause of the murder of said Janse van Rensburg, which followed soon after ; dangerously wounding the late J. M

Verlee by firing at him, and afterwards causing him to be shot by one of his accomplices, threatening the lives of the wife and children of his murdered master and also of his concubine a Hottentot named Betje, and causing them to be threatened ; thereupon riding with his accomplices to the habitation of Jan Dalree with an intention to murder him also ; then riding back to the place of Barend van der Merwe in order to murder him likewise should he have returned home ; and finally proceeding thence to another place for the purpose of committing similar murders, and on the road thither threatening the slaves Goliath and Moses to shoot them because they would not join the gang, and in this manner compelling them to coöperate ; and thus of the continued crime of sedition accompanied by violence, housebreaking, and murder, and

3. Of having with arms and in a gang resisted the Commando of Inhabitants which was sent out in pursuit of them and of having fired at the Commando.

## II. Against the 2nd prisoner Abel.

That he has become subject to the following charges.

1st. Of having likewise stirred up, and put himself as second in command at the head of the above-mentioned gang.

2nd. Of having assisted in the execution of the plan from the commencement to the dispersion of the gang by the Commando of the Inhabitants ; of having taken the most active part, next the 1st prisoner Galant, therein, assisted in the violence and murders that were committed, wounded his master Barend van der Merwe in the heel by firing at him ; first driven back the late J. H. Janse van Rensburg to the house of the late W. N. van der Merwe, and afterwards shot him ; likewise mortally wounded the late W. N. van der Merwe and J. M. Verlee ; and finally taken a part in the threats to the slaves Goliath and Moses whereby they were obliged to join the gang, and

3rd. Of having assisted in resisting and firing at the Commando of armed Inhabitants which were sent out in pursuit of the gang ; and afterwards attempting to shoot Carel a slave of G. Muller by whom he was apprehended, but in which he failed.



III. Against the 3rd prisoner Isaak Rooy:

That he has become subject to the charges

1st. Of having likewise stirred up and joined the above mentioned gang.

2nd. Of having taken an active part in the execution of the plan from the commencement to the dispersion of the gang by the Commando ; assisted in driving back the late J. H. Janse van Rensburg to the house of the late W. N. van der Merwe ; given the last and death wound to the late J. M. Verlee in compliance with the orders of the 1st prisoner Galant ; and finally of having especially bound himself to the service of Galant by acting as his postillion, and

3rd. Of having also assisted in resisting the Commando.

IV, V, and VI. Against the prisoners Isaac Thys, Hendrik, and Klaas.

That they have become subject to the accusation of having been accomplices on the above-mentioned three charges, and especially the 4th prisoner Isaac Thys, by having abetted the 2nd prisoner Abel in forcing the gun from the wife of the late W. N. van der Merwe and calling to Galant to fire at her ; assisted in forcibly driving back the late J. H. Janse van Rensburg to the house of the late W. N. van der Merwe ; afterwards used endeavours, while the gang were locked out of the house, to get in by breaking open the sash of the window of the late W. N. van der Merwe's bedroom ; and finally of having threatened his children after he was murdered to put them to death with his sabre ; and the 6th prisoner Klaas of having given warning after the late J. M. Verlee had received the first shot, that he was not dead, and thus having been the cause of the two others that were afterwards fired at him, and of his consequent death.

VII and VIII. Against the prisoners Achilles and Antony.

That they have become liable to the accusation of having been accomplices in the above-mentioned first charge, and likewise on the second charge in so far as they were the makers of the slugs with which the gang fired ; and of having taken part in the violence and murders that were committed at the place of the late W. N. van der Merwe.

## IX and X. Against the prisoners Valentyn and Vlak.

That they have likewise become liable to the accusation of having been accomplices on the above-mentioned first and second charges, in so far as they allowed themselves to be employed to take care of the horses of the gang at the place of their master, the late W. N. van der Merwe.

## XI. Against the prisoner Adonis.

That he also has become liable to the accusation of having been an accomplice of the said first and second charges, in so far that he suffered himself to be persuaded by the 1st prisoner Galant to join the gang when they should come to the place of his master J. A. du Plessis ; and having abetted Galant in the execution of his plan by giving him powder and ball and a bullet mould, all belonging to his master.

## XII. Against the prisoner Pamela.

That she by her passiveness and silence contributed to the misfortunes which befel the family of the late W. N. van der Merwe.

## XIII. And against the prisoner Petrus Josephus Campher.

That he has become liable to the following charges.

1st. Of having instigated the people of the late W. N. van der Merwe to murder their master while he was at the corn land during the last harvest, under the pretext that they were not well treated by him.

2nd. Of having taken a part in the subsequently formed plan to attack all the places and murder all the masters, although he was prevented assisting in the execution thereof through his accidental absence from the place of Jan Dalree where he lived.

All of which crimes, and each of them, in proportion to the circumstances that have accompanied them, are punishable corporally and with death, according to the existing laws, as an example to others ; and therefore require that all the prisoners in this case should be tried before the full Court conformably to the 6th article of the Crown Trial.

Fiscal's Office, 10th March 1825.

(Signed) D. DENYSSEN, Fiscal.

The Court hereupon proceeding to the examination of the prisoners, the 1st prisoner Galant (the others having been ordered out) is separately interrogated and answers as follows :

1. What is your name, age, and whose slave are you ?

Answer. Galant, twenty-six years of age ; I was born at my master's mother's place, I am a slave of the late W. N. van der Merwe.

The statement of the circumstances given by the 1st prisoner Galant before Commissioners from the Court on the 23rd February last is hereupon read to him, which statement is as follows :

“ During the last harvest at my master's place when I and the other people, namely Isaac, Achilles, Antony, and Platje, were together, we spoke of the ill-treatment of our master towards us, and that he did not give us victuals and clothes. On that occasion one Campher who lives at a little distance from my master's place was present, who said to us that when our master should beat us at the Land, we should then seize and kill him. Shortly after Master came to the Land, on which we said we could not eat the victuals he gave us. Master answered that he could not give us better victuals than he had then given us, and he went away without beating us.

“ After the harvest was got in, my master rode to Mr. Jan Plessis on a visit, taking with him the Hottentots Isaak Thys and Isaac Rooy and myself. We conversed with the people there also about our ill usage, when the Hottentot Jochim and Adonis spoke to us of the ill treatment they experienced from their master, on which we agreed to murder our masters and go from the one place to the other where we should be joined by the people there. When we came home in the evening we found Mr. Barend van der Merwe at my master's place with his slave Abel, with whom I also spoke, and who agreed to kill his Master likewise. The next morning he and his master went away, but returned shortly afterwards for one of the reins that he had let fall, on which he departed again and remained away. The third day, which was on a Tuesday, he came to me in my hut in the evening and told me that he had spoken with his master's people and that they were all ready.

I therefore rode with him to his master's place accompanied by the Hottentots Isaac Thys and Isaac Rooy and also a

Hottentot named Hendrik in the service of Jan Dalree who came that evening to my master's to fetch away a mare, and he was present when Abel said that his master's people were ready.

“ When we came to the place of Barend van der Merwe, the slave Klaas was busy driving back the sheep which had got out of the Kraal, and after Abel had assisted him, he came to us behind the Kraal. Mr. Barend then came from the house and asked Klaas the reason of the dogs barking so, to which he answered that they were barking at the slave Goliath, and while Mr. Barend was speaking with Klaas, I went with Abel round the corner of the house and into the kitchen. I remained at the middle door and Abel went into the room to get the guns, and came out with two that were loaded and two bandoliers with shot and horns with powder, of which he gave me one, and as soon as we went out of the kitchen door Abel fired the first shot at his master while he stood talking to the Hottentots Isaac and Hendrik whom he had found behind the house, but which missed him, on which B. van der Merwe made his escape into the house, but ran out again through the kitchen door and got up the hill along the quince hedge. I also fired a shot on that occasion at a dog, because he bit me in the trousers, but I did not hit him. The wife of Barend van der Merwe likewise made her escape, we did not do her any harm. We, namely Abel, Klaas, the two Isaacs, Hendrik, and I, thereupon rode to my master's place, while Goliath remained behind at B. van der Merwe's because he had neither gun nor horse.

“ Before we came to my master's place, we first rode to the place of Jan Dalree to see whether Master Campher and the Hottentot Platje were there, but not finding them at home we proceeded to my master's place, where having arrived we turned our horses loose and waited till daybreak to murder the master. When it was day my master came out of the house and went to the kraal, on which, I, Abel, Isaac Thys, and Klaas rushed into the house in order to get possession of the guns and ran to the rack where they hung and took them away. My mistress then came towards us and laid hold of the guns, but let one of them fall, and as she held the other fast and would not give it up, the people called out to me to

fire at her, and while I was about to fire the gun on one side in order to frighten her, during which she was struggling with the people to keep the gun, she suddenly turned round, through which she received the shot, and in consequence let the gun fall out of her hands. I then took up the gun and brought it out, and while I was standing at the front door, the other people came up to me, when we ran away together. When we got to the kraal we heard from the Hottentot Valentyn that Master Rensburg had mounted a horse and ridden off; Isaac Thys and Abel thereupon got before him, so that he was obliged to return. As my master was going from the kraal to the house, Abel gave him a shot which grazed him, and when Master got into the house Abel gave him a second shot through the window which passed close by his eyes, and thereupon when he opened the front door I shot him dead.

“After that, Abel came in through the back door and fired at Master Rensburg on the firehearth, who together with the schoolmaster Verlee laid hold of the muzzle of the gun, with which they struggled to the kitchen door, when I gave Verlee a shot in the arm, with which he walked to the middle door and then fell. We then went into the house, where we found a pistol near the table and another in a pot in the kitchen, and powder and ball on a table in the bedroom; after we found the pistols Klaas discovered that Verlee the Schoolmaster still lived, on which Abel gave him a second shot through the head, and as he was not yet dead, Isaac Rooy gave him a third shot with a pistol. We all then rode to the place of Dalree armed with guns, namely I, Abel, Klaas, and Hendrik, but Klaas and Hendrik did not fire. When we came to Dalree’s, not finding Piet Campher there, we turned back to my master’s place, the Hottentots Dirk of Swanepoel, Piet Lindes, Coenraad Lieberveld, old Cobus, little Jonas of Isaac van der Merwe, and Jochim of Jan Abraham du Plessis, also knew of the plans and were to wait for us till we should come to their places, when they were to join us in order to murder their masters also.

“From Dalree’s place we went back to our place, and thence to that of Barend van der Merwe, where we found Admiral Slinger, Moses, and Andries, people belonging to Piet van der Merwe of Laken Valley, who were also to have joined us, and

who accompanied us to the grazing place of Piet van der Merwe where we were attacked by a Commando and dispersed, without our having made any resistance ; we were then armed, namely Abel, Klaas, Hendrik, and I, with guns belonging to my master and to B. van der Merwe ; the Hottentots Andries, Admiral Slinger, and Moses had their own guns.”

Questions to the prisoner :

Who was the head of the gang ?

Answer. Admiral Slinger was Captain provisionally, we were afterwards to have made one of the most clever amongst us Commandant.

With what intention did you assemble ?

Answer. We meant to murder all the masters that did not treat their people well, to lay waste the country if we were strong enough, and then to escape to Caffreland ; and if the Commando should be too strong, to remain at the places of the murdered people.

As you say in the beginning of your statement that you had spoken with Abel and the other people, had you any other conversation with them than about the ill usage ?

Answer. Abel said he had heard his Master reading the newspaper about making the slaves free, and that he had heard his master say he would rather shoot all his slaves than make them free.

The above statement having been read to the prisoner Galant, his examination is continued as follows.

2. Do you persist in this statement, and have you anything to add to or take from it ?

Answer. I have something more to state, namely my master told me himself that he would shoot me. My master once when I came from the work also said to me that there was a newspaper come from another country in which stood that a black cat had been hatched under a white hen. The next day my master asked me what I understood by that expression? to which I answered that I did not know. My master repeated the question, and I said again, that I did not understand it ; my Master then asked Achilles and Antony if they also had an intention of going to their own Country, to which they answered yes, but said that they could not find the way there, but that they would go if the Governor would send them,

although they were afraid their parents were dead and that they should not be known by their nation. My master was thereupon silent, but my mistress said to my wife, a Hottentot named Betje, that a Newspaper was come from the Cape which she dare not break open, but that a time would be prescribed when it might be opened. When the Newspaper was opened my mistress said that it stood therein that there was another great nation that was unknown ; that there were orders come to make the Slaves free, and that if it was not done the other nation would then come to fight against the Farmers. My mistress afterwards further told me that it was also said in the Newspapers that the Slaves must be free, but if the Farmers would not allow it then it would not take place, to which I did not say anything. Another Newspaper came afterwards, when my wife Betje told me that her mistress had said if we would go to the King for the money and bring it to her on the table, that then we might be free. I desired her to keep it quiet, which she did. Some time after, another Newspaper came, when my wife told me that her Mistress had said that the first Englishman who came to make the slaves free should be shot, as well as the slaves ; upon which I again advised her to be silent, for that if our master should hear of it he would punish us, and that she must not tell it to anybody else ; but I desired her to ask the Mistress why the slaves were to be free, as she spoke so often about it. She told me afterwards that she had asked her, and that her Mistress had said it was because there came too many white children among the black Negroes, and therefore that they must be free. I then desired her again not to tell it to anyone, and not to talk so much about it. Another Newspaper then came, when she informed me that her Mistress had said that the Farmers were too hardly off, and that they were obliged to put up with too much from the Blacks. My wife came to me one day to the land weeping, and on my asking her the reason she said that while she was in the kitchen she had asked for a piece of bread, and that her Master was so angry that he said he would shoot her and all the people in a lump, and leave us to be devoured by the crows and vultures. I again told her to be quiet, for that I could not well believe her although she was my wife, as she could not read or write no more than myself. Once that

Barend van der Merwe was at my Master's place on his return from Worcester where he had been to fetch the slave Goliath who had made a complaint, I was in the stable preparing forage for the horses. It was dark, so that nobody could see me in the stable. My master called Barend van der Merwe out and came with him into the stable without seeing me, when I heard my master ask him whether he had had his slave flogged, to which he answered no, for that the black people had more to say with the Magistrate of late than the Christians; further saying but he shall nevertheless not remain without a flogging, for when I come home he shall have one. I also heard Barend van der Merwe say to my Master on that occasion I wish that the Secretaries or Commissioners had died rather than that they should have come here, for that since that time they had been obliged to pay so much for the *Opgaaft* and also for the Slaves. My master gave for answer I wish that the first Commissioner who put his foot on the wharf from on board had broken his neck, for that it was from that time one was obliged to pay so much for the Slaves, which they were not worth. My Master likewise said to Barend van der Merwe that he must keep himself armed in order to shoot the first Commissioner or Englishman who should come to the Country to make the Slaves free, together with the Slaves all in one heap. B. van der Merwe thereupon rode home, some time after which I again heard my master speaking to Barend Lubbe who was at my Master's place, when he asked Lubbe how it was in the upper Country, to which Lubbe answered he did not know, that he not having any slaves had not once inquired about it, and that what the gentlemen did was well done; my master replied that although he had not any Slaves he must nevertheless stand up for his Country, further saying that he would shoot the first Commissioner, Englishman, or magistrate who should come to his place to make the Slaves free, but first the Slaves. Lubbe then asked Van der Merwe whether he was not afraid if he fought against the Magistrates that the Slaves would attack him from behind, to which my master answered for that reason the Slaves must be first shot. Subsequently I heard my master speaking for the third time with Hans Lubbe and Jan Bothma, whom having asked how it was in their part of the Country, they answered bad, for the



black heathens have more privileges than us, and if the Christians go to the Landdrost to complain of their slaves, the Landdrost will not even look at us, but turns his backside to us, on which my master said the best advice I can give you is that you remain armed and keep your powder and ball together. Lubbe replied the first Gentleman that comes to me I will shoot with all the Slaves in a heap. Again for the fourth time I heard my Master talking with Schalk Lubbe, likewise at my master's place, whom he asked how it was here in the upper Country and if he had heard anything of the Newspaper and about the Slaves, he answered no, on which my master said lately we heard every day of new laws. I have asked for nothing, but I keep myself armed to shoot the first magistrate who comes to my place and the Blacks likewise.

For the fifth time I heard my Master conversing at his place with Johannes Jansen and Jan Verlee ; the former had made an ox sambok which he brought into the house, on which my master desired me to drive in a pig that had got out, which I accordingly did. Standing before the door of the pigsty in order to fasten it, I heard my master say to Jansen, you must promise me something the same as Verlee has done, namely to shoot the magistrate when he comes. Jansen answered that he would do so, for that he would stand up for his mother Country ; on that my Master said that he should give orders to all the Slaves, and that if they did not obey them he would supple the sambok on them the next day, for, said my Master, if you punish a slave you must do it that he cannot be known before a magistrate. My Master ordered us to smear the treading floor and that the floor must be well laid the next morning when he got up, on that we made the plan to murder all the farmers ; we did not smear the floor because it was evening and was dark ; we also told my master this, but he notwithstanding would have that the floor should be smeared against the next morning. My master did not say anything more about it that evening, and we then immediately formed the plan, as I have already stated.

Questions by the Chief Justice :

Where was the plan laid ?

Answer. At the place of my master.

Who framed the plan ?

Answer. I, Achilles, Antony, Isaac Thys, Isaac Rooy, Valentyn, and Vlak. Abel came the same evening to us from his place and joined us.

When did you arrange the plan with the people of Du Plessis ?

Answer. At the time I rode there with my master.

How long was that before the evening that the plan was formed at your master's place ?

Answer. Not four days.

Do you not acknowledge to be guilty of the crimes with which you are charged in the act of accusation, and therefore to have done evil and deserved punishment ?

Answer. I did not break open the drawer of the table in the house, neither did I bind my wife nor cry out that I must have Isaac van der Merwe, Du Toit, and Du Plessis. I only asked the people to which of the places we should go first, to Wm. du Toit's or to Isaac van der Merwe's, and also whether we should go to Plessis's. The people of Plessis and of Isaac van der Merwe had not arranged with us, and therefore it was that I asked the question.

Question by the Chief Justice :

How long was it before you proceeded to execute your plan that you spoke with the people of Plessis and Isaac van der Merwe ?

Answer. In the month of March last year I spoke with the people of Isaac van der Merwe about seeking a relief, because the farmers used us so badly. The agreement was first made with the people of Van der Merwe, and shortly before it happened I spoke with Plessis's people. (The prisoner requests to be allowed to add, and further says) The first time I complained at Tulbagh of my Master was that I one morning went into the kitchen and asked my wife Betje, who was Cook, how it came that our victuals were so bad, as we had nothing else than soup, to which she answered she could not dress better victuals than her mistress gave her. While I was speaking to her in this manner, my master, who was in the fore part of the house, asked who was talking there. I answered it was I, on which my Master got up and went into the room and brought out a Sambok and an ox thong with which he bound my arms, and in this manner hoisted me up to the beam, when he broke

a stick to pieces on my body and said that we must eat what he gave us even if he gave us ordure. When I went to complain to the Landdrost, he was not at home, on which my master had me made fast to a pole by the undersheriff and flogged. This took place not a year before the last ploughing time. After I had received my punishment my master took me home, and when I came into the house he tied me to a ladder and flogged me again, but of that I did not complain.

Questions by the Fiscal :

How many days was it after you were punished at Worcester that your master tied you to a ladder, and flogged you ?

Answer. Two days.

Who was Landdrost then ?

Answer. The first time I went to complain it was Landdrost Fischer, but he was not at home. Seeing that the complaints did not avail me I remained at home, when my master asked me if I would do good, and I said yes.

What was the reason of the flogging of which you say you went to complain to the Landdrost Fischer ?

Answer. It was during the harvest last year that my master ordered me to bring the wife of Dalree, who was in an outbuilding at my master's place, from there with a waggon to the place of Dalree. I remained there that night, and the next morning when we were about to set out she asked me to procure a broomstick for her when I had an opportunity ; a week elapsed without my being able to do so, but a short time afterwards my master gelded the young bullocks, when one of them broke his foot under the cutting ; my master thereupon kept that bullock separate from the others, and put him with the calves that were still weak and sucking. On a Saturday evening the dairyman came to say that that bullock was away, on which my master told all the people to look for him everywhere. As I was obliged to go to look for the bullock just in the direction where the place of Dalree was, I took the broom stick with me to give it to the Mistress. I also inquired of her about the bullock, when she told me that she had seen a beast the whole day at the other side of the river, but that she did not know what it was. I then said to her, here is the broomstick that I promised you, on which she gave me a piece of bread and meat, for she was just at dinner. She also

told me to go into the kitchen and see if there was any soup, for that there must be still some cold soup there, but as it was already dark I had not any time to remain ; she then offered me a dram, which I refused, saying it was a pity to drink it then, but that I would take it with me, which I accordingly did, having put it into a little canister, and when I came home I placed it on the rack in the kitchen. The next morning when my Mistress got up she asked about the canister, which stood next a bottle of infused herbs that also belonged to me. My mistress took the canister and brought it into the hall ; when I came at eight o'clock to fetch my breakfast my master asked me what I had been doing at Mrs. Sally Dalree's ? I said that I had been there to look for the young bullock, and that Mrs. Sally had me brought into the road where the bullock was ; on which my master said that I had been there to cabal, and for that my master flogged me. On that occasion my master beat to pieces a jacket that cost me eight rixdollars, and I asked him for the money to pay the tailor that I bought it from, and of that I complained. When I was at Worcester my Master sent his brother Isaac van der Merwe to fetch me home, when the Landdrost said that as my jacket was beaten to pieces and he had heard what I had to say I should not get a flogging. The Landdrost likewise asked master Isaac in my presence if he had not seen the newspaper in which it was forbidden to flog a slave with a sambok. Master Isaac answered yes I have read it, on which the Landdrost asked him if his brother then did not know of it and had not read it, to which he likewise answered yes ; the Landdrost then said that if they wanted to flog a Negro they must make use of a quince switch as thick as the undersheriff's ratan, or a thong, and give as many strokes as they deserved, from twenty-five to thirty-nine. When I came home after that complaint my Master punished me again and reproached me with having stolen and given so much to the people who were there ; that I had stolen ten muids of wheat, two muids of meal, and two muids of peas, all of which he said I had given to Platje Pas and January Kaffer. When my master flogged me for that also, I told him to let the people come forward in order to hear from them if I had done so ; that it was not in my power to give so much, and my master punished me about that

charge likewise, and of that I again complained. Platje Matjan told my master that I had stolen so much, with which complaint my master went to the Drostdy and had me flogged again. I made my complaint to the Landdrost Trappes, to whom I stated the names of the persons that I was accused of having given the stolen goods to, but the Fieldcornet said it was not necessary to hear these witnesses. The Landdrost then called us in, and my master said that everything I said was lies. I asked the Landdrost to be allowed to speak, but he said that he held short proceedings, which consisted in a flogging. After I was punished the Landdrost sent for me and asked me if I would willingly return with my master, or if not that he would have a couple of rings put on my legs, to which I answered that if I had deserved it from my master and the Landdrost, that then I was obliged to suffer the punishment, on which I went to my master after I had asked pardon of the Landdrost. When I got to a little distance, with my master following me, the Landdrost sent to call him back, and I heard the Landdrost say to my master that he must be cautious how he acted with me, for that my complaints were too great and that if I complained to the Gentlemen (Court) and that the business went farther, he might possibly lose me; for that he the Landdrost had done it only to satisfy my master. After I had been four days at home, my master bound me to a tree and flogged me because I had given a young stallion, which I was obliged to ride, three or four strokes on the loins which cut him through, and in consequence of his plunging the girth broke. I then intended to come to Cape Town, and left my master's place the same evening of the day that he flogged me, with intention to complain. My master sent Platje Pas and P. Campher after me the next day; they found me on the mountain and said that I must go home, but I said that I would not do so before I had sought redress and had been to my magistrates. They told my master what I said, on which he came with Platje Pas to the same place where I was, but I concealed myself; my master having searched round for me, but in vain, he rode home again. After that, six Christians and six Hottentots were ordered out; the Hottentots were to take me and pursue me even into the Salt River till they found me, and if I would

not surrender they might shoot me. The Christians were at liberty to turn back if they could not find me, but the Hottentots were to continue the pursuit. I afterwards met two of the people belonging to Master Isaac van der Merwe who were in charge of some sheep, and they informed me that my master had said if they could not take me they might shoot me. I then told them that I was going to complain. I had been on that occasion to the grazing place of Piet of Laken Valley and had taken the gun of the Hottentot Andries Wildschut who was not at home (but Antony was at home). I had taken the gun merely to defend myself, but seeing that the Hottentots were much too strong for me I returned home four days afterwards and gave the gun to my master and requested pardon. He said that I should have no pardon, but that I must lay down on the ground before him, and that he would give me a flogging, and he gave me twelve strokes with a stick. I thereupon went to bed, and the next morning after I had turned out the Cattle, my master came with Achilles and Antony into the stable and had me bound to the manger and flogged me with two ox thongs fastened together. I did not go again to complain of that, but remained at home, when the freedom of the slaves that I had so frequently heard of came into my head, because I had complained so often, but only got flogged.

I wish also to speak against my mistress, she so ill used Antony's wife, named Lydia. Lydia is still at home, and she likewise knew of the plan. My mistress made Lydia eat ordure and drink urine, bound her hand and legs and thrust her into a sea-cow hole, and when she was half dead dragged her out again. She is a grown woman, and has three children, and notwithstanding my mistress stripped her stark naked and sent her out in the cold to fetch fire wood, and this was not once, but was always so.

I have still further to speak about my child that is dead, his name was David, and his mother is the Hottentot Betje. My master said she must leave that child, which was twelve months old and began to creep about, at home, as it was too troublesome, because the mother had to cook and also to take care of the cattle. Once on coming home she found the child made fast to a tree and when she laid hold of it, it screamed

out ; she then examined the child's body, and found that it had been cruelly beaten. She asked old Frein, the wife of Achilles, how the child came so sore, and she said that her Mistress had ordered her to bind the child to the tree ; she asked likewise how the child became so beaten, but she said she did not know and that she (Betje) must go herself and ask the Mistress how it happened, which Betje accordingly did, and the Mistress said that Master had done it out of malice. Betje then took the child away, and after that the sores were nearly healed, which was about a month and fifteen days afterwards, and the child began again to creep about and had gone to its mother at the water ; my master took an ox thong which he doubled and flogged the child with, after which he brought it home. When Betje came from the water, my master beat the child again. The water was far from the house and Betje had gone there to wash the meat that was to be dressed. Master beat the child so long till that it was silent, and the same evening of that day the child died. I was not at home, for I was out to collect fifty-eight oxen belonging to my master. I was out twenty-six days at the Carroo for the cattle. When I came home my wife Betje told me all those circumstances, on which I said I would go and complain of it, but she answered that Master had asked her pardon and said that he had done it in a passion, in consequence of which I did not complain.

When the child died nobody was sent for, no person examined the body. This business of the child I think happened about two years ago, it was before I had made any complaint at Worcester.

I would not complain of that because my wife said she had forgiven Master. The business of the gun was also forgiven me by my master, and it is now again brought against me.

What have you to say in excuse ?

Answer. I refer to what I have already stated.

The above further statement being read over to the prisoner Galant, he declared that he persists therein.

The 2nd prisoner Abel is called in, and being interrogated, answers as follows :

1. What is your name and age, where were you born, and whose slave are you ?

Answer. Abel, I am twenty-six years of age ; I was born in Bokkeveld, and am a slave of Barend van der Merwe.

The statement of the circumstances given by the 2nd prisoner Abel before Commissioners from this Court on the 23rd February last is hereupon read to him, and which statement is as follows :

“ On a Sunday evening I was with my master at Master Willem van der Merwe’s, and while I was with the people there, Galant said that we must see and get some guns to kill the masters. I answered that it was well, and that I would speak to our people about it, which I accordingly did to Klaas and Goliath, who consented to it, and on the Tuesday evening following I went again to the place of Willem van der Merwe, and when I came there I found that Galant, Isaac Rooy, Isaac Thys, and Hendrik, a Hottentot in the service of Dalree, were already come, with whom I then returned to my master’s place, where we arrived in the night. The sheep had broken out of the kraal, and I assisted Klaas to drive them in again ; the dogs beginning to bark at the people, my Master asked Klaas the reason, to which he answered that he did not know ; on which my Master went to one side of the house to see what it was, and Galant and I went round to the other side and rushed into the house, from which we took away the guns with the powder and shot. I had six balls with me, for I was the huntsman of the place. My Mistress came out of the house after us, and begged of us not to fire. Galant and I both fired random shots at my master, upon which he ran into the house, when Galant fired a second shot at him, but without hitting him, and then we did not see anything more of him. Galant afterwards fired another shot at a dog that attempted to bite him. The people of Willem van der Merwe whom I have already mentioned, Klaas, and I then rode back to Wm. van der Merwe’s place. Goliath was to have gone and fetched a horse for himself, and so he remained away. We rode past the place of Dalree without having called, and when we arrived at the place of Wm. van der Merwe we unsaddled the horses, and went and sat in Galant’s hut till that it should be daylight. We then agreed that four of us, namely I, Galant, Klaas, and Isaac Thys, should keep ourselves concealed under the peach-trees before the door of the house till it was day, when the



master as usual would go to the kraal, while Hendrik was to remain at the stable to make the horses loose and Isaac Rooy at the kraal till daylight. Antony and Achilles of Mr. van der Merwe remained likewise at the kraal.

“When it was day, and we were all at our said posts, the master came out of the front door, and when he had got to near the kraal, we four ran from under the peach trees into the house. Galant and I went into the bedroom, where Wm. van der Merwe’s wife still was, and took away two guns which were on a rack there. The woman perceiving our object sprang towards us and laid hold of both the guns, but Galant forced one from her and gave it to Klaas and Isaac Thys. I continued to struggle with the woman to the kitchen, when Galant gave her a shot in the hip, in consequence of which she fell and then let the gun go. One of the guns wanted something on the lock, and therefore we did not take it with us. On the shot, Wm. van der Merwe and Janse van Rensburg came running to the house, while we had gone out in order to fire at them when they should come; when they came on, I fired at Van der Merwe, without hitting him. After they got into the house they locked the door close, but seeing one of the windows which had a glazed sash before it open I thrust in the gun and just seeing the head of Van der Merwe, who was spying at us, I fired at him, which shot grazed his head. Wm. van der Merwe then opened the front door a little, and asked me why we fired at him, when he had not done us any harm? on which I said I would not fire at him, and while he was speaking to me, Galant fired, of which shot he fell dead. Achilles, Antony, Isaac, and Klaas then joined us, when I went into the house through the back door which was open, and shot at Janse van Rensburg whom I found there, who in receiving my shot gave one spring, and when the schoolmaster Verlee was also discovered, Galant fired at him. I gave Rensburg a shot, so that he died immediately. Verlee not being dead, I gave him a shot likewise in the breast, and Isaac Rooy thereupon gave him the death shot with a pistol that had been loaded by the people in the house. There were two pistols in the house, but as we kept at a distance off they could not shoot at us. The maids Betje, Pamela, and Lea were in the house and saw everything. We would not do the Mistress

any further harm, and as I heard Galant wanted to fire at the children, but the maids opposed him. We first drank some brandy, and then took away some powder and balls that we found on a table in the house. From the place of Willem van der Merwe, we rode back to my master's and called at Dalree's in order to shoot him also; but not finding him at home, we rode on to my master's place. We likewise wanted to see at Dalree's if Piet Campher, who lives there, was at home, because he was the Instigator of the plan, but he was gone to Tulbagh. When we came to my Master's place, we found there the Slave Moses, and Andries Wildschut and Admiral Slinger, two Hottentots, people belonging to Piet van der Merwe of Laken Valley, all on horseback and armed with guns, and belonging, as they told me, to a grazing place of said Piet van der Merwe, whither my mistress had that day made her escape; and which people told us that they had come there to dissuade us; but when we told them they must help us, they consented and went with us. Galant was Captain, I was Corporal, and the others soldiers. Admiral Slinger was to have been a Corporal also. Having drunk some brandy at my Master's place, we all rode on to the kraal of said Moses, where we stopped, and where we saw the maids belonging to our place. I asked them where my Mistress was? they answered that she was already gone, on which I said there she sits with her little children, but I shall not do her any harm, and after that a Commando came there, by which we were dispersed. I left my horse behind, and proceeded on foot, and I was thereupon apprehended by a Slave belonging to George Muller, to whom I voluntarily surrendered myself. Galant told me that two of the people belonging to Isaac van der Merwe, two of J. A. du Plessis, and an old bastard Hottentot in the service of Swanepoel were likewise to have assisted us. The reason of our doing this was because my master aimed at my life two or three times, and was about to shoot me, because I could not do his work according to his liking, and he required too much of me. Galant likewise told me that there were so many newspapers come from the Fieldcornets that were never read to him, and that he had heard from other persons that they were to have been free long ago, but that nothing came of it; and therefore that he would make uproar and make

himself free ; and I myself heard the late Van der Merwe say that he would rather lose the last drop of his blood than give his slaves their freedom. All the people of Wm. van der Merwe know that Piet Campher was the Instigator of the plan, as I heard from Galant. Galant, I, and Isaac Rooy all fired at the place of Wm. van der Merwe, and all the others were armed, namely Isaac Thys with a sabre, Achilles with a bayonet, Antony with a cudgel, and Hendrik was to have a gun."

The above statement having been read to the 2nd prisoner Abel, his examination is continued as follows.

Do you persist in this statement, and have you anything to add to, or take from it ?

Answer. I do, and I have nothing to add to, or take from it.

Questions of the Fiscal to the prisoner :

Where was Hendrik when you were employed in forcing the gun from the wife of the late Van der Merwe ?

Answer. He was still at the kraal.

Did he also lay hold of the gun ?

Answer. No.

Do you not acknowledge to be guilty of the crimes with which you are charged in the act of accusation, and therefore to have done evil and deserved punishment ?

Answer. Yes.

What have you to say in excuse ?

Answer. Galant told me to do so ; I had not any other reason thereto. Whatever I did or did not I could not please my Master. When we did not do a thing to his fancy, he threatened to shoot us. I was ill treated the whole of the day and night. By night I must take care of the sheep, and work by day also. It was too much for me, I could not support it. Clothes and victuals were also bad. I was likewise flogged sometimes, although I have not any outward marks. One can give one a hundred floggings without seeing a stripe.

Questions by the Chief Justice :

Did you ever make any complaint of your master ?

Answer. Never.

Why not ?

Answer. Because I saw that so many complained, but that they came off badly.

How were the other people treated ?

Answer. My wife Saartje was obliged to be every day in the fields, and she got only one jacket and one petticoat, and that she could not support.

The above questions and answers being read over to the 2nd prisoner Abel, he persists therein.

The 3rd prisoner Isaac Rooy being called in, and examined, answers as follows :

Examination of Isaac Rooy.

What is your name, how old are you, where were you born, and in whose service were you ?

Answer. Isaac Rooy, I am eighteen years of age ; I was born at Joseph Fourie's at Zwartberg, and was last in the service of the late Willem van der Merwe.

The statement given by the 3rd prisoner Isaac Rooy before Commissioners of this Court on the 25th of February last is hereupon read to him, which statement is as follows :

“The night we rode to master Barend van der Merwe Galant with the assistance of the Hottentot Hendrik who was in the service of Jan Dalree and Isaac Thys saddled the horses in the stable, after which Abel belonging to Master Barend van der Merwe came to the straw hut of Galant, where Galant and the others whom I have mentioned were ; while the horses had been already brought by them to the kraal. Galant awakened me from my sleep, and told me that I must ride with him to the place of Barend van der Merwe, and that I must ride behind him as his postillion, which I accordingly did, and Galant, Abel, Isaac Thys, Hendrik, and I, rode there. When we arrived, we dismounted from our horses at a little distance from the house where I remained by order of Galant to hold the horses, while all the other people proceeded to the house of Barend van der Merwe. After they were gone I heard two shots, on which Abel and the Hottentot Hendrik came to me where I was with the horses. Abel thereupon mounted one of them and rode to the house, while Hendrik and I on his orders brought the other to the house where the other people were. I saw the Mistress at a quince hedge, who begged of her slave Klaas not to fire at her, on which Galant said that he would not shoot her. We thereupon together with Klaas, who had also joined the gang, rode from there, at which time Galant and Abel were provided with guns, intending

to go to Master Dalree's, in order as Galant and Abel said to murder him ; but before we got there Galant said that we had better ride to my master Willem van der Merwe, because that when we should fire at Dalree, my master would hear the shots ; in consequence of which we did not call there, but rode past to my master's cattle kraal, where Galant asked the maid Roos who belonged to the place where Platje Pas was, to which she answered that he was gone to Tulbagh to bring a rogue there ; on the further question of Galant where that gun then was, she said she did not know, but she believed it was at Master Dalree's. We thereupon proceeded to my master's place, and having gone into Galant's hut, we had something to eat, and then I went to sleep. Galant awakened me at daylight and said that I should go to the stable and turn the horses and the cows loose and drive them to the land. I heard firing, upon which I ran to the stable, because I was afraid that when the people should fly and fire at us that they would hit me also ; and on looking out of the stable window, I saw Galant, Abel, Isaac Thys, Klaas, and Hendrik standing before the house, the first four of whom were provided with guns, after which Achilles and Antony came to them. Galant then ordered me to bring the horses to the house, which I did, and when I got there I saw Master thrust his head out of the door to speak with the people, on which Abel fired a shot at, but missed him. Master attempted a second time to speak with the people, but as soon as he put his head out of the door Abel gave him another shot, which hit him on the side of the head. Some time afterwards Master opened the door for the third time and asked Abel why they wanted to shoot him, on which Galant called out "*Moerneuker*" (an obscene term of abuse) "do you still prate ? Abel fire," on which Master again shut the door after him, whereupon Galant went to the other side of the house in order, when Master should put out his head again, to shoot him, and when the Master did do so to speak with the people, Galant gave him a shot in the head, of which he immediately fell dead. After that they all went into the kitchen through the back door while I remained with the horses, during which I heard some shots in the house, when Galant came and called me into the house, and on coming there I saw Master Janse and the Schoolmaster lying on the floor,

the latter snorted, on which Galant gave me a pistol to shoot him, and because I would not do so he threatened me and said that if I did not I should see what he would do with me, and because I still would not do it he threatened me with a Sambok, on which I gave the Schoolmaster a shot with the pistol in the breast. I then went with Abel to fetch the horses, which we brought to the door. Galant broke open the drawer of a table in which there was a gun lock, which he first put to rights and fixed it on a gun, and then they rode to the place of Dalree in order to murder him, but they did not find him, as he had made his escape to the mountain; thence they proceeded to the place of Barend van der Merwe, where we found the people belonging to the grazing place of Piet van der Merwe, named Moses, Andries Wildschut, and Admiral Slinger, all on horseback and armed with guns, who drank some spirits with us, and with whom we then rode away, intending to go to the place of Jan du Plessis to murder him. Moses then got away from us, and when we had got to within a short distance of said Plessis's Admiral Slinger said that we had better turn back and ride to the Warm Bokkeveld to Rasmus van der Merwe's to murder him likewise, which we accordingly did, and rode first to the kraal of Moses, where a Commando having come up to us, I made my escape, but returned to the kraal the same evening, where I was apprehended by a Hottentot named Piet Mankie and brought to the Fieldcornet by Andries Wildschut."

Questions to the prisoner :

Why did the people shoot your master ?

Answer. Galant said that Master did not treat him well; but that is not true, for Master was very fond of him, and Verlee and Rensburg Galant said he had murdered, that they should not speak of it.

Who was the head of the gang ?

Answer. Galant was Captain and Abel Corporal, and the others were soldiers.

Did the gang make resistance against the Commando ?

Answer. Galant fired two shots at them, and Moses, Andries Wildschut, and Admiral Slinger fired at us, and joined the Commando when they fired. Admiral Slinger fired a ball through my hat.

What share had Pamela, Vlak, Valentyn, Achilles, and Antony in the gang ?

Answer. Of Pamela I know nothing. Vlak and Valentyn did not do anything, Antony stood by my master's house with a gun without a lock, and Achilles with an assagay.

The above statement having been read to the 3rd prisoner Isaac Rooy, his examination is continued as follows :

Do you persist in this statement ?

Answer. I do.

Questions by the Chief Justice :

How did your master treat Galant ?

Answer. At first a little badly, and then he complained, but when he came back again Master did not use him so any more, but treated him better than the other people.

Has Galant a wife ?

Answer. Yes, her name is Betje.

Has he any children by her ?

Answer. Yes, two alive ; he had more, but how many I do not know.

Are any of the others alive ?

Answer. No, only the two.

Was there one of them who was called David ?

Answer. Yes, that was the name of the eldest, but how the others were called I do not know.

Is David alive ?

Answer. No, he died long ago.

How big was he when he died ?

Answer. He was a little boy, but if he had lived he would be as tall now as I am.

Do you know when David died ?

Answer. No, not exactly, but it is a long while ago, it was long before the former ploughing time. I think it is three or four years, he could walk, and the other that is dead could scarcely creep.

Was there a child of Betje who died last year ?

Answer. No.

Had your master a girl named Lydia ?

Answer. Yes.

How was she treated ?

Answer. Always badly, she was flogged.

Who flogged her ?

Answer. Master and the Mistress also.

Was anything else done to her ?

Answer. No.

Did she never fall in the water ?

Answer. I know nothing of that, neither did I ever hear it.

How long have you lived with your master ?

Answer. Three years ago I came there with my mother. I first lived with her with some people at Tulbagh.

Were you accustomed to cut the corn at your master's land ?

Answer. Yes.

Do you know one Campher, and did he work at the land with you ?

Answer. Yes.

Did he say anything to the people while he was at work at the land, and what ?

Answer. Not with me, Valentyn and I went away after the work, but Galant, Achilles, Antony, Isaac, and old Platje remained, and he spoke with them, as the people said, but what I do not know.

Do you not acknowledge to be guilty of the crimes with which you are charged in the act of accusation, and what have you to say in excuse ?

Answer. Yes, but my Master treated me badly. He always beat me, although I never complained of it. He flogged me with a sambok, not exactly every day, but once in one day. I generally got about twenty-five when I did wrong. Had not Galant forced me to it I had never done it. I did not know of it at first, Galant did not say anything else to me than that I must be his postillion.

The above questions and answers being read over to the 3rd prisoner Isaac Rooy, he persists therein.

Tuesday the 15th March 1825.

Ten o'clock A.M.

All the Members present except Mr. Bresler.

The 4th prisoner Isaac Thys being called in, is examined, and answers as follows :

Examination of Isaac Thys.



What is your name and your age, where were you born, and in whose service were you last ?

Answer. Isaac Thys, nineteen years of age, born at Zakriver, last in the service of the late Willem N. van der Merwe.

The statement given by the 4th prisoner Isaac Thys before Commissioners from this Court on the 24th February last is hereupon read to him ; which statement is as follows :

“ On a certain night some time ago Galant, a slave of my Master, said that he would murder my master. Abel belonging to Master Barend van der Merwe was at my master's place the same night, who likewise wanted to murder his master because he did not treat him well. That night we, namely Galant, Abel, Hendrik, Isaak Rooy, and I proceeded on horseback to the place of Barend van der Merwe, three of the horses belonged to my late master and two to Barend van der Merwe. When we came to the place of the latter, his slave Klaas was employed driving the sheep back in the kraal, while Barend van der Merwe came out and went round the house to see what the dogs were barking for. Abel and Galant then leaped into the house through the kitchen window, and came out with two guns, with one of which Abel fired at Barend van der Merwe, who immediately ran into the house. Galant, Abel, Hendrik, and Klaas went to the front door, which Klaas struck with a hammer. I was not present then, for I stood at a distance with Isaac Rooy to hold the horses, and while they were before the front door Barend van der Merwe made his escape through the back door and ran towards the mountains. Abel, who saw this, fired at Barend van der Merwe, and Galant would also have shot at him, but his gun missed fire. We then went into the house, where the wife of Barend van der Merwe was, but we did not do her any harm, because she so begged and prayed of us, after which she also left the house. We then all mounted our horses again, together with Klaas, who likewise joined us. Goliath would also have rode with us, but Abel said that he must remain to drive out the sheep the next day. We then rode to the place of my Master Willem van der Merwe, where we went and sat down in Galant's straw hut and had something to eat, and there we were joined by my master's other slaves, namely Achilles and Antony. We first slept a little till nearly daybreak, when we,

namely Galant, Abel, Klaas, and I, went to the front door of the house to wait till my master came out as usual to go to the Kraal, and then to rush in, in order to get possession of the guns, while the other people remained at the kraal. After my master went to the kraal, we four, that were posted at the front door, ran into the house. Abel and Galant brought two guns out of the bed room, one of which the Mistress held fast and would not give to Abel, and as Abel could not get it out of her hands, he called out to Galant to fire, which Galant did, and gave her a shot in the left thigh, through which she let the gun loose. We thereupon went out of the house in order to load the guns. I had then a sabre in my hand, which Galant had brought from Master Barend van der Merwe's. My master Willem van der Merwe and Janse van Rensburg then came running from the kraal to the house, but before they got in Abel fired at my Master and hit him, as he said, behind in the shoulder. We then all went to the kraal to saddle our horses, and when we came there my old mammy named Frein who knew of the plan said 'there rides Master Janse.' Abel, Isaac Rooy and I thereupon rode after Master Janse, and Abel who had a good horse overtook and drove him back again, on which he made his escape into the house on the horse. Having then rode round the house two or three times, we dismounted, when Abel seeing my master through one of the windows gave him a shot which grazed the side of his head. He fired another shot through the window, but that missed. Master then came out of the door to look, when Galant gave him a third shot, of which he fell dead. Abel and Galant then ran into the house to the kitchen, where Abel went in to shoot Master Janse, which he accordingly did. Janse however on receiving the shot ran up to Abel to lay hold of the gun, but he fell down dead. The schoolmaster Verlee, who likewise sprang towards Abel to seize the gun, received a shot in the arm on that occasion from Galant, on which he fell. We then all went into the house and searched round about, when the Schoolmaster got up again and went and sat down on a chair, which Abel seeing gave him a second shot in the head, of which he fell, but as he still snorted, Isaac Rooy gave him a shot in the breast with a pistol that we had found in the house loaded, which killed him.

“ The Mistress sat on a loft, and we did not do her any further harm. I threatened the children to beat them with my sabre, but I did not do it. Galant then gave us some brandy to drink out of a jar, after which we rode to the place of Master Dalree, but not finding him at home, we proceeded again to the place of Barend van der Merwe, to see if he had not returned home in order to shoot him also.

“ We did not discover him however, but we found there a Slave named Moses and two Hottentots named Andries Wildschut and Admiral Slinger belonging to Piet van der Merwe of Laken Valley and to his grazing place which is situated in the neighbourhood of Barend van der Merwe’s Place. They told us that they had come there to join us, and they were all provided with horses and guns. We drank some brandy there also, and then rode to the said grazing place, of which the Slave Moses had the charge, but when we arrived there a Commando came up, which fired at and dispersed us. Galant fired at the Commando, and I left the gang there and made my escape to the Carroo, but having returned to Bokkeveld I met Galant with whom I wandered about for some days, and was afterwards taken by a Commando.”

Questions to the Prisoner :

What share had the prisoners Adonis, Valentyn, Vlak, and Pamela in the Plot ?

Answer. Pamela ran round about the house with the Mistress. Adonis gave Galant powder at the place of J. A. du Plessis when I was there with my master, and Valentyn and Vlak were little Hottentots and held our horses but did not go with us.

What was your object in forming the gang ?

Answer. We intended to go to the Great River and not to kill any more people. Galant wanted to murder all the masters, because as he said they had wronged him and taken away his Cattle.

Are there any others who had a share in the plot and who are not yet apprehended ?

Answer. We were once sitting at dinner on my master’s land at the time we were reaping the corn, on which occasion one Piet Campher was with us who said that we must stand by one another and kill our Master and his Master Mr. Dalree,

because he treated us so badly. Our people were then present, namely Galant, Achilles, Antony, Valentyn, Vlak, Isaac Rooy, and old Platje Pas.

The above statement having been read over to the 4th prisoner Isaac Thys, his examination is continued as follows :

Do you persist in this Statement ?

Answer. Yes, I do.

Questions by the Chief Justice :

How long have you lived with your Master ?

Answer. Four years.

Has Galant a wife ?

Answer. Yes, Betje.

Has he any children by this wife ?

Answer. Yes, two alive, but how many he has had I do not know.

How old are these Children ?

Answer. One of them is so big ; (the prisoner describes a child of two or three years), the other is still at the breast ; the one is called Galant, the other Lys.

What were the names of the children who are dead ?

Answer. David, Betje, and Jantje.

[ How big would David be now, if he had lived ?

Answer. As big as I am.

When did David die ?

Answer. Last year, the day after his birth day.

What did he die of ?

Answer. That I do not know.

How did your master treat Galant ?

Answer. Master treated him well, at least for as far as I saw, he once went to complain of a flogging that he had got.

For what was he flogged ?

Answer. Because he had not worked, but had gone to sleep before his work was done.

Is there a slave girl of the name of Lydia ?

Answer. Yes.

How is she treated by your Master and Mistress.

Answer. Of her I neither heard nor saw anything particular.

Who of the people belonging to the gang were in the house at the time Barend van der Merwe's wife returned from the mountains whither she had escaped ?

Answer. None of us, when she came out she begged for mercy.

How long did she remain in the house ?

Answer. A short time.

How are you treated ?

Answer. Well, but the things that my Master once gave me he took away again.

Do you not acknowledge to be guilty of the crimes with which you are charged in the act of accusation, and therefore to have done evil and deserved punishment ?

Answer. Yes, I have done evil, but Galant said that I must do it, that we must support him, and that if we did not do so he would shoot us.

Questions by the Chief Justice :

Were you present when Isaac Rooy fired at Verlee ?

Answer. Yes, he gave him the last shot.

Did he do so of his own accord ?

Answer. Galant forced him to do it ; he stood behind him with his gun cocked.

The above questions and answers being read over to the prisoner, he persists therein.

The 5th prisoner Hendrik is brought in, and being interrogated, answers as follows :

Examination of Hendrik.

1. What is your name and age, where were you born, and in whose service were you last ?

Answer. Hendrik, I don't know my age, (supposed to be about twenty-four), born at the place of the late Nicolaas Janssen, and last in the service of Jan Dalree.

The statement given by the 5th prisoner Hendrik before Commissioners from this Court on the 25th February last is hereupon read to him, and which statement is as follows :

“The evening before the night that we rode to Master Barend van der Merwe's I was at the place of the late Willem van der Merwe to fetch a horse belonging to my master ; on which occasion Galant asked me if I would accompany him to the place of Barend van der Merwe. I asked him for what purpose, but he did not tell me his intention, and on my saying that I had no horse, Galant answered that he would give me a horse belonging to his Master, and thereupon I went

with him, together with Abel Slave of Barend van der Merwe, Isaac Rooy, and Isaac Thys, all on horseback to said Van der Merwe's place. Having arrived there, we dismounted, when we saw that Klaas, one of his slaves, was employed to drive the sheep that had broken out of the kraal in again, while Master Barend stood outside the house. The dogs beginning to bark, Master Barend asked Klaas the reason, and on his answering that he did not know, Barend van der Merwe with Klaas went round the house to see what it was, when he came up to me and Isaac Rooy who stood at the back of the house and asked us what we were doing there, to which we said that we came there with the people. While Barend van der Merwe was speaking with us, Galant and Abel, who in the meantime had got into the house through a window to procure the arms, came out with two guns, when Abel fired a shot at Barend van der Merwe, but missed him, on which Master Barend immediately ran into the house, and while we were standing by the kitchen door he ran out again and made his escape along the Quince hedge to the mountain. Abel fired two shots after him, but they both missed. I then went to the horses which were at a little distance from the house under the care of Isaac Rooy and brought them to the other people who were at the house, on which we all mounted and rode to the place of the late Willem van der Merwe, where having dismounted and unsaddled the horses, we went to Galant's straw hut and remained there till nearly daylight, when Galant, Abel, Isaac Rooy, and Isaac Thys, which latter had come with us from the place of Barend van der Merwe, went out and concealed themselves under the peach trees before the house of Willem van der Merwe, till that he should, as usual, come out to go to the kraal, and then to rush into the house in order to get possession of the guns. I remained in Galant's hut, because I had the headache, where the little Hottentots Valentyn and Vlak also were, and when it was day, Master Willem van der Merwe and Master Janse van Rensburg went to the kraal. The Slaves Achilles and Antony came to me to help me to catch my master's horse, and while I was about it I heard a shot in the house, on which Master Willem and Master Janse immediately ran off to the house, while I remained at the kraal. Achilles and Antony followed them a little way, but turned back again to the kraal

to drive the cattle in. After I had remained a long time at the kraal with the horse that I had been sent for, I heard some shots in the house, when having gone there, I saw Master Willem van der Merwe, Master Janse, and the schoolmaster lying dead ; but I did not see the Mistress nor the children, they were, as I heard from the people, on the loft, and the Mistress, as Galant said, had also got a shot. Galant then gave each of us a dram and a gun to me ; upon which we rode to the place of Master Dalree to kill him also, as the people said, and likewise to get a horse there, but not finding him at home, as he had made his escape to the Mountains, we rode on, after having procured a horse there, to the place of Barend van der Merwe to see if he had not yet returned home ; but he was not come back ; however we found there a slave named Moses, a Hottentot named Slinger, and another Hottentot whom I did not know, all on horseback and provided with guns ; they were people of old Piet van der Merwe of the Valley and belonged to a grazing place of their Master, which is situated close to the place of Barend van der Merwe, and to which grazing place the wife of Master Barend had made her escape that night ; but with what intention those people came there I do not know. We drank some spirits with the people whom we met there, and then rode with them to the grazing place of which Moses was in charge, but we had scarcely got there when a Christian Commando came upon us, which fired at us and made me and Klaas prisoners, while the others took flight. I heard that Galant had also fired at the Commando, but I was so tipsy from the brandy which I had drunk that I know nothing of it."

Questions to the Prisoner :

Who was the head of the gang ?

Answer. Galant was the Captain.

What share had the prisoners Pamela, Valentyn, Vlak, and Adonis in the plot ?

Answer. Valentyn and Vlak were likewise in Galant's hut, but they did not ride with us. Neither were Pamela nor Adonis with us, and what they did I do not know.

Were you in the habit of going to the place of the late Willem van der Merwe ?

Answer. No, I was never there but once before.

The above statement being read over to the 5th prisoner Hendrik, his examination is continued as follows.

Do you persist in this statement ?

Answer. Yes.

Questions by the Chief Justice :

Did not Galant tell you for what purpose he was going to Barend van der Merwe's ?

Answer. I asked him, and he said that he had promised Abel before that we should come there, but he did not say for what purpose. The people were to have been there the evening before. Of what they were to do there I know nothing, I knew nothing of the mischief.

When Barend van der Merwe made his escape to the mountains, where was his wife ?

Answer. The Mistress was in the house, she stopped a long time there. She was still there when we rode away.

Were you not present when Abel fired at Barend van der Merwe ?

Answer. When Abel fired the first shot, I turned round to the horses. I afterwards went to Willem van der Merwe's. I could not get away from the people. Galant had said that if one of us went away he would shoot him, and therefore I was afraid to go. I did not fire.

Do you not acknowledge to be guilty of the crimes with which you are charged in the act of accusation, and therefore to have done evil and deserved punishment ?

Answer. Yes, but Galant would have it so.

The above questions and answers being read over to the 5th prisoner Hendrik, he persists therein.

The 6th prisoner Klaas being brought in, is interrogated, and answers as follows :

Examination of Klaas.

What is your name, how old are you, where were you born, and in whose service were you last ?

Answer. Klaas, I don't know my age, (supposed to be about thirty-five), I was born at Arnoldus Bothma's at the Berg Valley, and am a slave of Barend van der Merwe.

The Statement given by the 6th prisoner Klaas before Commissioners from this Court on the 24th February last is hereupon read to him, which statement is as follows :



“ On a certain Sunday my Master rode out to his Mother-in-Law, the widow Hugo, taking with him his Slave Abel, while I remained at home in charge of the place. About eight o'clock on Monday Morning my Master came home without Abel, whom he had sent back in search of one of the reins that had been left behind. Abel did not come home that Monday, but the following evening, when he spoke to me and said that there was a plan among the slaves to shoot their masters, for that Galant had said that Dalree had read from the Newspapers that when the harvest was got in the Christians would shoot all their slaves, which however I did not believe.

“ The same Tuesday night, the sheep broke out of the Kraal, and my Master called me, as I usually slept in the house, to drive them in again. I accordingly went to the kraal to do so, and there I found Galant, Abel, Isaac Thys, and Isaac Rooy (alias Monk), all on horseback. Galant said that if I assisted my Master he would shoot me, but if I would join him they would lay waste the Country and murder all the Christians, and as I loved my life I followed him.”

The prisoner having hereupon asked if Galant and Abel were then armed, further states as follows :

“ When I went to the kraal my Master followed me, at which time Galant and Abel were going to the kitchen window, through which they leaped into the house ; they then came out with my Master's guns, at which moment my Master came from behind the waggon house, and while I stood by him he received a shot in the lower part of his leg from Abel, of which he fell. My Master however soon got up again and ran into the house saying ‘ Klaas help me,’ to which I answered ‘ how can I help, Master, I have no gun.’ The gang then came to me and said what I have above stated. On that, I joined the gang, and we then went to the front door of the house, at which Isaac Thys knocked with stones to have it opened, but not succeeding, my master in the meantime got out of the back door, which I and some of the others seeing, Isaac Thys in particular called out ‘ there he goes,’ upon which Abel ran after him and fired, but did not hit him, and so my master got away among the rocks. When Abel fired, Galant attempted to fire also, but the gun did not go off. When my master ran out of the back door, my Mistress with the children and the

two maids Jannetje and Stein followed him, on which occasion my Mistress said I must not kill her, to which I answered that I would not for that I had not a gun and that I loved my own life likewise. Abel also said that he would not murder her, for that he only wanted the Masters. We then all mounted, I on my Master's horse, with the intention of riding to the place of Dalree whom the gang meant to murder also ; but we did not call there because Galant said that if we should begin there his Master would hear the shots, and therefore it was better to begin with his Master ; whither we then rode, and remained till it should be daylight to get possession of the two guns. When Van der Merwe went as usual to the kraal with Master Rensburg, Galant, Abel, Isaac Thys, and I ran into the house. I remained standing at the kitchen door, while the three others went into the room where the guns were in order to get hold of them. Abel and Isaac Thys came struggling with the Mistress, who held fast one of the guns, to the kitchen door, when Galant gave her a shot in the left thigh, in consequence of which she let the gun go. Galant then went into the bedroom, and came out with the other gun of Van der Merwe, and gave the one with which he had fired at the mistress to me and kept the other. The other gun of Willem van der Merwe that was without a lock they gave to Antony, who with Isaac Rooy came and joined us in the house. Achilles and the Hottentot Hendrik belonging to Jan Dalree who both shared in the plot, and who in the meantime had remained in the kraal, both came into the house after the shot was fired. We then all went out of the house to load our guns, and while we were about it Willem van der Merwe and Janse van Rensburg on hearing the shot came running from the kraal to the house, but before they could get in, Abel gave Van der Merwe a shot in the left side of his arm ; the door was then shut. Rensburg afterwards came out and mounted a horse to ride to Dalree. Isaac Rooy seeing him told the other people of it, on which Galant, Abel, Isaac Thys, and I sprang on our horses to pursue him. I did not follow him, but the three others did, and drove him back with his horse into the house, on which the doors were locked. Master Willem then opened the door a little to speak to us, when Abel gave him a second shot which grazed the side of his head, and he likewise fired another shot at him

through the window. Isaac Thys was going to break open the window with a crowbar, on which the Master again opened the front door, and as soon as he attempted to put his head out Abel gave him the death shot.

“ After Willem van der Merwe was shot we fired at the front door into the house, but as there was not anybody there, we went round to the back of the house to look after the Schoolmaster and Rensburg who we supposed had crept into the oven ; on which Galant beat open the kitchen door and broke a hole in the oven with a crowbar, into which he fired ; but as there was not anybody there we then went into the house through the kitchen, when Galant gave the Schoolmaster, who endeavoured to escape into the hall, a shot of which he fell ; on that shot Rensburg made his appearance, and gave Abel a blow with a cudgel, on which Abel gave him a shot in the breast, of which he fell dead. Abel gave the schoolmaster another shot on perceiving that he was not dead, but being still alive Isaac Rooy gave him a third shot, of which he died immediately. Galant wanted to shoot the Mistress likewise, but I advised him against it, because she prayed of me to spare her life.

“ Isaac Thys beat the children with a sabre, Achilles stood there with an assagaay. Antony had the gun without a lock, and stood there with a burning match to fire it off, but he did not make use of it. Galant broke open a cupboard in the house, out of which he took master’s wine, of which we all drank. We then rode to the place of Dalree, to search for and murder him also, but not finding him, we rode back to my master’s place, where we met a Slave named Moses and two Hottentots named Andries Wildschut and Admiral Slinger in the service of old Piet van der Merwe and belonging to his grazing place, who knew of the plan, and were waiting there for us ; they were each provided with a horse and gun. Having drunk some brandy there, we thereupon rode to the said grazing place, where we found the Slave Goliath, who had made his escape there with his mistress that night. Moses got away there, and we all rode in search of him, and having found him and Goliath, Galant wanted to shoot them both, but he did not do so as they begged their lives and promised to assist. Galant then wanted to ride to the place of Jan Abraham du

Plessis, whose people he said had taken a part in the plan to murder all the Masters, and from there to the places of Barend Janse van Rensburg and Isaac van der Merwe, whose people likewise had a share in the plan to murder their Masters, all of which I heard from Galant, who had some time before rode with his Master to Buffelshoek, and on which journey he had framed the plan. From Isaac van der Merwe's we were to have proceeded to Willem du Toit's; thence to Daniel Erasmus van der Merwe, thence to Roelof van Eerden's; thence to the Widow Hans Hugo, who is my Master's mother-in-law, and from there to all the places in the Warm Bokkeveld; and when all those Masters were dead, then we were to have gone to the place of Rasmus van der Merwe, whose slave David was likewise included in the plot, and when we had laid waste that place also, we were then to have proceeded to Cape Town, and at every place we came we were to ask the people to join us, and to shoot those who refused; according to all that I heard from Galant."

Questions to the prisoner :

Did not one Dollie, a slave of Jan Dalree, run away about that time ?

Answer. Yes, I heard from my master about three days before we began that Dollie had run away with a horse of his master. The place of Dalree is about half an hour's distance from that of Willem van der Merwe, and there I think Dollie and Galant must have been almost every evening together; but I never heard that he had any part in the plot, but that Piet Campher, the Overseer of Dalree, knew of it. We could not execute our intention, because a Commando came upon us at the abovementioned grazing place, at which Galant and Abel fired, but I did not. Galant nearly hit Roelof van Eerden. The gang were then dispersed, and after I had rode off a little way, I leaped from my horse and surrendered myself to the Commando.

Do you know Adonis, a slave of J. A. du Plessis ?

Answer. Yes, he was brought up together with us; but he did not help; they said however that he gave powder, ball, and a bullet mould to Galant, but Galant said it was not so, for that he had taken the powder and bullet mould himself at J. A. du Plessis's place.

Do you know the prisoners Pamela, Valentyn, and Vlak, and what do you know of them ?

Answer. Pamela is a slave who belonged to the late Willem van der Merwe. Valentyn and Vlak are Hottentots who were in his service, but they did not do anything.

What was the reason of forming the gang, and why did you join them ?

Answer. Because that my Master punished me outside and inside. I also heard that my master had read from the Newspaper that everyone must give his Slaves their freedom, and on which he had said that he would rather shoot his last slave dead than make them free, because he had paid for them.

Did you ever complain of having been illtreated by your Master ?

Answer. No, I was afraid if I did so that when I came home again I should be punished, the same as happened to my fellow slave Goliath, who having once complained was flogged again when he returned home ; and because my master told me not to go to complain.

The above statement being read over to the 6th prisoner Klaas, his examination is continued as follows :

Do you persist in this statement ?

Answer. Yes.

Questions by the Chief Justice :

After your Master escaped to the hill, where did your Mistress remain ?

Answer. On the hill till the master got among the rocks, and then she begged to have her life spared ; on which Abel said we shall not do you any harm. But on a certain evening my master was going to shoot me, and therefore I wanted to shoot him.

How long did your Mistress remain on the hill ?

Answer. That I don't know, but when we rode away she was still there. Galant told me that if I stood by his Master he would shoot me.

Did you not remain some time longer at the house ?

Answer. No, we rode away immediately after the master made his escape.

When you came the second time to the place of Barend van der Merwe, where was your Mistress then ?

Answer. She was with Moses at the grazing place. I saw her there. I turned my horse loose there, and I was apprehended there. My Master punished me inside and outside.

What do you mean by being punished inside and outside ?

Answer. I got no victuals, but floggings.

Why were you flogged ?

Answer. Master said I did not work enough, there were only three of us, and we were obliged to reap the whole harvest. One evening my master flogged me because my Mistress had told him that I had threatened to strike her ; he beat Abel also ; and then went to the house to fetch his gun and shoot us, on which I ran away. My master was going to flog us because we had not finished the sawing of a block of wood. Abel with whom I had to do the work is a bad sawyer, and therefore I who am a tradesman could not get on so well with the work. My Master then said "I shall go and fetch my gun and shoot you till the smoke comes out of your throat," upon which I ran away.

Were you present when Verlee was shot ?

Answer. Yes.

Who shot him ?

Answer. Galant first, then Abel, and afterwards Isaac Rooy.

Did Isaac Rooy fire of his own accord at Verlee ?

Answer. Galant said that he must take the pistol and shoot him, and so he did. Galant did not threaten him, Galant it is true had the gun in his hands when he desired Isaac Rooy to fire at him.

In what part of the body did Isaac Rooy shoot Verlee ?

Answer. Just here (pointing to his breast bone).

Did you not on that occasion hear one of the gang say that Verlee still snorted ?

Answer. Yes, they all said so, but I said no, for he had had two shots. They say that I said he still snorted, but it is untrue.

Do you not acknowledge to be guilty of the crimes with which you are charged in the act of accusation, and therefore to have done evil and to have deserved punishment ?

Answer. Yes, but I am not so guilty. Galant was the cause. He said to me when we came to Breede River "I am

sorry that I did not shoot you ” because I would not fire at the Commando.

The above questions and answers being read over to the 6th prisoner Klaas, he persists therein.

The 7th prisoner Achilles is brought in and being interrogated answers as follows :

Examination of Achilles.

What is your name, how old are you, where were you born, and whose slave are you ?

Answer. Achilles, I don't know my age (supposed to be about forty), I was born at Mozambique, and was a Slave of the late Wm. van der Merwe.

The Statement given by the 7th prisoner Achilles before Commissioners from this Court on the 25th February last is hereupon read to him, which Statement is as follows :

“ I know nothing of the murder of my master. Galant must know of it. I only stood by the door with an assagaay that my Master bought for me to take care of the sheep, because Galant told me I must stand there and keep watch in order to shoot Master when he came out, but I would not do so. I brought the Cattle to the fields, and had my assagaay with me, and on my return Galant said that he had killed my Master. Master Rensburg and the Schoolmaster were not yet dead then, when I saw Galant give the Schoolmaster a shot in the arm and Isaac Rooy gave him one in the breast. Abel shot Rensburg dead, Galant and the other people then rode away. Antony and I remained with my Mistress, who was wounded in the thigh. Afterwards a Christian Commando came, who joined us at the place, and to whom my Mistress said that we had not done anything. We were taken by the Commando to the place of Isaac van der Merwe at the same time that my Mistress was brought there.”

The above Statement being read over to the 7th prisoner Achilles, his examination is continued as follows :

Do you persist in this Statement ?

Answer. I do.

Questions by the Chief Justice :

Did Galant say why he wanted to shoot Barend van der Merwe ?

Answer. No.

Did he not tell you before that it was his intention ?

Answer. No.

Did you not chop some shot to make slugs ?

Answer. No, nothing.

Why did you not separate from the other people instead of going with them ?

Answer. I could not get away.

Were you present when the Schoolmaster Verlee was shot ?

Answer. I was outside, but I heard that Galant fired first at him and afterwards the Hottentot Isaac Rooy.

Did Isaac Rooy fire at Verlee of his own accord ?

Answer. I don't know whether anyone desired him.

How were you treated by your master ?

Answer. Well.

How was Galant always treated by your Master and Mistress ?

Answer. Also well.

Did you reap the Corn at your Master's place ?

Answer. Yes.

Was Campher present on that occasion ?

Answer. Yes.

Had Campher had conversation with the people at that time ?

Answer. No.

Has Galant a wife ?

Answer. Yes, Betje.

Has he any children by her ?

Answer. Betje has two alive, she had more, but they are dead.

Was there among those children one of the name of David ?

Answer. Yes, but he was young when he died. He has been dead these three or four years and even longer.

What was the cause of his death ?

Answer. That I don't know ; he was sick, but whether he was a long time sick or not I do not know.

Do you know of a girl named Lydia ?

Answer. Yes, she is Antony's wife.

How did your master and mistress treat her ?

Answer. Well.

Do you not acknowledge to be guilty of the crimes with



which you are charged in the act of accusation, and therefore to have done evil and deserved punishment ?

Answer. Yes, I have done much evil, but I cannot say why I have done it.

The above questions and answers being read over to the 7th prisoner, he persists therein.

The 8th prisoner Antony is brought in, and being interrogated answers as follows :

Examination of Antony.

What is your name, how old are you, where were you born, and whose slave are you ?

Answer. Antony, I don't know my age (supposed to be about forty), I was a slave of the late Willem van der Merwe.

The Statement given by the 8th prisoner Antony before Commissioners from this Court on the 25th February last is hereupon read to him, which Statement is as follows :

“ The day before my Master was murdered, a Hottentot named Hendrik in the service of Jan Dalree came to our place to fetch a mare for his master. My master told me and Achilles to assist the Hottentot the next morning to catch the mare. Achilles and I had worked very late that evening, and after we had gone from the kraal to our huts and eaten our suppers, Abel came there on horseback and went to Galant in his straw hut. Not long afterwards they took the horses out of the stable, namely Galant, Abel, Isaac Thys, and Isaac Rooy, together with said Hottentot, with which they rode away, but I did not know where. I supposed somewhere in the neighbourhood to steal fruit. Achilles and I then went to sleep, and the next morning at daybreak we went to the kraal to catch the mare that Hendrik came for, but as she was very wild it was a long time before we got her. Galant and the other people returned in the meantime, and went to Galant's hut where his wife Betje was, and Hendrik came to us in the kraal to help us to catch the mare. While we were about it Janse van Rensburg came to the kraal to us, when we heard a shot, on which the two Masters ran to the house, when I heard another shot, which as Abel told me was a shot that he had fired at my master. My master having told us when he heard the first shot that we must go to the house on the other side we accordingly ran there, when we found all the doors locked,

as my master would not open the door. Galant wanted to set fire to the house, but Achilles and I prevented him and said that he must not do it, for that the women and children and all the goods would be burned, wherefore he desisted. My Master afterwards opened the front door to speak with the people, when Abel fired at him twice, and when he was about to open the door for the third time Galant shot him dead. Galant then went with the other people to the kitchen door, when Galant broke a hole in the oven in order to fire through it, after which he knocked the back door open with a crow bar, through which he went into the house where he shot Master Janse and the Schoolmaster. Galant gave me a gun without a lock to hold, but which he took away from me again, and having taken a lock from the drawer of a table, he fixed it on the gun and gave it as I believe to the Slave Klaas. Galant fetched my mistress and the children from a loft to do them a mischief, but which Achilles and I prevented. They then rode away, while Achilles and I remained with our Mistress till the Commando came, when we were taken together with my Mistress to Isaac van der Merwe."

The above Statement being read over to the 8th prisoner Antony, his examination is continued as follows :

Do you persist in this Statement ?

Answer. Yes, I do.

Questions by the Chief Justice :

Were you present when Verlee the Schoolmaster was shot ?

Answer. Yes, I saw it.

Who shot him ?

Answer. Galant and Isaac Rooy (or Monk), Galant gave him two shots.

Did Isaac Rooy fire of his own accord ?

Answer. Galant commanded him to do it.

Did Galant say for what reason he shot your Master ?

Answer. No.

How long before the business happened did Galant inform you of it ?

Answer. I am a shepherd, and when I come home in the evening I go to my straw hut, so that I know nothing of it.

Has Galant a wife ?

Answer. Yes, Betje.

Has she children ?

Answer. Two alive, Galant and Lys, the others are dead.

Had she a child of the name of David ?

Answer. Yes, he was the eldest, he has been dead a couple of years ; he died young.

Did he die of any disorder ?

Answer. Yes, but of what sickness I do not know, I lay in the Carroo with cattle and heard afterwards that he was dead.

How were you treated by your Master and Mistress ?

Answer. Sometimes I was flogged.

For what ?

Answer. If I did wrong.

With what were you flogged ?

Answer. With a bamboo stick.

How did your Master and Mistress treat Galant ?

Answer. Very well, sometimes he got a scolding and also a flogging. Achilles and I had the most work to do, and therefore we were the most scolded and flogged. Galant had not much to do ; he accompanied Master when he rode out or went on messages.

Had your master a girl named Lydia ?

Answer. Yes, she is my wife.

How did your Master and Mistress treat her ?

Answer. Badly.

In what did the bad treatment consist ?

Answer. She looked after the cattle, and when she brought them home in the evening and put them up for the night, she was obliged to come and work in the house.

Was she ill used ?

Answer. She got plenty of flogging, the other girls got two suits of clothes, but she got but one jacket and one petticoat.

With what was she flogged ?

Answer. With a sambok and likewise with a bamboo stick, sometimes my master beat her and sometimes my mistress.

Did you or Lydia ever complain about it ?

Answer. No.

Why not ?

Answer. Merely so.

Must you not acknowledge to be guilty of the crimes with

which you are charged in the act of accusation, and therefore to have done evil, and deserved punishment ?

Answer. It is bad, but Galant said that he would shoot those who did not help him, I was only present, but did not do any harm whatsoever.

Question by the Chief Justice :

Why did you not warn your Master when the people were gone to Barend van der Merwe's ?

Answer. I was quite tired and went to sleep. Achilles and I remained at the place when the others rode away. Mistress begged of us to stay with her to take care of her, and that Galant should not come in. She said that if she got over it, she would give us a paper that we might shew to the great gentlemen and that she would give us our bread without working for it. We took care of her till Master Isaac came there with the Commando. The next day we fetched the bodies with three waggons and buried them, and when we came home the evening after, Achilles and I were bound and sent away with the other people.

The above questions and answers being read over to the 8th prisoner Antony, he persists therein.

The 9th prisoner Valentyn is brought in, and being interrogated answers as follows :

Examination of Valentyn.

What is your name, how old are you, where were you born, and in whose service were you last ?

Answer. Valentyn, I am sixteen years of age. I was born at the place of Carel van der Merwe, and was last in the Service of the late Willem van der Merwe.

The Statement given by the 9th prisoner Valentyn before Commissioners from this Court on the 25th February last is hereupon read to him, which Statement is as follows :

“ When my Master and the two other men were murdered, I by orders of Galant held their horses before the Stable, and after they rode away I went into the house where I saw the three bodies on the floor, and when Galant rode off he told me that I must go to the mountain in order that no harm might be done to me in case the Commando should come. I therefore fetched my victuals from the house and went to the mountain where I was apprehended by the Commando.”

The above Statement being read over to the prisoner, his examination is continued as follows :

Do you persist in this Statement ?

Answer. Yes, I do.

Questions by the Chief Justice :

Has Galant a wife ?

Answer. Yes, Pamela, and another named Betje.

How many children has Betje ?

Answer. Two, one is still at the breast and the other is about three or four years old.

Had she any more children ?

Answer. Yes, they died when very young of convulsions.

Was one of the Children who died called David ?

Answer. Yes.

How long were you in the service of the late Willem van der Merwe ?

Answer. A long time, since his late mother died.

What are the names of Betje's children who are still alive ?

Answer. Lys and Galant.

How did your Master and Mistress treat their people ?

Answer. Badly.

In what did that bad treatment consist ?

Answer. They were flogged when they did wrong.

Do you know the girl Lydia ?

Answer. Yes, she is Antony's wife.

Is she flogged more than the others ?

Answer. No.

Did your Mistress do anything bad to her ?

Answer. No.

Was she not once thrown in the water ?

Answer. No.

What work do you do with a farmer ?

Answer. I was leader, I also dug, and I looked after the cattle.

Where were you when Galant rode to Barend van der Merwe's ?

Answer. In the straw hut, he said he should ride, to Abel. Abel was there, he wanted to go with Abel to get guns to shoot his Master. When Galant said so, my brothers Vlak and Isaac were present and likewise Betje, but nobody else.

Why did you not inform your Master of it ?

Answer. Mammy Betje told master of it that evening, but he would not believe it.

Must you not acknowledge to be guilty of the crimes with which you are charged in the act of accusation, and therefore to have done evil and deserved punishment ?

Answer. Galant would have shot me, otherwise I would not have done it.

The above questions and answers being read over to the 9th prisoner Valentyn, he persists therein.

The 10th prisoner Vlak is brought in, and being interrogated, answers as follows :

Examination of Vlak.

What is your name, how old are you, where were you born, and in whose service were you last ?

Answer. Vlak, I am eleven years of age. I was born at Carel van der Merwe's, and was last in the service of the late Wm. van der Merwe.

The statement given by the 10th Prisoner Vlak before Commissioners from this Court on the 25th February last is hereupon read over to him, which statement is as follows :

“ When my master was murdered, Galant said that I must keep watch at the kraal to see if any Commando should come, which I accordingly did, and remained there till that the people murdered the masters, when Galant told me to go to the mountains and remain there, which I did, and there I was apprehended by the Commando.”

The above Statement being read over to the 10th prisoner Vlak, his examination is continued as follows :

Do you persist in this statement ?

Answer. Yes.

Do you not acknowledge to be guilty of the crimes with which you are charged in the act of accusation ?

Answer. Yes, but Galant threatened to shoot me if I did not do so.

The above questions and answers being read over to the 10th prisoner Vlak, he persists therein.

The 11th prisoner Adonis is brought in, and being interrogated, answers as follows :

Examination of Adonis.

What is your name, how old are you, where were you born, and whose slave are you ?

Answer. Adonis, I don't know my age, (supposed to be about thirty-five), born at Uithoek. I am a slave of Jan Abraham du Plessis, who lives at the Wagenboom's river before the Elands Kloof. He has two places, the other is called Lange river.

The Statement given by the 11th prisoner Adonis before Commissioners from this Court on the 25th February last is hereupon read over to him, which Statement is as follows :

“ I was not with the gang of murderers, and I do not know anything about bullet moulds and shot that it is said I gave to Galant. I only know that at my Master's place the Wagenboom's river, where I was not, a bullet mould and some lead was lost about three days before Master Willem van der Merwe was murdered.”

The above Statement being read over to the 11th prisoner Adonis, his examination is continued as follows :

Do you persist in this statement ?

Answer. Yes, I do.

Questions by the Chief Justice :

Was not Galant at your Master's place with his Master some days before the murder of the late Wm. van der Merwe ?

Answer. Yes, he was at Wagenboom's river, but I was then at the other place where Galant passed by.

Who more were at the place Wagenboom's river ?

Answer. Pedro the Herdsman and his wife Rachel, the latter lives there.

When Galant was at your Master's place the Wagenboom's river with his Master, was he not at the other place the Lange river also ?

Answer. No, they only passed over the place and did not stop. (Further) They will have that I gave them powder and ball and bullet moulds ; but when we were all brought here as prisoners Galant said himself to Dantje Malan at the place Eikenboom, on his asking him about it, that it was not so, and that I had not given them anything.

The above questions and answers being read over to the 11th prisoner Adonis, he persists therein.

The 12th prisoner Pamela is brought in, and being interrogated answers as follows :

What is your name, how old are you, where were you born, and whose slave are you ?

Answer. Pamela, I don't know my age, (supposed to be about twenty-five years of age), born at the Breede river, I am a slave who was in the service of the late Willem van der Merwe.

The Statement given by the 12th prisoner Pamela before Commissioners from this Court on the 25th February last is hereupon read to her, which Statement is as follows :

“ Galant is my husband, but I sleep every night in my master's room, where I also slept the day my master was murdered. I was in the house all the time till that my master and the other people were murdered, upon which I made my escape to the mountains with the Children. Galant beat me, and then Lea likewise, and hit one of my children in such a manner that he was carried away for dead. After I had been some time on the Mountain, I went back to the house, when I found that my Mistress, whom I had left behind, was gone.”

The above Statement being read over to the 12th prisoner Pamela, her examination is continued as follows :

Do you persist in this Statement ?

Answer. Yes.

Questions by the Chief Justice :

Did not Galant acquaint you previously of his intention ?

Answer. He did not say anything to me, besides he is my husband, but I have not any children by him.

Where were you when the people in the house were shot ?

Answer. I was in the house, but Janse and Verlee were not yet in the house when I went away. I was there when my Master was shot and my mistress wounded.

Where did you remain all that time ?

Answer. With my Master and Mistress.

Where was your Mistress ?

Answer. She was wounded and lay on the bed.

What did you do all the time that the business was going on ?

Answer. I stood by my Master and Mistress. After she was wounded I took a piece of old linen out of the wardrobe



by her orders and bound up the wound and washed it with some vinegar, bugoe, and water.

Where were you when your Master was shot ?

Answer. In the room with my mistress, my Master was looking out of the front door to see where the people were.

Did your Master say anything when Galant and Abel fired at him ?

Answer. My master said, take everything you please, but spare my life.

What did they answer ?

Answer. Nothing, but I could not hear properly, for I was in the room and my Master was before at the window.

When did you leave the house ?

Answer. When the people broke open the window in the back room Lea and I made our escape. My Mistress was in the kitchen, where I stopped at first, till that they broke open the oven, on which I ran out of the kitchen door with my two children. My Mistress had previously placed her children above on the loft ; my Mistress concealed herself afterwards under the table.

Where were you when they came in to take the guns ?

Answer. In the fire hearth, I was boiling water for coffee.

When did you first see your Mistress after she was wounded ?

Answer. Outside at the back door where they had fired at her.

Has Galant another wife ?

Answer. Yes, Betje.

How many children has Betje ?

Answer. Two alive, Galant and Lys.

How many more children has she had, and what were their names ?

Answer. I don't know how many, but they all died very young and had not as yet names excepting the oldest who was called David, but she had him by another Hottentot.

How long were you at the place of the late Wm. van der Merwe ?

Answer. Three years.

How did the late Willem van der Merwe and his wife treat the people ?

Answer. Severely. They got plenty of flogging. I was

always flogged, and I had hard work to do. I also complained of it to young Master Du Plessis, who is Field Cornet. I am still a Slave of old Mistress Du Plessis, and was placed with the late Wm. van der Merwe only for a time. I was going to complain again, but my young master said that I must remain there till my Master should come. I wanted to complain that my Master had bound me with three thongs and flogged me with straps. Master came to the place of Du Plessis, but he would not give me up. I was with Van der Merwe on trial. I was not as yet sold to him.

Do you know a girl called Lydia ?

Answer. Yes, a slave girl.

Where was Lydia when the business happened ?

Answer. She looked after the cattle, and was already gone to the fields.

How was she treated ?

Answer. She was flogged when she did not come home early with the cattle.

How was she flogged ?

Answer. Master always beat her at the kraal, so that I do not know.

Was she not once thrust into the water ?

Answer. She herself and her husband Antony told me so.

What was the reason of that ?

Answer. She was not right well, she was crazy through work, master let her drown and then had her hauled out again.

How was Galant treated ?

Answer. My late Master treated him badly ; when I was at the place he always went to complain.

The above questions and answers being read over to the 12th prisoner Pamela, she persists therein.

The 13th prisoner Petrus Josephus de Campher is brought in, and being interrogated answers as follows :

Examination of Petrus Josephus de Campher.

What is your name, how old are you, where were you born, where did you live last, and what is your calling ?

Answer. Petrus Josephus de Campher. I am thirty-four years of age. I was born in Brabant. I lived last with Dalree in the Cold Bokkeveld, where I did all kinds of farmer's work.

The Interrogatories answered by the 13th prisoner Petrus Josephus de Campher before Commissioners from this Court on the 3rd instant are hereupon read to him, which Interrogatories and answers are as follows :

1. Did you cut corn at the late Willem van der Merwe's place during the last harvest ?

Answer. Yes. I live with Dalree on a piece of ground not far from the place of the late Van der Merwe, and I had an agreement with him that when he had pressing work I should assist him, and which I did, as I helped to cut the corn there with all his people, namely Galant, Achilles, Antony, Big Isaac, Isaak Monk, Valentyn, and Platje that lives at our place.

2. Did any of the late Van der Merwe's people speak to you on any of these occasions respecting the bad treatment they received from their master ?

Answer. They did not complain of bad treatment, but I heard them frequently complain of getting bad meat. In the harvest they got wine four times a day, and I also got wine out of the same calabash.

3. What kind of meat, and how much did each of the people get ?

Answer. Mutton and goat's flesh, but only a small piece. I did not get as much meat as the people, and always ate enough. Bread they got in abundance, and even so much that they could not consume it. They also got soup twice a day and at night, sometimes pea soup and sometimes bean soup ; I also got the same soup.

4. Do you recollect the people of the late Willem van der Merwe having complained to their master at the land during the last harvest about bad victuals ?

Answer. No, not that I heard to their Master Willem van der Merwe.

5. To whom then did they complain ?

Answer. They talked about it among themselves, but I did not hear them complain of it to anyone else.

6. Did you never hear any mumbling among the people that they would murder their master on account of the bad victuals ?

Answer. No, I never heard a single word of any such thing, and if I had heard it, I would have immediately given infor-

mation of it. The 12th of this month, it is exactly a year since I lived there.

7. Did you not tell the people of the late Willem van der Merwe what they must do when their Master should flog them ?

Answer. I did not say anything to them of what they must do ; and during the whole harvest only Achilles and Antony were flogged, and then I was not present.

8. Was Galant flogged with your knowledge ?

Answer. I do not know of his having been flogged as long as I lived at the place.

9. Do you know a certain slave named Dollie belonging to Dalree ?

Answer. I became acquainted with him since he has lived with Dalree, but I never knew him before. It was about ten or twelve days before the uproar that he came to Dalree's, as far as I can recollect.

10. Where was Dollie when the murders in the Bokkeveld were committed ?

Answer. The Sunday before Van der Merwe was murdered, Dollie was missed with a horse. Dalree not being at home, I took another horse and followed the track to the Schurftberg, where I found the horse with which Dollie rode away. I then brought the horse to old Sanna Joosten's. Dollie was apprehended the next day by two Hottentots and taken to the Fieldcornet, where I also came, and after that Dollie had been with the Fieldcornet, the latter ordered me to take him to the prison at Tulbagh, which I accordingly did, and where I arrived on the Tuesday evening.

11. What places are situated between the habitation of Dalree and the Schurftberg ?

Answer. Several places, there is Isaac van der Merwe's which Dollie rode over in the night as I heard from a Hottentot. From there one comes to the place of the Fieldcornet Du Toit, which one need not ride over. A little further lies the place of Erasmus van der Merwe, I was at the last mentioned place, but they told me that they had not seen Dollie there. Then comes the place of Roelof van der Merwe, which lays a little out of the road, and where I did not call. Next is the place of Piet Corporal, and then that of Jan Hugo, which is also a little out

of the road, and then one comes to the Schurfteberg. I discovered Dollie in the Schurfteberg. I heard a noise behind me, and looking back I perceived him, on which he made his escape behind some stones. I could not pursue him, because my horse could not go through the stones. Dollie had the rings still on his legs, but the chain was loose.

12. Was Galant at the place of Dalree while Dollie was there ?

Answer. Yes, he was there once when he spoke to Dollie, but I went to sleep and do not know what they said, neither when they separated. That was the Thursday before the Saturday that Dollie got away, and the next day Friday the late Willem van der Merwe rode out a visiting with Dalree, but before he rode away I reported to him that Galant had been with Dollie the evening before.

13. How did the late Willem van der Merwe treat his people ?

Answer. He treated his Slaves very well, but if there was pressing work he was somewhat hasty, for he could not manage his people otherwise. He instructed his Slaves twice a week, and also taught them to sing Psalms, but I never heard this myself.

The above Interrogatories and answers being read over to the 13th prisoner Petrus Josephus de Campher, his Examination is continued as follows :

Do you persist in the answers you have given to these Interrogatories ?

Answer. Yes, I do.

Questions by the Chief Justice :

Were religious exercises performed at the house of the late Willem van der Merwe ?

Answer. Yes, sometimes twice a week, but always Saturdays, or the old man must be unwell.

Do you acknowledge to be guilty of the crimes with which you are charged in the act of accusation, and therefore to have done evil and deserved to be punished ?

Answer. The accusation is false, had I known of it beforehand the business would never have happened so.

The above questions and answers being read over to the 13th prisoner, he persists therein.

The examination of all the prisoners being concluded, the

Court proceeds to the hearing of Evidence ; upon which the following witnesses are successively called in and examined in presence of the prisoners.

Evidence for the prosecution.

I. Willem François du Toit, who having been made acquainted with the reasons of his appearance and duly sworn, states to be thirty years of age, born in this Colony, and residing at the Wagendrift in the Cold Bokkeveld, and there-upon deposes as follows :

On the morning of the 2nd February last the Hottentot Lieberveld in the service of Isaac van der Merwe came to me with a message that murder was committing below at the place of Willem van der Merwe. I immediately assembled as many people in the neighbourhood as I could collect, namely Isaac van der Merwe, Pieter Erasmus van der Merwe, Jan Dalree, William Pearson, Roelof van Eerden, Charles du Toit, Petrus Ludovicus du Toit, another Du Toit, a cousin of his, whose name I do not recollect, Nicolaas Jacobus Janssen, and Jacobus Joosten, with whom I rode to the place of the late Wm. van der Merwe. On coming there we found the said Willem van der Merwe, Johannes Hendrik Janse van Rensburg, and Johannes Verlee lying dead on the ground. Van der Merwe lay in the front door of the house, and the two others in the kitchen. We immediately examined the bodies, and found on that of Van der Merwe three wounds, one through the back of the shoulder, one on the right eye, and one through the head, but the one on the eye only grazed it. The wound on the head was evidently occasioned by a ball. On the body of Verlee a wound in the left arm, a wound in the left side, and one through the left hip, likewise evidently occasioned by balls. The left arm was almost entirely broken to pieces, so that one could scarcely see anything more ; he had also received a shot in the stomach. On the body of Rensburg a wound in a slanting direction along the left breast, and one in the left side, but if they were both occasioned by one and the same shot or by two different shots I cannot say. The wife of Willem van der Merwe was also wounded, and lay on the bed in a room ; the wound was in her left hip, and was

occasioned according to her statement by a charge of shot. In the house we found two slaves of Willem van der Merwe, named Achilles and Antony, and a female Hottentot of the name of Betje. We rode thence to the place of Barend van der Merwe, but before we came there we got sight of the murderers at about three quarters of an hour's distance of the place, taking the course towards the grazing place of old Piet van der Merwe. They then dismounted from their horses, and when they got out of sight we pursued them. Before we arrived at the kraal we met a shepherd belonging to old Piet van der Merwe, whom we took with us because we were unacquainted at the kraal, and when the murderers perceived us they remounted their horses. Two of the Commando fired at them, and they also fired two shots at us, without however anyone having been wounded on either side. I saw Galant turn his horse round, stop, and fire. He was the first who mounted his horse, and had a blood flag tied to his hat. When we came to the Kraal we found a horse there which we were informed was the horse of Klaas which had got away from him. Hendrik had also fallen from his horse. Klaas remained at the Kraal, and was there apprehended; and according to what the people of the kraal said, they had called him to come back, otherwise he had also run away. After Hendrik had fallen from his horse he proceeded a little way on foot when he was likewise apprehended. The same evening little Isaac (the witness points out Isaac Rooy) was apprehended there by the people. The next day Lea, Valentyn, and Vlak were taken at Dalree's place, but I was not present. Pamela was not apprehended till six days afterwards. Abel was apprehended on the 4th of February in the fieldcornetship of Jan Theron by a slave belonging to George Muller. I immediately the first day or evening sent a report to the special Heemraad, and the bodies were buried on the 4th February, after which I received a letter from the special Heemraad to hold an Inquest on the bodies, but they were then buried. I then examined the four prisoners. Klaas, Hendrik, and Abel said that Galant had told them that the Slaves had been promised their freedom a long time ago, but that it did not take place, and therefore that they must now make themselves free.

Whether Isaac said the same, I am not certain, but I know

well that Klaas said so. I then sent the prisoners away with a report to the Special Heemraad. The Landdrost met the prisoners at the Goudini, where he received my report, and then sent them on to Worcester. I think that it was on the 13th day that I sent a report to the Landdrost that Galant and Abel were apprehended. Galant and Isaac were both apprehended at the Schurfteberg between the places of Jan du Plessis and Barend van der Merwe. After we had dispersed the gang at the kraal, Isaac Thys proceeded to the Carroo, on which I sent four Hottentots after his track, but they came back without having discovered him. The 5th or 6th day Isaac was again seen with Galant between the places of the late Wm. van der Merwe and Isaac van der Merwe.

According to what the people at the place of Jan du Plessis said, Galant was there a few days afterwards and took a sheep from the kraal and fired a shot at the door. As soon as that was made known the Hottentots pursued him and apprehended him on the mountain between the places of Jan du Plessis and Barend van der Merwe. Among the Hottentots who went in pursuit of him were, if I recollect rightly, Lieberveld, Coenraad Lieberveld, Platje Pas, Piet, and Saul.

Questions by the Chief Justice to the witness :

What reasons did the prisoners give when they were apprehended for their having so assembled in a gang ?

Answer. In order to obtain their freedom.

Were there any such reports current in your Fieldcornetship before the business at the late Willem van der Merwe took place ?

Answer. Previously to my being Fieldcornet there was an order issued that no female Hottentots or Slaves should be punished by flogging.

What became of that order ?

Answer. It was rescinded again, but not in the same manner that it was made known. It was made known by the Fieldcornets to the Slaves themselves and other domestics, but the rescinding of the order was only made known with the sending round of the newspaper.

Do you know what share Pamela the prisoner had in the business ?

Answer. I reported that, according to what her Mistress



said, she stood in the kitchen when the business happened, and that she ran away afterwards and was six days absent, living on a little piece of bread that she took with her.

Did not the widow Van der Merwe say that Pamela had assisted them ?

Answer. She told me that Pamela had not done anything.

The Prisoner Pamela denies the truth of the above Statement.

The witness further deposes : The widow Van der Merwe declared to me that two or three days before the business happened Pamela sought an opportunity to steal the guns out of the window in the evening, and that (the widow Van der Merwe) had put a lock on the window, which had been formerly provided with a bolt ; and when I came to the place I actually found a lock on one of the windows which was broken to pieces, it lay upon the window seat.

The prisoner Pamela says I was always with my mistress, and bound her wounds. I took refuge with her in the kitchen.

Questions by the Fiscal to the witness :

Was there nothing reported about the breaking open of a cupboard in the house in order to get brandy for the murderers ?

Answer. The widow Van der Merwe told me that she did not see Pamela break open the cupboard or give the keys to Galant, but that Galant had opened a drawer in which there was the lock of a gun. I am not certain whether the widow Van der Merwe did not likewise say to me that Galant had broken open a chest.

Did you hear what the prisoner Adonis did ?

Answer. Klaas told me that Galant had said to him that Adonis had given him (Galant) a bullet mould and some lead, and likewise that Adonis had given him his word to assist. Abel also told the Fieldcornet Jan Stein when he was apprehended the same thing of Adonis, and I reported it to the Landdrost.

What do you know of the Prisoner Achilles ?

Answer. According to what Dalree told me, some clothes were found in the possession of Achilles belonging to his deceased Master two or three days after the business happened, and I believe he said his hat also.

The 1st prisoner Galant denies having broken open a table drawer, and says to the witness : Master deserves more

punishment than I, you know that you had to do with a pig and that I held the pig fast ; and my Master threatened to twist our necks.

The Witness says : It is hard to hear such an accusation made with impunity, and says to the prisoner : Why then did you never before speak of it, when you have been so frequently before the gentlemen ?

The prisoner says : It is a long time ago.

Questions by the prisoner Abel to the Witness :

How can master say that I fired at the Commando ?

Answer. I cannot say it positively.

What did I say to you the day that I was apprehended ?

Answer. The Sunday before the business happened you were with your master at my place and in the kitchen, and where I heard you say, " if the time was but a little farther," but to what that alluded I did not know.

The prisoner Klaas says : I did not fire at anybody, neither did I say anything about making free, although the others did.

The Witness says : All the other people say that Galant said so.

Question by the Chief Justice to the prisoner Klaas :

Did you tell the witness that Adonis had given Galant a bullet mould and some powder and lead ?

Answer. Yes, but I heard it from Galant. I do not know it myself.

The prisoner Galant says : I did not get the mould and the lead from Adonis, but I found them in a chaff sack that I had brought from Isaac van der Merwe's.

The prisoner Hendrik says : I fell from the horse because I was so tipsy. I then ran a little way, but Master Olof apprehended me.

Question by the prisoner Hendrik to the witness :

Did I fire ?

Answer. No, but you had a gun with you.

The prisoner acknowledges that he was armed with a gun.

Questions by the Chief Justice to the Witness :

How long have you been fieldcornet ?

Answer. Almost a year.

How did the late Willem van der Merwe treat his people ?

Answer. I cannot say otherwise than well, Galant in

particular. He had more to say than his master. He had likewise two wives, although it was contrary to the wish and the orders of his Master.

Were religious exercises performed at the place of the late Willem van der Merwe ?

Answer. Yes, of that I was many times a witness. I was once with him in the Carroo for three months.

At what times were such religious meetings held ?

Answer. In the evenings more than once a week, and all the people who thought proper were present.

In what did those religious exercises consist ?

Answer. In singing and reading, and whatever he knew he declared to the people.

Which of the people attended on these occasions ?

Answer. I don't know otherwise than the Hottentots and Slaves. I was frequently present when the youngest of the people's children were there.

How do Barend van der Merwe and his wife treat their people ?

Answer. As far as I know well. At least no complaint was ever made to me against them.

Is the order observed that no Hottentot may be buried without a permission ?

Answer. It is an old order, which I have always observed since I have been Fieldcornet, and the Landdrost continually writes to us to observe that order.

The Court adjourns till tomorrow forenoon at Ten o'clock.

Wednesday, 16th March 1825.

Ten o'clock A.M.

All the Members present excepting Mr. Bresler through indisposition.

Continuation of the Evidence for the Prosecution.

Barend Petrus van der Merwe, who having been made acquainted with the reasons of his appearance and duly sworn, states to be thirty years of age, born in this Colony, a farmer residing at the Riet River situated in the Cold Bokkeveld in the district of Worcester, and thereupon deposes as follows :

On a certain Monday in the month of February last my Slave named Abel (the 2nd prisoner) ran away from me. On

Sunday night while I was lying in my bed I heard a noise of the Sheep breaking out of the kraal. I got up and called my slave Klaas (the 6th prisoner), who slept in the kitchen, and desired him to go and see what it was, which he accordingly did, while I went out and stood on the stoep. When Klaas came back I asked him what the dogs were barking for, to which he answered that it was nothing. I then went to the stable, and found Klaas with two Hottentots, namely Hendrik and Isaak, standing behind the stables. I asked them (the 4th and 5th prisoners) what they were doing there; they both answered "nothing." I thereupon saw Galant and Abel with my wife run out of the house; my wife called to me that they had got the guns. Abel then fired at me with shot, and hit me in the right foot, but the wound is now nearly well. On receiving the shot I fell, but having got up again I made my escape into the house with my wife, where the two maids named Jannetje and Stein were, together with my two children and a child belonging to Stein. Galant fired a shot first through the window, and then another through the back door into the house, and they fired incessantly at the house. I ran off with my wife and the two maids with the children out of the back door, and went round the Quince Hedge, when they fired again, but who did it I do not know. I then got away from my wife and the maids with the children, and made my escape into a rocky eminence, out of which I came again when I heard that everything was quiet. I was concealed there for three or four hours. I then went to the kraal near my house and took a horse and rode to the mountain where I had concealed myself, and there I remained till the following day, when I rode to Dalree's, where I gave information of what had happened to me. I found there Dalree and one Pearson; we then consulted on the best means of making it known in the neighbourhood. We sent Pearson to Isaac van der Merwe, and I rode back to my place to look after my wife, but I did not find anybody there. Having searched round about, I proceeded to the place of Isaac van der Merwe; and when I got near that of the late Willem van der Merwe, I met a commando of Burghers under the Fieldcornet Du Toit, with whom I rode to said Willem van der Merwe's place. When we arrived, we found three men lying there dead; they were Willem van der Merwe,

Janse van Rensburg, and Verlee ; the wife of Willem van der Merwe lay wounded in her bed. The body of Van der Merwe lay in the front door of the house, but I am not now certain whether the two other bodies lay at the front door or at the back door. I was too shocked to examine the bodies. The wounded woman was brought by two of the Commando, but I do not remember which of them it was, to the place of Isaac van der Merwe, and I accompanied the Commando in pursuit of the murderers. When we came to the height between Wm. van der Merwe's place and mine, we saw the villains riding over my land in the direction to the place of my uncle Petrus van der Merwe. We then rode up to them, upon which Galant and Abel fired at the Commando, but as it appeared to me without taking aim at any particular person. Some of the Commando also fired at them, but no person was wounded on either side. I saw Galant and Abel leave the grazing place of Piet van der Merwe. The prisoner Hendrik had fallen from his horse, and was following the others on foot, but we caught him, and then searched round in the neighbourhood for Galant and the other people, but we could not find them.

We thereupon rode back to the kraal, when we found the 6th prisoner Klaas with the two maids Stein and Jannetje and my man slave Goliath, who had made his escape with my wife ; we apprehended Klaas, and there for the first time I saw my wife, with whom and the Commando I went to the place of Isaac van der Merwe, where I stopped with my wife till the following day, and then proceeded together with the children, the two maids, and my slave Goliath to my mother-in-law, the widow Hugo, where we remained.

Question by the Chief Justice to the witness :

Do you know the slave Moses ?

Answer. Yes, he is the postholder at the grazing place of P. van der Merwe. He was at the kraal with Slinger and Andries Wildschut. My wife had sent them both to look for me. They said they remained at the kraal with the Commando, but I do not know ; I saw them then for the first time.

Questions by Advocate Hofmeyr for the prisoners :

As you say you were with the Commando at the place of the late Willem van der Merwe, can you state anything respecting the prisoners Achilles and Antony ?

Answer. I merely saw them.

Did you see Isaac Rooy make any resistance at the time he was apprehended ?

Answer. I was not present when he was apprehended.

Question by the Chief Justice :

Do you know when Pamela came back to her Mistress ?

Answer. No.

Question by the prisoner Abel :

Where is my wife and child ?

Answer. At home at my house.

The prisoner Abel says :

My master always provided me badly with clothes, and punished me inside and outside my body. Six years I have been under him, and I have always been badly treated. My master likewise aimed at my life, and therefore I was brought so far that I wanted also to shoot my master. My master not only once, but three times, aimed at my life. I might do whatever I could, but never could please, although I did everything he ordered me. I however never complained, because I saw that all the people who went to complain were flogged to pieces ; there were six people at the place, and now there are but three. The others ran away, one after the other, in consequence of the bad treatment ; they were all Hottentots excepting one, and he was a slave.

Question by the Chief Justice to the prisoner Abel :

State the three times that you say your master aimed at your life ; and on what occasions did he do so ?

Answer. The first time it was while we were cutting the corn a year ago. We reaped the whole of the day, and still we could not please him. It was just one day at noon that my master had his gun with him ; he presented it at me, and threatened to shoot me and all the people. The second time was in the month of January last ; it was about some skins which we had to dress, and of which the dogs had gnawed the edges. For that my Master was going to beat me, and I asked him the reason why he wanted to beat me ; he answered " who says that," but I could feel it on my body, and the other people said my master would flog me. He then ordered me to go to the stable and sweep it out ; that was always his way to get us in there, and therefore I did not go in, but remained outside

at a distance, so that my master could not get me in ; on which he said he would go to the house for his gun and shoot me till the smoke came out at my throat. He went to the house, and I went behind the kraal and looked towards the house, but my Master did not come back. The third time is also a year ago, but I do not know rightly ; I believe it was this year ; it was after sawing the timber with Klaas. We must saw thirteen feet of a day, and besides from time to time drive the cattle from the land. My master had been out that day, and on coming home in the evening he asked Klaas the reason why he had sawed so little, and he answered that he could not take care of the cattle and saw at the same time. My mistress had told my master that Klaas had attempted to strike her, on which my master threw at us with stones all round the place ; we then ran off, namely Klaas and I, and remained below near the stable, when Master said he would shoot us, and as I saw him go to the house, I thought he would do so.

The Witness says :

Everything which the prisoner states is false. I treat my people well, and if I did not do so they would no doubt have complained. Goliath once did so, but could not shew any mark as was noted down. Another of my Slaves, named Cupido, I sold because he always vexed me. The Landdrost would have given him a flogging, but I did not wish it, because he was not right well, besides I believed that he had been instigated. I had only one Hottentot, of the name of Uithaalder, who made a complaint to the Landdrost, and the Landdrost sent him away, but he did not come back to me. One of the children may perhaps have run away from me, but I never took any trouble to go in search of him, because it was too troublesome and cost me too much time. Once, I think it is about three years ago, the prisoner Abel, the above-mentioned Cupido, and three others ran away through mere wantonness ; they were not far off, but would not come near the house, on which I frightened them with my gun that I just then had with me, in order to make them come back, but I did not take aim at them. They had reaped the corn badly that day, and because I reprovved them for it, they would not come to the house.

Question by the Chief Justice to the Witness :

When Galant with Abel and the other people were at your place, and fired, was there any conversation between them previously ?

Answer. Nothing whatever.

The prisoner Klaas says : I have been a year and a month under my master, and never gave any reason to complain of my work. When my master went from the place I had the direction, and then I was the same as Master himself. One evening that my Master came home from a Hottentot Commando, he complained that there had not been enough sawed. My Mistress had also told my master that I had threatened to strike her. At the stable my Master asked about the timber that was to be sawed, on which I said that Abel was too ignorant to work at the saw, but my Master said that I would not saw, and he flogged me. I ran away because Master said he would go and fetch his gun and shoot me till the smoke came out of my throat, further adding, "you always say you will complain, do so now." I did intend to go and complain to the Landdrost that my master had threatened to shoot me, but my Mistress came out of the room, and my wife Stein told her I was going to run away, upon which my Mistress went out and sent Abel and Goliath to search for me ; they found me near the place, and my mistress said, your Master will not shoot you, give yourself up. I then went into the room and promised my Master that I would not do so again ; since which time my Master never did anything to me, and that is the only thing of which I have to complain.

The Witness says : I was always satisfied with Klaas. It was only for his not having sawed enough that I threatened to flog him, and nothing else ; and this threat was more to frighten him than anything else, for he otherwise always behaved well. Neither did I see him do anything with the murderers, but I heard that the others had threatened to shoot him ; he never was unfaithful to me.

Question by the Chief Justice to the Witness :

How did Abel always behave himself ?

Answer. Always unfaithfully. In his work he never did anything good, and therefore I was never satisfied with him.



The above evidence being read over to the Witness, he persists therein.

Hester Johanna Hugo, who having been made acquainted with the reasons of her appearance and duly sworn, states to be the wife of Barend van der Merwe, twenty-three years of age, born in this Colony, and residing in the Bokkeveld ; and thereupon deposes as follows :

I think that it was on Wednesday night the 2nd February last that I was awakened by the noise of the sheep getting out of the kraal. I called my husband, and told him what I had heard, on which he got up immediately and went out to see what it was, having previously awakened Klaas, who slept with his wife Stein in the kitchen, and desired him to go and see what the matter was. When my husband went out he asked Klaas what it was, and Klaas said "nothing." Immediately after which Galant and Abel came into the house through the back door, while I was still in bed, and rushed into my bed room where I was alone, from which they took away two guns that stood in the corner of the room. It was dark in the room, and I asked who was there, but received no answer. I did not then know that it was them, but when I came out I knew them by the moonlight, for I had got up immediately and went out ; on coming to the stoep my husband ran towards me, and the people were then firing at him. I then saw Galant and Abel whom I knew. After I left the house the maid Jannetje brought the children out, but when they fired at my husband we all ran in again, upon which they began to fire at the doors and windows, and which they knocked to pieces. We then all made our escape out of the back door, my husband to the mountains, while I remained standing at the back of the house for a little while with the two maids Jannetje and Stein and the children. The people thereupon rushed into the house, but what they did there I do not know. Goliath accompanied me in our flight to the grazing place of my father-in-law Pieter van der Merwe, where I remained till the following day at noon, when I went with the Commando to the place of Isaac van der Merwe, and thence to my mother's the widow Hugo.

Questions by the Chief Justice to the Witness :

Did you speak with the prisoner Klaas before you left the place ?

Answer. Yes, I said that he must assist me, but he said that he could not help me for that he had not anything in his hand. He did not do me any harm, but Galant wanted to shoot me, when I stood outside just before the boy Goliath came to tell me to fly, on which occasion the maids interceded that they should not shoot me.

Did Klaas come back after his master had sent him to see what the matter was with the sheep ?

Answer. I do not know whether he brought any message back, but when I came out of the door he stood there, and on my asking him to assist me he answered that he had not anything with him.

The prisoner Klaas says :

As long as I have been under my mistress I have never given any reason of complaint. I always did my work well.

The witness says : That is true.

Goliath, who having been made acquainted with the reasons of his appearance and thereupon promised to declare the truth, the whole truth, and nothing but the truth, states to be twenty years of age, born in this Colony, at the place of old Pieter van der Merwe, slave of Barend van der Merwe ; and further deposes as follows :

It is now I think about a month ago that I as shepherd boy was asleep as usual in the kraal, when I heard a noise at the house, without knowing what it was I heard firing and screams. I looked over the wall of the kraal to see if I could discover what it was, but although it was moonlight I could not see, for the noise was in the house. I thereupon went towards the house and ran off a little distance, and when I perceived that the people were leaving the place I went to the house where I found my mistress standing before the door, whom I advised to fly, on which she, accompanied by the maids, the children, and myself, made our escape. I carried one of the children, and Jannetje the other, and in this manner we proceeded to the kraal of Moses, where we remained. Moses gave me a horse, with which I rode to another place of Piet van der Merwe to call the Hottentots Slinger and Andries Wildschut to protect my mistress. I fetched them to the kraal of Moses, and they remained there. We afterwards went with the Commando to

the place of Isaac van der Merwe, and thence to my Mistress's mother.

Questions by the Chief Justice to the Witness :

Before the business happened at your Master's place, were you informed or did you hear anything of their intention ?

Answer. No, nothing.

How are you treated by your master and mistress ?

Answer. Well,

How is Abel treated ?

Answer. Both Abel and Klaas are unfaithful to their master, but Klaas however is better than Abel.

Did Klaas do your Master any harm before the business happened ?

Answer. No, I did not see anything, nor do I know anything.

The prisoners say they have no questions to ask.

Jannetje, who having been made acquainted with the reasons of her appearance and thereupon promised to declare the truth, the whole truth, and nothing but the truth, states herself to be a female slave of Barend van der Merwe, about twenty-five years of age, born in this colony, and further deposes as follows :

On a certain night, I think it is now about a month ago, I lay asleep in the hall in my usual place, when I was awakened and heard my mistress call out " what is that ? " on which I got up and went to my mistress's room. On coming there, I met Galant and Abel coming out of the room, each with a gun. I then went out on the stoep with my mistress, when we saw Galant and Abel fire at my master. My master was at a little distance from the house, and while they were firing at my master Galant called to us, on which we ran into the house. They then began to thump at the door and windows, on which we made our escape out of the back door and through the garden, when Galant fired again at my Master.

We then returned to the front of the house, and while standing on the stoep I saw them coming out of the house with powder and shot. When they came out Galant put the powder in a horn, but Abel fetched the powder out of the house ; they then rode away. While we were standing at a little distance from the house, Galant came back to my Mistress

and wanted to shoot her ; I spoke a good word for her, and he listened to me.

Galant then rode to the other people, and my mistress and I together with the Children, one of whom I carried, made our escape to the place of old Piet van der Merwe, but what had become of my master I did not know, for they shot him from the place. I afterwards saw him when the Commando came to the grazing place where we had remained. We were brought by the Commando to the place of Isaac van der Merwe, where we stopped one day, and then went to the Widow Hugo's, my master's mother-in-law. Goliath escaped with us, and always remained with us.

Questions by the Fiscal to the Witness :

When the murderers were at the kraal of Moses, did not he and Goliath conceal themselves from them ?

Answer. Yes.

What happened further with Moses and Goliath ?

Answer. That I don't know.

How are you treated by your Master and Mistress ?

Answer. Well treated, plenty of clothes and victuals. I cannot complain.

How are the other people treated ?

Answer. Just the same. But it is through their own villainy that they did it.

Betje, who having been made acquainted with the reasons of her appearance and thereupon promised to declare the truth, the whole truth, and nothing but the truth, states herself to be a Hottentot, last in the service of the late Willem van der Merwe, about twenty-eight years of age, born at Bruyntjes Hoogte, and further deposes as follows :

About a month before my Master was murdered Galant asked me if I would follow him, for that he would make himself free and fight for his freedom, to which I answered that he was a slave and I was free, and that I could not follow him. I told my Mistress one evening that Galant had said he intended to murder them. When he said to me that he would make himself free, I told my mistress that he was now going to begin ; he asked me to get him a gun, but I told him that I could not help him to a gun, on which he said, let it stand then, I shall get a gun myself. Galant said to me that when Master and

Mistress should ride to Jan du Plessis's he would break open the house and take a gun, of which I informed my Master and Mistress likewise. Master thereupon said that when he went from home, he would take Galant and the powder and shot with him and take off the cock of the gun and lock it up. My Master and Mistress rode to Du Plessis's place and took Galant with them, and when they came back Galant would absolutely shoot my Master. I told this likewise to my Mistress. She told it to my Master, and said that I must tell him of it also, which I did, but my Master said that I must not frighten my Mistress so, and would not believe it, he said that he knew Galant would not do so, for that he had brought him up himself. The last evening before the business happened I was standing with my Mistress in the kitchen, when he called to me to go with him to his sleeping place, on which I told the cook to give me my victuals. Galant said it is now supper time, and I went with him to his apartment, shortly after which he came out again and took me to the kraal near where we sleep and bound me fast with a thong to a pole there, with my hands behind my back. Galant thereupon with Isaac Thys, Abel, and Isaac Rooy rode to the place of Barend van der Merwe with the horses which they had taken from the stable. Abel had come the same evening on horseback from his Master's to our place, and remained with Galant in his straw hut. After they came back from Barend van der Merwe's place Galant untied me; they were not long away. A fire was then made before Galant's hut, and there I sat with them, namely Galant, Abel, Klaas, Hendrik, Isaac Thys, Isaac Rooy, Valentyn, Vlak, Achilles, and Antony. Towards sunrise my late Master went with Hannes Janse to the kraal, on which Galant, Abel, Klaas, and Isaac Thys ran to the house and went into the kitchen, where having laid their hats on the table, they stormed into the bed room where my mistress lay. Galant, Abel, Klaas, and Isaac Thys rushed into the room, Hendrik remained in the hut, Galant took me with him to the house in order that I should not meet my Master and tell him of it. I was in the kitchen when Galant rushed into the house, on which I ran to the hall. Galant took away two guns, but I do not know that rightly, for I ran to the hall in the hurry. The people were all in a heap, so that I could not

properly distinguish them. They held fast the guns together with my mistress. My mistress had the guns fast by the muzzles, and in this manner they dragged her forwards ; when she got to the hall she had but one of the guns in her hand, by which they dragged her to the kitchen, when Galant who had the one gun was going to fire at my Mistress, but I laid hold of the gun behind, and just as I did so Galant fired and hit her in the thigh. I lifted up my Mistress, and brought her into the room, and Galant went to the front door where the other people stood. After I had brought my Mistress into the room I went out to see after my master. I met him at the back door, and he asked me where my Mistress was ; I told him that she was severely wounded, on which he went round to the front door, when they fired at him, but did not hit him ; he then ran into the house through the front door, and locked it after him. Hannes Janse was outside when they fired at my Master, and he ran after them to the treading floor, when he went to the stable and took a horse in order to ride to Dalree's, but they pursued and drove him back. Abel was one of them, and it was in fact he who drove him back again. Janse cried out, on which my Master opened the door, when Janse was driven into the house on the horse, and my Master then locked the door again. All the people were there on horseback in front of the house, when my Master opened the door a little, and asked Abel what he had done to them that they wanted to shoot him. Abel answered because the Governor will give us our freedom and you will not have it, and now we will make ourselves free. My Master then said, you have got my horses and saddles, take them away, and go away, but leave me my life.

After I had brought my Mistress into her room, I was not in the house again, for the whole of the morning Galant would not have that I should go there. I then went to my straw hut, where I heard from Antony that my Master was murdered, on which I went towards the house and concealed myself behind the peach trees, from where I heard the uproar in the house.

They broke the doors and windows to pieces, and then got in. Pamela came and told me that Janse still lived, but that Master was dead. I then went in, and found my Mistress

with her little children and the wife of Jan Verlee on the loft, but Janse and Verlee were then both dead. While I was in the house Galant came in and called me, and wanted me to get the Mistress and the children to come down from the loft, which I did, and then spoke a good word for them with Galant and gave him fair words, but he said that at least all the boys must be killed, on which I again spoke fair to him, for I had suckled all the children, and he at last listened to me. They then talked together about getting ready to leave the place, for that probably a Commando would soon be after them, and they rode away. I then washed my Mistress and spread a plaister for her wound, and I remained there till the Commando came, after which I accompanied my mistress to the place of Isaac van der Merwe.

Questions by the Chief Justice to the Witness :

Did you know of the plan they had previously formed ?

Answer. I only knew that Galant had run away, and that he wanted to take a gun with him to shoot my master, but a month after he came from the Carroo he spoke about it, and I told both my Master and Mistress of it, but they would not believe me.

What conversation had they that evening before they went to Barend van der Merwe's ?

Answer. Nothing that I heard, nothing that I was present at.

Were Achilles and Antony there when they went to Barend van der Merwe's ?

Answer. Achilles was by the apartment where I was bound, and Antony also. Achilles had an assagaay and Antony a thick stick ; they walked round about the kraal, Isaak Thys said that I had brought it out that they wanted to steal guns, and therefore Galant bound me that I should not tell.

When Achilles and Antony were walking about in that manner by the kraal and you were bound, did they know anything of Galant's intention to murder your master ?

Answer. Yes, they all knew of it except Lea, from whom they always kept it concealed.

Did the prisoner Pamela know anything of it ?

Answer. Yes, Galant her husband asked her as well as me to get him a gun.

What part did the prisoner Pamela take in the business ?

Answer. That I don't know, but Galant asked her for the gun ; whether she gave it to him or not I do not know.

Did Pamela inform your master and Mistress of it before the business happened ?

Answer. I told her to do so, for that as she was a slave they would believe her sooner than me.

When your Mistress was wounded did Pamela also assist her ?

Answer. No, she had made her escape with Lea out of the house.

When Galant informed you of his intention to murder your master, did he say anything about the prisoner Campher ?

Answer. No, but I once heard a talk among the people that Campher and the people wanted to beat Master at the corn land, but I did not hear it myself.

Was Galant good friends with Campher ?

Answer. Yes, he was very fond of him.

Have you any children by Galant ?

Answer. Yes, I have had six by him, two are still alive, but the others all died young of convulsions.

Was there not one of those children named David ?

Answer. Yes.

Of what did he die ?

Answer. That I do not know. About eight days before he went with us to the Carroo, he was all at once blue round the mouth ; my mistress said she thought he would die, on which my master brought him out, he then got better and was afterwards quite well again. While we were in the Carroo my master beat him with an ox thong because master was angry with his wife. In about a week and a half after that beating he died.

Do you think the child died in consequence of that beating ?

Answer. That I cannot accuse my master of, for the child was healthy and well afterwards.

Do you know whether there are any of the prisoners who were obliged through threats to act with Galant ?

Answer. That I do not know.

Do you know Lydia ?

Answer. She is Antony's wife.



What work did she do ?

Answer. Before that Pamela came she did housework, but she was afterwards shepherdess.

How was she treated ?

Answer. The same as myself ; but she was a little naughty, she stole continually, for which master flogged her, but moderately, and when she promised to behave better master did not beat her, but only when it happened too often.

Was Lydia not once thrust into the water ?

Answer. That I know nothing of. If so, it must have been before my time.

How did your master and mistress treat their people in general ?

Answer. I cannot say otherwise than well. Master frequently pardoned them ; but if he was angry, then he punished severely.

Do you recollect your master having once flogged your child David because he wanted to follow you to the water ?

Answer. The child crept after me. I gave it a piece of bread, and then went in with him to my mistress, and in the house my master beat the child.

How long ago is that ?

Answer. It is eight years. I have been ten years with my Master, I was then two years there.

How many times did your master beat the child on that occasion ?

Answer. But once, and excepting that once and the time in the Carroo, he never beat him.

You do not then think that your child died in consequence of the beating ?

Answer. If I recollect rightly, the child lived a month after that beating ; and besides the child was afterwards well and healthy, and it would be a falsehood were I to accuse Master of his having so beaten the child that it caused his death.

Questions by the prisoner Galant to the witness :

What did you tell me last year at the Muishond river about what your Mistress said to you respecting the strange nation ?

Answer. That I know nothing of. I never heard anything about it. I only know that you told me the people

would fight themselves free, and that that had happened before.

What did you say to me once about a newspaper that your Mistress said must not be opened ?

Answer. My mistress never said anything of the kind to me, she said nothing to me about a newspaper.

Did you not tell me that you, old Stein, Lea, and Rachel (the wife of Platje Pas) were in the kitchen, and when you asked for victuals that master had said he would shoot all the people in a heap ?

Answer. I did ask for victuals once in the kitchen, on which my master asked the cook if the victuals were not sufficient, and said that his head was so full of vexation that he would shoot them all and then hang himself, and that was on Galant's account, because my master could not bear that he always quarrelled with me.

What did you also say to me of an evening that I sat with you on the bed after I came from the corn land, about a newspaper which Mistress said had come, and in which it was mentioned that the farmers were very much oppressed.

Answer. Every thing that you say is false. I am an outdoor servant, and do not know what happens in the house. I never said anything of the kind.

The prisoner Galant says : I can call God to witness that everything I have said is true.

The witness says : you call upon God falsely.

Further questions by Galant to the Witness :

Did I not once tell you to ask the Mistress why that all the slaves were to be free, and what answer did you give me thereto ?

Answer. Galant is my husband, but all what he says is false ; he declares false things.

Did you not tell me that your mistress said that it was because there came so many white children among the black slaves ?

Answer. It is not so, it is false.

What did your mistress's little daughter named Saartje say to you at the time that you and old Stein were dressing a sheep skin blanket, and in the presence of your mistress ?

Answer. That you must know, for if there was anything spoken you must know it as you were present.

Did not the little daughter say that if all the farmers were like your Master, not one of the slaves would be free ?

Answer. No, but that master had said it should never take place as long as the Heavens were blue, because the people spoke so much about such things. She also said to me, if Galant then becomes free he can bring you away to your parents.

What did you say to me about a letter that your master and master Barend van der Merwe had signed and that had been brought there by a little boy belonging to Master Isaac ?

Answer. I do not know of anything that was spoken about a letter. If it was so, and that Galant heard it, he must know it himself. The prisoner Pamela said something to me about a letter which the farmers had signed, but I do not know what it contained.

The prisoner Galant says : She told me first that the farmers had signed not to make us free, and afterwards Pamela told it to me likewise.

The witness says : Pamela told it to me.

Galant says : The letter was brought in the afternoon, and in the evening the witness told it to me.

The Witness says : Galant came from Cape Town with these things, and conversed with the people about it, and now he wants to lay it to my charge ; he speaks to-day entirely too falsely. He said that it must happen between Christmas and New Year's day, and that if it did not happen he would kill his master. Galant came from Cape Town with all these stories.

The prisoner Galant says : Yes, that I did say, and that I had heard it from the people at Tulbagh ; I will not deny what I have said, although you will what you have said, I heard it from the people of David Theron and Piet Joosten at Tulbagh last October when I returned from Cape Town ; and then we were all to stand up for our lives.

The Witness says : You die on your lies.

The prisoner says : you told me that you had heard your Mistress say it three times when you helped to wash and dress her.

The Witness denies it.

Further questions by Galant to the Witness :

Did you not tell me yourself about the flogging of the child David in the Carroo, and that he was buried without anyone having seen the body ; and did I not want to go and complain about it ?

Answer. It is all false.

Did you not also tell me that the child was bound ?

Answer. The child was cross and pettish, on which my Master made him fast with a little string, but not to harm him. It is a long time ago, and the child was notwithstanding well and healthy. He speaks of a thing that is of no consequence, one could see that the child had been beaten, but the skin was not broken ; but he suffered much cold and wet in the Carroo and that I believe did the child the mischief.

The prisoner says : She told me that she was going herself to dash the child against the ground, but that her master and mistress prevented her.

The witness says : That is true, I did say that through heartsore, because my Master beat the child, although it was not so much, and it is true that when I was so angry Master and Mistress prevented me.

Question by the Prisoner Pamela to the Witness :

When did Galant ask me to get him guns ?

Answer. The same evening that Master was murdered Galant and Isaac Thys asked you for the guns, and you answered that there was a lock on the window.

The prisoner Pamela says : That is false. Galant never asked me for a gun. He never said anything of the kind to me ; and that Galant knew there was a lock on the window, he could just as well have been informed of from the witness as from me, for she is his wife also.

Question by the Witness to the prisoner Pamela :

Did I not say to you at Louw's place, " Why do you not tell the truth ? " and did you not answer me saying : " Yes, but I have a child by Galant, and therefore I will not bear hard upon him ? "

Answer. No.

The Witness says : Galant asked me in Pamela's presence if I would remain at the place or go away with him ; on which

Pamela immediately said I will not stop at the place, but will go with you.

The prisoner Pamela denies this.

The Witness says : It is as true as God and men all what I say. They all knew of the business except Lea. I also told Pamela that she must tell it to the Christians, to Master and mistress, and not say anything to Galant.

The Prisoner Galant denies having bound the Witness Betje, and asks her the following questions :

Where were we sitting when we formed the plan as you say before that Abel came to us ?

Answer. You spoke of it in your straw hut and everywhere, but you made the plan that evening by the hut of Achilles.

Who were present ?

Answer. All the people excepting the wife of Antony, Valentyn, and Vlak. Lea and Pamela were not present then, they were in the house.

What did we do that evening before we formed the plan ?

Answer. That I don't know, but Achilles said, what will you do, presently comes a Commando and then you will all be sorry. Achilles said to me, Galant will have it so, and I said yes, he wants me to say yes too. Galant thereupon said to Achilles you are afraid, I'll take it all upon myself. I shall settle it with the Fiscal and the Gentlemen. I take it upon myself.

The prisoner Galant says : Yes that I certainly did say to Achilles.

Further questions by Galant to the Witness :

What did we do and take before we went away from the place and before we sat down to arrange the plan ?

Answer. You took a sheep out of the kraal, but who did it I do not know.

The prisoner Galant says : Valentyn and Vlak asked old Stein who took care of the sheep for it, I gave them my knife to kill it, and after that we made the plan.

Who came to me at the stable to say that Abel was come to my straw hut ?

Answer. I was going to the house to tell my master that Galant was in the stable, and coming to the front door I saw Abel, when Galant meeting me asked me what I came there

for, to which I answered that I had seen Abel come. They then took the horses, and Galant bound me, and so he began.

If I had bound you, how could I then have said to you as cook when I left the place to take care that the victuals were ready when we should return from Barend van der Merwe's ?

Answer. That you did not say to me ; it is false. If I had not been bound you should not so easily have murdered my master. Achilles and Antony dressed the victuals.

Did I not desire you to kill the sheep ?

Answer. No.

Where did you place your bedding the evening that we made the plan ?

Answer. At the back of the gable end of the house. I made my bed out of doors.

Where were you when we returned from Barend van der Merwe's, and why did I awaken you ?

Answer. You unbound me from the pole, and that you call awakening me. You placed Achilles and Antony as sentries over me.

The prisoner Galant says : Betje took bread out of the cupboard and gave it to us. She must say who was asleep with her when I awakened her.

The witness says : That I don't know.

The prisoner Galant says : When we came back from Barend van der Merwe's we had something to eat. After we had done, I, Abel, Klaas, Isaac Thys, Isaac Rooy, Vlak, and Valentyn were sitting together. Achilles came and asked if we had killed Barend van der Merwe. Abel answered he has escaped, upon which Achilles said you have gone to work badly, and went to his straw hut. I then went and lay down with Betje while Isaac Rooy and Hendrik fell asleep by the fire and Isaac Thys also. Vlak, Valentyn, Klaas, and Abel remained awake sitting by the fire. When day began to break Klaas said it was time, on which we went out. Abel, Klaas, Isaac Rooy, and I went to the peach orchard behind the kitchen, where we remained. Isaac Rooy went into the house to fetch the milk pails, which he brought out with him and put under the peach trees. I went to the stable and made the horses loose and fed Hannes Janse's horse. Abel,

Klaas, and Isaac Rooy stopped there, on which occasion Valentyn came to me to the stable when I told him to take away the horses that were loose, and then I left the stable. The Master was the first that came out of the house and asked whether I had laid the treading floor, and desired me to make loose the sick cow and bring her to the kraal. I accordingly did so, and gave the cow to Valentyn. I then went round through the back hedge and was joined by Abel, Klaas, and Isaac Thys, on which I went with Abel with the two guns to the corner of the hedge to see whether Master was at the kraal, he was then at the quince hedge, and when he went round by the kraal, and seeing that he was not within shot, we went to Klaas and Isaac Thys and told them that Master was too far off, and then proceeded to the back door, and just as we four got into the back door, the master also ran in. Betje stood in the firehearth with Lea and Pamela. We went into the room, and took away the guns, and after I had fired at the Mistress outside the room door she ran out of the house. Master then ran among the peach trees, when I fired at him, the gun that was without a lock was not loaded. Pamela just at that moment came running in with her child, and Abel fired at Master as he was passing by. We then ran off. Klaas and Valentyn called out there goes Master Janse, on which we went to the kraal where the horses were. I could not get my horse speedily enough, but Abel and Isaac Thys pursued him first to Dalree's and then drove him back again to Van der Merwe's. We had the horses held by the children, at which time I was still at the kraal and Antony also. We called out that we should ride away, in order to induce Master to come out, and when we perceived he would not come we dismounted. Abel fired through the windows, Isaac Rooy broke the window; we heard somebody inside say, open the window that I can fire with the pistol. On that I went to the oak trees, and Abel told me what Master had said to him, and that he made him a present of the horse. After that I broke open the oven, and found two pistols in the house, which I took away. I did not want to remain long there. Abel pulled the horse of Janse out of the house. After Janse and Verlec were dead, I searched round for the lock of the gun, which I found in the table drawer. Betje gave us the key of it.

The Witness Betje says : That Pamela has told them to say. Everything was open when I came into the house.

The prisoner Galant says : I asked Betje for some drink, on which she said, Pamela was the last who had to do with the liquor. She drank with us out of a cup. The shot pouch and flints lay on the table, I held the gun before the table, being employed to put the lock on, I did not know that my mistress sat under the table, she laid hold of the muzzle of the gun and begged of me not to shoot her. I answered that it was the people's fault that she was wounded, and I even told Betje to assist her Mistress and the children. We then went out, and spoke together about where we should go to, and whether we should not go to Dalree's to look after Campher, as there were too many people at Isaac van der Merwe's. We had spoken before with Isaac van der Merwe's people, but they did not know when we should come. We took a horse away from Dalree's, and then rode towards the place of Barend van der Merwe.

The prisoner Achilles says : Everything that Galant says is true, this pretty business has happened because they would not listen to me. It is true I was there, but if they had followed my advice all this would not have happened, for I said what harm had master done us ? Master was good enough. If a slave will not work he must be flogged ; for what do we get victuals ? is it not to work ? Must not Master himself work to get his living ? But Galant said, you \* \* \* yourself, you dare not, bring some grass and stop \* \* \* I said, now you will begin and to-morrow we shall all stand with our hands tied and be taken to Cape Town. Hendrik knows all what I said. Galant said, let the Commando come ; the whole Bokkeveld will begin, and we will shoot at them to the upper Country. I will stand with my gun on the Lion's head at the Cape and face the gentlemen. The people killed a sheep, but I did not dress any victuals. I am called here to speak the truth. Why did not you Galant listen to me, and why did not you Betje persuade him against it ? It is true I helped to kill the sheep, but the other people took away the meat.

Question by the Chief Justice to the prisoner Achilles :

Did not you and Antony keep watch over Betje when she was bound ?



Answer. That I know nothing of. After Galant and the people went away I and Antony went to sleep. I know nothing about binding fast.

The prisoners Isaac Rooy and Isaac Thys being asked if they know anything of the maid Betje having been bound ?

Isaac Rooy says : Everything that Achilles says is true, I know nothing of binding of Betje.

Isaac Thys confirms the statement of Isaac Rooy.

The prisoner Antony says : All what Achilles says is the truth.

The Court adjourns till Friday next at ten o'clock.

Friday, the 18th March 1825.

Ten o'clock A.M.

All the members present.

Previously to the Court being opened, His Honour the Chief Justice states that the reports which were circulated at the beginning of the trial respecting the wife of Barend van der Merwe having been ravished have been so far corroborated by some of the prisoners, that it has become the duty of the Court to waive all delicacy and investigate into this circumstance ; and proposes in order first to ascertain the truth thereof to hear Barend van der Merwe and his wife on the subject, but with closed doors ; and should the fact appear from their examination then to make this circumstance a point of serious inquiry. Which proposal being agreed to, Barend van der Merwe is first called in and interrogated by the Chief Justice as follows :

Was there any violence committed on your wife by the gang or any of them, and if so in what did that violence consist ?

Answer. That I know nothing of, neither did I hear of any such thing.

Did you not yourself tell others of it ?

Answer. No, Botha asked me if it was true, and I said that I knew nothing of it, that it was not true.

Have you given your answer under the impression of the oath that you took at the beginning, to declare the whole truth without reserve ?

Answer. Yes, I know that I am on my oath and that I

must speak the truth ; but I know not as much about it as the black of my nail. There are more of the Van der Merwes who know, which of them repeated such a thing from hearsay.

What led Botha to ask you that question ?

Answer. We were speaking of the murderers, when Botha asked me if they had done anything to my wife ? on which I gave him that answer. I cannot surely say a thing which I do not know. I asked my wife about it, and she denied it.

Barend van der Merwe being withdrawn from the Court, his wife is called in and interrogated by the Chief Justice as follows :

As public report says that violence had been committed by Galant and the gang on you, was there actually any violence done to you by him or any of them, and if so in what did it consist ?

Answer. No, nothing else than that Galant wanted to shoot me. He presented the gun at me, but the maids interceded for me and pushed away the gun. After he came back on horseback, he said, it is your good luck, woman, that the maids spoke for you. Galant offered no other violence to me.

Roos, who having been made acquainted with the reasons of her appearance and thereupon promised to speak the truth, the whole truth, and nothing but the truth, states herself to be forty-one years of age, born at the place of Piet Theron at the Breede river, last in the service of the late Willem van der Merwe, and further deposes as follows :

On a Wednesday morning about a month ago I came from Tulbagh to the place of the late Willem van der Merwe, when I saw the people named, Galant, Abel, Klaas, a parcel of little Hottentots, Achilles, Antony, and Isaac Thys, on horseback. I saw Galant, Abel, and Isaac Thys ride, the others were on foot. They rode round the house. I went into the Garden, where Betje, Galant's wife, came to me, and wanted that I should go immediately to Dalree's and tell him that the Master and Mistress were wounded and that the people must come to their assistance. I did so, and told Dalree of it in presence of the schoolmaster Pearson, on which Dalree immediately sent said Pearson to Isaac van der Merwe's to fetch some people, and I remained at Dalree's by the garden till the following day. When the people came for the dead bodies, I rode with the

waggons to the place of Isaac van der Merwe. In the month of October I went from the late Willem van der Merwe's place to Tulbagh. I live separately on the land of the late Willem van der Merwe close to Dalree. I had gone that morning to Van der Merwe's dwelling place to ask for a pass, in order to fetch my child from Jan de Waal's.

Questions by the Chief Justice to the Witness :

Did you know before the business happened that such a thing was about to take place ?

Answer. No, I did not hear anything of it.

Did you see the people commit anything when you were at the place ?

Answer. I was in the garden where I heard two shots, they came from the side of the dwelling house.

Did any of the people speak with you ?

Answer. No, neither did I to any of them.

Do you recollect whether Isaac Rooy said anything to you ?

Answer. No.

Do you know Campher who lives at Dalree's ?

Answer. Yes.

Where was he on that occasion ?

Answer. He was gone with Platje to Tulbagh to fetch away a slave boy belonging to Dalree who was confined there with rings on his legs. He rode away before us on Tuesday morning. I keep at the same place with Campher and Platje ; they had not been at home for two days when it happened.

Did you tell the people or any of them that Platje and Campher were away ?

Answer. No, but they knew it. Platje had been there the Monday morning before to ask my late Master for a pass for the purpose.

Questions by the prisoner Galant to the witness :

Where were you when we came that evening from Barend van der Merwe's ?

Answer. I was asleep in my hut.

Did I not ask you if Platje was at home ?

Answer. You awoke me and asked me ; and I answered that he was not at home.

Where were you the next day when we came from the place of my Master ?

Answer. In the fields with the oxen of my late Master, far from the house.

Did I not then ask you where Master Dalree was ?

Answer. Yes, and I said that he was at home.

As you are cook, what victuals do the people get at the land ?

Answer. In the morning I dress a pot of meat, and at noon also. In the evening my late master caused peas to be boiled.

How much meat used you to put in the pot ?

Answer. My late master made me dress a shoulder and the ribs.

Did we not take sheep out of the kraal through hunger ?

Answer. That you must know, I dressed what my Master ordered me. You complained of it at the land, and I told you to say so to your master.

Questions by the Fiscal to the witness :

Did the people get bread also ?

Answer. Yes, Galant himself cut the bread.

How much bread did they get ?

Answer. He was the cutter, a reasonable quantity.

Further questions by Galant to the witness :

What did your master once say to you, when you dressed more meat of your own accord, in consequence of our complaint ?

Answer. My master scolded me for it.

Who more ate of the sheep that I took near the house ?

Answer. All the people. Galant dressed the meat himself, and awakened me and gave me a piece of it.

Who dressed the meat of the sheep that I and Isaac Thys took the following day by the house ?

Answer. You with all your comrades.

Who dressed the remainder of that sheep the next day, after Master had rode away from the place ?

Answer. You put it into the pot yourself and cooked it. When Master leaves the Land, Galant goes away also.

What did you do with the peas that were left in the pot ?

Answer. You and all the other people ate them.

Question by the Chief Justice to Galant :

To whom did the sheep belong which you stole ?

Answer. To my Master, I took them through hunger.

Further questions by Galant to the Witness :

Did you not know how we came by the sheep ?

Answer. I know nothing of what you did in the night. I was obliged to dress the victuals, as they were given to me.

Who took the meat away on Christmas morning ?

Answer. You and all the people. I am but a woman, and had nothing to say to you.

The prisoner Galant says : I now wish that Antony would speak, and asks him :

Did we not take four sheep ?

Answer. Yes, that is true, we all as good as stole them together. Roos also assisted to kill and dress them, and we all ate of the meat.

The Witness Roos denies this, and says : If you did not get victuals enough why then did you not complain to your master instead of always quarrelling with me at the land ?

The prisoner Galant says : I now wish to speak with Achilles ; and asks him the following questions :

What did we say the first day about the victuals which were full of dirt, and likewise afterwards at the treading floor ?

Answer. Nothing that I know. The victuals it is true were very dirty, but I ate of them notwithstanding, without saying anything about it.

When we were talking at the floor about killing our Master, did you not say : you are always prating about it, but I see nothing come of it ?

Answer. Yes, but it was not my meaning that you should do it.

When I said to you, what can you do to protect yourself as you cannot shoot, what answer did you give me ?

Answer. I will stab with the assagaay.

Question by the Chief Justice to the prisoner Achilles :

Why did you not inform your Master of the people's intention ?

Answer. Galant said, you must not go and tell I wanted to do so.

The prisoner Galant says : I now wish to speak with Isaac Rooy ; and asks him :

When we were talking at the floor about killing our Master, what did Achilles say ?

Answer. That he would stab the master with the assagaay. The prisoner Achilles acknowledges to have said so, and further says :

Galant said, although you cannot shoot, you however have an assagaay, and with that you can assist us.

Martha Elisabeth Swanepoel, who having been made acquainted with the reasons of her appearance and duly sworn, states herself to be twenty years of age, born in this Colony, widow of the late Johannes Verlee, and residing with her mother Swanepoel, and thereupon deposes as follows :

I lived with my late husband who was Schoolmaster at the place of the late Willem van der Merwe. On the morning of the 2nd February last at daybreak I heard two shots while I was still in bed, on the front side of the house, on which I awakened my husband to go and see what it was. He got up immediately, and went out, but came speedily back again, saying that I must rise and dress myself and go to the assistance of Van der Merwe's wife, for that she was severely wounded. My husband and I slept in an outdoor apartment, and going to the house I met Janse van Rensburg and the late Willem van der Merwe. Van der Merwe said to Janse that he must take a horse and go and give information that the people were committing murder. I thereupon went into the house and found Van der Merwe's wife in the hall wounded. I bound her wound and brought her into the bed room where I remained with her. After being a little time in the room I came out, when I saw the people drive Janse van Rensburg into the house on his horse, on which my husband locked the door. Willem van der Merwe then went into the room to his wife, and having prayed for her he came out again and went to the front door which he opened, and asked Abel what he had done to them that they had wounded his wife so severely ? that they already had his horses and guns, and that they could keep them and take all he had ; to which Galant said we do not want anything but Master. Van der Merwe then went into the room again and said another prayer for his wife, and took leave of her. He then went to the front door and opened it again in order to speak kindly with the people, on which they shot him dead through the door. My husband pulled the deceased in, and locked the door.

Van der Merwe's wife then got out of bed and said: Man what have you done, what do you venture for me and my children? and said to Rensburg "you are two men, defend yourselves bravely," at which the people outside laughed loud and began to break and chop the windows and doors to pieces, on which I and my child and Van der Merwe's wife with her children made our escape to a loft, where we remained till all the men were murdered. Galant came up to the loft and made us come down; he said that we must come down, and that he would murder us. Van der Merwe's wife had at first crept into the oven, out of which Janse van Rensburg took her; she then concealed herself in the firehearth, then under a table, and from that she came to us on the loft. The people forced into the back door. Galant made a mockery of the men, saying, "ask now for pardon, but no, with God is mercy, but not with us, beg and pray now to the ground." All this I heard while I was on the loft. Galant said, "The Landdrost read to us that we were all to be free with the new year, but the farmers were against it, and therefore we will fight ourselves free, and now we are all free." After we came down from the loft, Galant beat me with a Sambok and pushed me out of the door, on which I went and sat down with my child on the grass, not knowing whither to fly. Galant ordered Abel to take the child from me and knock its head against the wall. Galant himself stood with his gun behind me. Klaas then interfered that the women and children should be spared, to which they at last listened. I then went back into the house with my child, where I remained till twelve o'clock. Van der Merwe's wife was then likewise in the house on her bed. Thereupon the Commando came and took me and my child with Van der Merwe's wife and her children to Isaac van der Merwe's. The bodies of my husband and of Janse van Rensburg I saw lying in the kitchen. Janse had a shot under the left arm, through the right side. My husband had a shot in the left hip, he received three wounds almost at the same time, the people threw stones at him likewise; he did not die immediately when they shot at him. I heard him cry out dreadfully.

Questions by the Chief Justice to the Witness:

Was the widow Van der Merwe assisted by her maids?

Answer. Lea helped to bind her wound, and she also ran with us to the loft.

Who was the widow Van der Merwe's maid ?

Answer. Lea. She was the cook and housemaid.

What was Pamela's work ?

Answer. She was also housemaid.

How did Pamela behave under those circumstances ?

Answer. At first she assisted to bind her mistress's wound, but afterwards she got away with the others. Lea was the only one that remained.

How did Betje behave ?

Answer. She also assisted at the beginning, but afterwards she got away likewise. After the men were murdered she also spoke a good word that our lives might be spared.

How long had you lived with the late Willem van der Merwe ?

Answer. We were then but two days there.

Where did you live before ?

Answer. At Willem Joosten's in the Bokkeveld, far from the late Van der Merwe's place.

Was there any conversation between your late husband and the gang ?

Answer. Not that I know.

Were there any religious exercises performed at the late Van der Merwe's ?

Answer. Yes, in the evening, the man and wife and all the people.

Did Achilles and Antony assist their Mistress ?

Answer. That I cannot say.

The prisoners Galant and Abel say they have not any questions to ask the witness.

Lea, who having been made acquainted with the reasons of her appearance and thereupon promised to speak the truth, the whole truth, and nothing but the truth, states herself to be between twenty-four and five years of age, born in this Colony at the place of Abraham du Plessis at the Oliphants berg, and to have resided with the late Willem van der Merwe for the last ten years, and further deposes as follows :

Some time ago, but I cannot remember exactly when, in the morning early just as the sun began to shine on the top of the mountains, my mistress the wife of the late Willem van der



Merwe, in whose bedroom I slept, awakened me and desired me to go and hang the pot on the fire. While I was doing so, Galant and Abel came running into the kitchen through the back door that was open, and as soon as they got in, all the other people rushed in after them. I ran to the kraal to look for my master in order to tell him that there were murderers in the house, for they had already shot at and wounded my mistress. I found him at the kraal, and told it to him. Janse van Rensburg was with him. Master did not say anything, but ran to the house. I stopped a little while at the kraal, and then went to the house where I helped my Mistress to put on a dry petticoat and remained with her till it was all over. While I was in the room I heard a great deal of firing. Master Van der Merwe came into the room to see after his wife, and then went out again. Martha Swanepoel was likewise in the room with my Mistress. Janse lay dead by the back door, Verlee at the middle door, and Master by the front door. We afterwards made our escape to the kitchen, and thence to the loft, but we did not remain there long. Betje came to fetch us down.

Questions by the Chief Justice to the Witness :

Was anyone of the gang on the loft where you and your Mistress with the wife of Verlee had concealed yourselves ?

Answer. No.

How were you always treated by your Master ?

Answer. Not well and not badly.

How were the other people treated ?

Answer. If they deserved it, they were flogged.

How was it with respect to victuals ?

Answer. It was not so bad.

Who besides you assisted your Mistress ?

Answer. Betje and I. Pamela was also in the room for a moment, but did not remain.

Were religious exercises performed at your late Master's place ?

Answer. Yes, Sunday and Wednesday evenings, Master made the people sing psalms and he also talked to them.

Did you know beforehand of the plan ?

Answer. No.

Helena Elisabeth van der Merwe, daughter of the late

Willem van der Merwe, states herself to be eleven years of age.

Questions by the Chief Justice to the Witness :

Did any of the people do you any harm ?

Answer. No.

Who interceded for you that the people should not murder you ?

Answer. Betje, Galant's wife.

Did Isaac Thys do anything to you ?

Answer. No, but he beat my sister Hester with the flat of a naked sabre.

William Pearson, who having been made acquainted with the reasons of his appearance and duly sworn, states himself to be thirty-four years of age, born in Prussia, Schoolmaster with Jan du Plessis since the 8th of last month ; formerly resided at Drakenstein, and thereupon deposes as follows :

On the evening of the 1st of February last I was at the place of the late Willem van der Merwe in consequence of a letter I received from him. On going away he and Verlee accompanied me as far as the garden, and on our way there he requested me to return the same night in order to go with him early the next morning to shoot wild ducks, and by the same opportunity to draw up a Statement for him to the Landdrost of Worcester, but I did not ask him on what subject. I then proceeded to Dalree's, and asked if there was a horse for me there, and Dalree said no. I remained and slept there that night, and as the house was small, and it was very warm, I asked Dalree's wife, when it was time to go to sleep, to have my bed made out of doors, which she did, and where I slept. I was awakened in the night by the barking of the dogs, on which I sat up in my bed, but could not see anything ; the dogs however came and lay at my feet. On the morning of the 2nd February I was awake before sunrise, but it was clear day. I heard a shot, and informed Dalree of it, who just came out of the house with his watch in his hand. I looked round, but could not see any smoke of the powder, so that we could not discover whence the shot came.

Dalree's wife then came out and we talked together about it, when I said to Dalree " Van der Merwe asked me to go duck shooting with him, is he so early at work ? " While we

were speaking, Dalree's wife said the coffee was ready, on which we went in to drink it. I then saw three persons on horseback riding at full speed in the direction towards the place of Isaac van der Merwe ; from the manner in which they rode, it appeared to us as if they had wounded some game and were in pursuit of it. One was already before the other two, from which I supposed his horse to be the best. They then turned in a half circle towards the front of the place where the river, which I believe is called the Zand river, runs. I then saw smoke in front of the place, and heard a shot, but saw no horsemen there. Neither could I see them, for the trees that were before me. I thereupon went with Dalree to his house, when we heard cries, or some persons calling out, and having followed the sound, we met Barend van der Merwe, who told us that the evening before everyone at his place had been murdered. He had nothing else on but his drawers and his shirt, and sat on a bare horse without a saddle.

Dalree gave him a pair of pantaloons to put on. We had met him at the Zand river, and he went with us to the house of Dalree, where he repeated that everyone at his place was murdered. I was frightened, and asked him when it happened, and he said in the evening or night before. I then asked him if Willem van der Merwe had made his escape, and he said he did not know, but that he had seen him riding with all speed. Barend van der Merwe requested me to go and look after his wife, for that he did not know what was become of her, to which I answered that it was no time then to look after the women, but that we must endeavour to give speedy notice of it, and that if Dalree would give me powder and balls I would go down myself, but Dalree had not any in the house. I wanted to go to Willem van der Merwe's place, which is about half an hour's walk from Dalree's, but Dalree said that Roos a Hottentot maid was gone there, and he also sent two other maids whom I did not know to see what was the matter. These two maids had got about five hundred yards when they met Roos, which I saw myself, for I kept my eye upon them. One of Dalree's maids then came back and said that Willem van der Merwe's wife was wounded and her husband also, that the people had got possession of all the guns, and that the house was strongly invested. On that I resolved, as I had no

powder and ball, to proceed to the nearest neighbour and to the Fieldcornet for immediate assistance, for which purpose I went to Isaac van der Merwe's. Dalree went with me a little way to show me the road. After I had proceeded about eight hundred paces on the waggon road two horsemen rode before me to cut me off. They came from below, from Van der Merwe's. They were far off from me, but I could see that they were black people on horseback. When they got nearer, and that I saw more people I went into the mountains named Schurfteberg, still however keeping the course towards Isaac van der Merwe's. After climbing over the rocks, I at last got on level ground near a large stone. Below the stone I heard the sound of horses, it was a large rock laying upon the stones. I got on the top of it, when I saw three horsemen riding from Van der Merwe's house. I then went in again among the rocks, where I continued my way to the end of the mountains, till I got into the waggon road by Barend van der Merwe, when I saw two persons riding down the road to Barend van der Merwe's. I beckoned to them with my hand, I did not know what it was, for those who were behind me stopped their horses. I then walked into a morass, because they could not follow me there so speedily, for those who were before me would not stop, I then thought that probably they were all at the other place. When I came back into the road, I saw that it was Miss Van der Merwe on horseback, with a slave boy also on horseback with her. I asked her where she was riding to ? and she said to Willem van der Merwe's. I advised her to turn back immediately, briefly informed her of what had happened at Barend van der Merwe's, and to tell Isaac van der Merwe that he must get his guns in readiness and keep his powder and ball at hand. I accompanied her to Isaac van der Merwe's, but as I was on foot she got there before me and sent a horse back for me. I briefly related everything to Isaac van der Merwe, on which the guns were got ready and the powder and ball taken out. Isaac van der Merwe sent the Hottentot Coenraad Lieberveld on horseback with me to the Fieldcornet, to whom I told the business. I had asked Isaac van der Merwe to give me three people to go and assist at the place of Willem van der Merwe, but he was afraid to do so, and thereby leave his own place defenceless. Isaac van der Merwe caused

all the horses to be turned into the kraal, in order to prevent their getting any more horses. About ten or eleven o'clock the Fieldcornet arrived, and I joined him to assist in apprehending the gang.

Question by the prisoner Klaas to the Witness :

Was not I at the kraal of Moses when the Commando came there ?

Answer. No, I saw you level your gun at the Commando from behind a stone ; you had on a pair of cloth trousers belonging to your master, and the Hottentot Slinger prevented you from firing. I myself took six balls out of your pocket ; you had also a pipe in your pocket, which the Fieldcornet knew belonged to your master.

The prisoner Klaas says : It is true I had the six balls with me, but I did not fire. The trousers I took in the house where I saw them lying about. One of the pipes was my own, and the other belonged to my master. I took it when Master was murdered, but I dismounted and remained at the kraal of Moses, and there I was apprehended.

Johannes Dalree, who having been made acquainted with the reason of his appearance and duly sworn, states himself to be fifty-two years of age, born in Italy, residing on a part of the place of the late Willem van der Merwe in the Bokkeveld, and a tailor by trade, and thereupon deposes as follows :

In the morning early of the 2nd February last about five o'clock I heard a shot. Pearson, who had slept that night before my door, also heard it ; shortly after we heard another shot, and not long afterwards we saw a horseman coming from the place of Willem van der Merwe, and two others behind the land riding as hard as they could after the other that was coming towards me, whom they intercepted and drove to near the road towards Isaac van der Merwe, and then again to the river. When the three came near the house I heard another shot, soon after which Barend van der Merwe accompanied by Pearson came to me. Barend van der Merwe had his drawers and shirt on and a night cap ; he was on horseback, but without a saddle. My wife called to me to take a pair of breeches to the river because Barend van der Merwe was ashamed to come to the house. When I came to him he told me that everyone at his place was murdered ; he was wounded in the leg, to

which my wife applied *boegue* ; he said that the people had fired eight shots at his place, he wanted me to ride to his place to see after his wife. I told him that was unnecessary, because according to his account all the people were murdered ; he however pressed me, and I would have done it had I not been withheld. We consulted together on what was best to be done, and I sent Pearson to my next neighbour Isaac van der Merwe and went with him myself a little way to shew him the road. While we were speaking, a Hottentot maid named Roos came from the place of Willem van der Merwe and told us that both her Master and Mistress were severely wounded ; she could not tell me how many people were there, but she said they were black people. When Pearson was gone to Isaac van der Merwe's, I and my wife made our escape to the mountains, because the old Hottentot woman named Prein, who was with the sheep in the field, told me that Galant had said he would murder me and my wife. We went through the mountains to the place of Isaac van der Merwe, where I joined the Commando when it arrived. It was about half past ten o'clock when the Commando rode away in pursuit of the gang, two of whom we apprehended, namely Hendrik and Klaas. Little Isaac came himself to the kraal of Piet van der Merwe.

Questions by the Chief Justice to the Witness :

Did the prisoner Campher live with you ?

Answer. Yes.

What work did he do with you ?

Answer. We had an agreement to work for our joint account on the piece of ground which I occupied, and he was to assist in all the farmer's work.

How did he always conduct himself ?

Answer. He lived with me upwards of ten months, during which time he always behaved well. I never saw him drunk in all that time.

Had you a man slave named Dollie ?

Answer. Yes, I had him on trial from A. Wilson, and if he behaved well I was to have purchased him, but he ran away the seventh day after he came to me.

Did Campher tell you that Galant and Dollie had been with him in his hut ?

Answer. On Thursday Willem van der Merwe asked me to

ride with him to fetch Jan Verlee and his wife ; Verlee was to have been his Schoolmaster. The next morning going to fetch my thick jacket, I saw fresh horse dung before the door, on which I asked Campher who had been there, when he told me that Galant had been there on horseback the night before about eleven o'clock, but that he did not know anything of what he did there, as he (Campher) and his wife were gone to bed.

Did Campher ever say anything to you respecting the treatment of the late Wm. van der Merwe's people ?

Answer. He told me that they had complained at the land about their victuals, and that they were dissatisfied, on which I said how can they throw away the bread ? for I found bread laying there on the stones twice, which was not of mine. I have not got bread in such abundance to waste it in that manner. I know that the people get beans, peas, and meat ; but Campher told me that the people had once said, " who will eat such victuals ? "

How long have you lived at the place ?

Answer. It will be two years the 19th of next July.

Were religious exercises performed at the place of the late Wm. van der Merwe ?

Answer. A month before the murder Mr. Vos the clergyman held a meeting there. In the evenings Van der Merwe himself held meetings and instructed such of the people as chose to learn ; some of the people availed themselves of it, and others said that they were too much fatigued.

Do you know anything particular respecting the manner in which the late Willem van der Merwe treated his people ?

Answer. No, I only know this, that Galant had more to say there than his master himself, he never answered his master with *Sir* or *Master*, but merely yes, without even looking at him ; but that came from his Master having always looked over so many things, and because he was too indulgent to him, that made him so.

Did the gang fire at the Commando ?

Answer. Yes, Galant and Abel, a shot also came from the side of Moses's kraal, the ball whistled over our heads.

Questions by Advocate Hofmeyr for the prisoners to the Witness :

How far were Galant and Abel from the Commando when they fired ?

Answer. I think about a hundred paces. I did not see Abel fire before that time.

Where was Klaas ?

Answer. When I came to the kraal Klaas was apprehended. Did you see the firing yourself ?

Answer. Yes, I saw both Galant and Abel fire from a large stone.

Moses, who having been made acquainted with the reasons of his appearance and thereupon promised to speak the truth, the whole truth, and nothing but the truth, states that he does not know his age (supposed to be about fifty), born in this Colony, and a Slave of Piet van der Merwe of Laken Valley, and further deposes as follows :

I was in charge at a grazing place belonging to my Master in the Bokkeveld. Mistress Barend van der Merwe came there, and told us that Galant and Abel had been shooting, and requested me to go and see where her husband was, on which I accompanied by the Hottentots Slinger and Andries Wildschut all on horseback and armed with guns, rode to the place of Barend van der Merwe.

When we came there we put our horses in the stable ; and just as we were going to ride away the murderers arrived, namely Galant, Abel, Isaac Rooy, Isaac Thys, Hendrik, and Klaas ; they were all on horseback ; they pressed us, and broke into Barend van der Merwe's house, and while they were so employed I went away alone. The two Hottentots who went with me remained there. Galant and Isaac Thys came after me to shoot me, but Abel called out to them not to do so. At the Kraal they asked me where the Mistress was, to which I answered that she was away. I had concealed her among the stones. They then wanted to compel me to go with them, but I would not do so. Just as I mounted my horse, when I saw they were going to shoot at me, the Commando came, and Klaas and then Hendrik were apprehended.

Questions by the Chief Justice to the witness :

Were there any shots fired from your kraal at the Commando ?

Answer. No, but Galant fired at the Christians.

What became of Slinger and Uithalder ?



Answer. They came with Galant and Abel to the kraal.

How was Klaas apprehended ?

Answer. I don't know ; he kept always with Galant among the stones, but Slinger and Uithaalter must know.

Question by the Prisoner Klaas to the Witness :

Did you not see me go to the kraal when the Commando came ?

Answer. I did not, I saw you with Galant.

Admiral Slinger, who having been made acquainted with the reasons of his appearance and thereupon promised to speak the truth, the whole truth, and nothing but the truth, states himself to be twenty years of age, born at the place of Piet van der Merwe in the Bokkeveld, and further deposes as follows :

I lay at my Master's grazing place named the Winkelhaale with Andries Wildschut. Goliath came there and called me and Uithaalter to go to the place of Barend van der Merwe to see what was become of him. His wife was at Moses's kraal, and she did not know whether he was wounded or not. We thereupon rode with Moses, each of us armed with a gun, to the place of Barend van der Merwe, and searched round everywhere for the Master, but could not find him ; we found his track, but there was not any blood near it. We then took our horses and rode away, but we had got only a hundred paces from the place when we saw Galant, Abel, Klaas, Isaac Thys, Hendrik, and little Isaac ; they were all on horseback and armed, they were all well dressed ; they pursued us and called out good-willing, good-willing, stand ! We were frightened. They drove us to the house of Barend van der Merwe, where they sought for powder and ball ; we were also in the house, and they gave us some brandy to drink there. We then turned back to the kraal of Moses. Moses made his escape to a heap of stones, I saw him run off. I had said that as soon as one of us could get out of their hands, he should give immediate notice, but however when I came back I fired a shot to warn the Mistress that there was danger and that they were coming. As soon as I got to the top of the hill I saw Moses and Goliath run off. Galant and his people pursued, and also caught them, what they did with them I do not know. The Commando then came, and the people made off. When they had got a little distance from the place Klaas did his best to get away,

but I got before and intercepted him. Klaas had a gun with him, which he levelled at the foremost man of the Commando, on which I called out and asked him what he was about, and then he withdrew his gun. I brought Klaas to the kraal, Moses and Andries were behind the stones. Hendrik was then apprehended, and little Isaac also. I sent him the same evening under charge of Wildschut to Isaac van der Merwe.

Questions by the prisoner Klaas to the witness :

Did I not go immediately to the kraal when they called out to me, " come here ? "

Answer. No, I brought you there.

Did you see me level my gun ?

Answer. Yes.

The prisoner Klaas says : I was just dismounting from my horse, and had the gun in my hand in the position as if I was levelling it, and the gun appeared so because I was dismounting with it.

Question by the Chief Justice to the Witness :

How far was Klaas from you when he levelled his gun ?

Answer. About fifty paces ; he was behind a rock, and I called out to him and asked him what he was about there.

The prisoner says : I must speak the truth.

The witness says : His horse flew from under him, and after he was a long time off the horse, and was behind the stone, he levelled his gun.

The prisoner Klaas says : " It is not so," the truth is in the Bible and the lies are on the ground.

Andries Wildschut, who having been made acquainted with the reasons of his appearance and thereupon promised to speak the truth, the whole truth, and nothing but the truth, states himself to be twenty years of age, a bastard Hottentot in the service of Piet van der Merwe of Laken Valley, and further deposes as follows :

I am employed as Herdsman at the grazing place of Piet van der Merwe named the Winkelhaale. Mistress Van der Merwe was at the kraal of Moses, and sent Goliath to call me and Slinger. Moses, Slinger, and I, each on horseback and armed with a gun, rode to the place of Barend van der Merwe to seek after the Master ; for he had made his escape in the night, but we did not find him.

The people then came and caught us, there was Galant, Abel, Klaas, Isaac Thys, little Isaac, and a Hottentot named Hendrik, and they made us join them. They afterwards took us to Moses's kraal, where the Mistress was, but she was concealed among the stones. The people were in Barend van der Merwe's house, but we were not; they searched round for powder and ball, but got nothing; shortly after which the Fieldcornet came with the Commando. Klaas remained standing near the kraal, all the others fled. The Hottentot Hendrik was afterwards apprehended. I was frightened and saw nothing more. The Commando fired, but whether the gang fired at the Commando I do not know.

Questions by the Chief Justice to the witness :

What became of Moses when you rode away from Barend van der Merwe's ?

Answer. He had made his escape.

Which of the gang were apprehended at the kraal ?

Answer. Slinger and I remained with Galant and the gang a little while at the kraal. When the Commando arrived Klaas remained near the house, his horse had got away from him.

The prisoner Klaas says : He speaks the truth.

Karel, who having been made acquainted with the reasons of his appearance and thereupon promised to speak the truth, the whole truth, and nothing but the truth, states himself to be twenty-six years of age, born in this Colony, and a slave of George Muller, and further deposes as follows :

I was with some sheep belonging to my Master at the *Paarde Kop* at the other side of Hendrik Janse van Rensburg's place in the Bokkeveld district. Being at Rasmus van der Merwe's I heard a letter had been received there, that a murder had been committed, and that Barend van der Merwe had been wounded in the leg, but that it was not known whether his wife was wounded. Having separated my lambs from the sheep, I rode away. When I was going I told the Hottentot who was with me to be cautious if anybody should come there. Shortly after Abel came with some butcher's people, and on my asking him where he was going to, he said to see his wife. I said to him, " what a nice gun you have got there, let me see it." I thereupon laid hold of the muzzle of the gun, and gave him a push in the breast so that he fell down, on

which with the assistance of the other people I bound him. He said that he could die but once, and asked me if he had treated me so at his Master's place that I should act with him in that manner.

The prisoner Abel says : It is not so ; my gun lay on the ground, and I was sitting on the ground ; they came behind me while I was sitting and bound me. I did not threaten to fire, but gave myself willingly up.

Question by the Fiscal to the Witness :

Did Abel tell you what his intention was in case he had not been apprehended by you ?

Answer. Yes, he was to have gone to the place of Rasmus van der Merwe, where the people were also to have helped.

The prisoner Campher is hereupon confronted with the undermentioned prisoners.

Galant says, Campher talked to us at the land, and said to us to murder our Master when we should complain at the land about the victuals. Campher also said that there were farmers in other Countries, but that they had no slaves, and were obliged to work themselves, but that the farmers here were rich gentlemen, and this the other people heard likewise.

The prisoner Campher says : See how falsely he accuses me ; but he is a murderer, and what can be believed of him ?

The prisoner Galant persists, and says : " First he said that the people must be free, that the King had written it from another Country, that the Commissioners were come here to make us free. Campher had been at Tulbagh with sheep, and he said this the next morning when he was at the well."

The prisoner Campher says : Because he did not find me at home to murder me, now he wants to murder me here.

Galant says : Campher likewise ate of the meat of the stolen sheep.

Campher says : You once gave me some meat, but how could I know that you stole it ?

The prisoner Achilles says : It is not so as Galant says, but I did not well understand him. If he will say it again, I shall listen attentively.

The prisoner Isaac Thys says : Campher said at the land that we must give our master a beating, and Galant thereupon said yes.

The prisoner Galant says : Master Campher said that we must murder our Master, he said so at the land when we were cutting the corn. Isaac Rooy was likewise present.

Isaac Rooy says : " I did not hear Master Campher say so at the land, and I work together with the other people."

Galant says : Yes, but he was not always with us, and as he is so little, he was always much behind with the work. Besides we spoke softly.

The prisoner Campher says : It is all a lie.

The prisoner Antony says : I work at the land together with the other people, but notwithstanding, I did not hear anything ; perhaps they spoke softly, I know that I must not tell a lie.

The Fiscal states to the Court, that agreeably to the summons and a letter from the Landdrost of Worcester dated the 19th ultimo the widow of the late Willem van der Merwe has been duly summoned, but that he has been subsequently informed verbally she could not appear in consequence of her wound.

The undermentioned documents are publicly read by the Secretary :

(1) Attest given by Doctor Liesching of an examination made by him on the body of the prisoner Galant, being of the following tenor :

Examined in the Town Prison Galant, a slave of the late Willem van der Merwe, and found as follows : 1st several old marks and seams on and between the shoulders and on the back, 2nd several old marks and seams on the posteriors, 3rd several dark coloured stripes round the upper parts of both arms, 4th a healed wound near the left wrist, 5th a lately healed scratch on the lower part of the left arm, 6th two old marks near the left knee, 7th a large and old seam on the back of the right thigh, 8th a scarcely healed wound on the left shin bone a little above the foot, 9th a seam on the back part of the head, 10th an old seam on the left cheek, 11th five small and old seams on different parts of the forehead, 12th three old marks on the right shin bone, 13th a seam on the calf of the right leg, 14th three marks on the left shin bone, all of which marks, seams, and stripes were occasioned, according to Galant's statement, as follows :

No. 1. By flogging with ratans in the prison at Worcester.

2. By flogging with a rope's end in the prison at Tulbagh.
  3. By binding him with cords when he was apprehended.
  4. By being handcuffed on his way to Cape Town.
  5. By a stroke of a stick at the time of his apprehension.
  6. By the kicks of an ox.
  7. By a flogging from his master with a sambok.
  8. By a shot which grazed him at the time he was apprehended.
  9. By a blow of a stick from the Fieldcornet.
  10. By the horn of an ox.
  11. By strokes of sticks at different times from his master.
  12. By the strokes of a stick at different times.
  13. By a sore which came of itself.
  14. By different floggings with sticks from his Master.
- Judicium Medicum.

It is impossible to say whether the abovementioned marks and seams have been occasioned as Galant states, or not, it is however not improbable.

15th March 1825.

(Signed) C. L. W. LIESCHING, M.D.

(2) Report from the Fieldcornet W. F. du Toit to the special Heemraad Mr. P. J. Theron, dated the 2nd February last, being of the following tenor :

To Mr. P. J. Theron,  
Special Heemraad Tulbagh.

Bokkeveld, 2nd February 1825.

I this morning received a message by a Hottentot from Isaac van der Merwe that everybody at the place of Willem van der Merwe was murdered. I immediately and with all speed, accompanied by some armed Burghers, proceeded to the place, where I found my brother Willem van der Merwe, Hannes Janse van Rensburg, and J. M. Verlee all shot in a most bloodthirsty manner, and my brother's wife severely wounded. The preceding night they had also attacked the Burgher Barend van der Merwe, but he and his family escaped.

I immediately went in pursuit from the place where the murder was committed, and overtook them at the grazing

place of Pieter van der Merwe, Senior, situated at the Zwarte Ruggens, where having engaged them, we took two of the murderers prisoners and four escaped.

I give you the necessary information hereof, and remain &c.

(Signed) W. F. DU TOIT.

(3) Act of Inquest held on the bodies of the late Willem van der Merwe, J. H. Janse van Rensburg, and Johannes Verlee, and on the wound inflicted on the wife of the late W. van der Merwe, dated the 2nd February 1825, being of the following tenor :

On this day, the 2nd February 1825, I the undersigned having received information that murder had been committed at the place of Willem Nicolaas van der Merwe, proceeded there immediately duly assisted, and held an Inquest on the bodies of said Van der Merwe, Johannes Hendrik Janse van Rensburg, and Johannes Marthinus Verlee, and likewise on the wound inflicted on the wife of the said Van der Merwe.

1st. On the body of the late W. N. van der Merwe the following wounds were found :

A wound through the head and coming out below the ear.

A wound through the right shoulder, and another through the right eye.

2nd. On the body of Johannes Hendrik Janse van Rensburg the following wounds : A wound through the breast. A wound through the left arm. The head bruised, and as it appeared occasioned by stones or sticks.

3rd. On the body of Johannes Marthinus Verlee the following wounds :

A wound through the stomach.

A do. under the shoulder blade and through the arm.

A do. through the side, and a do. through the hip.

The head of this corpse likewise bruised, and as it appeared occasioned also by stones or sticks.

(4) On Elsje Cecilia du Plessis, wife of the late Willem Nicolaas van der Merwe, found

A wound in her posteriors extending to her hip bone, about eight inches in diameter, and from an inch and a half to two inches in depth.

Of all which an act has been formed, and which is this Instrument.

Done at the abovementioned place, day and year as above.

[(Signed) W. F. DU TOIT, Fieldcornet.

Witnesses J. C. ERASMUS,  
J. DALREE.

(4) A copy of a letter from the special Heemraad of Tulbagh to the Landdrost of Worcester, forwarding the report of Fieldcornet Du Toit, being of the following tenor :

Tulbagh, 2nd February 1825.

C. Trappes, Esq., Landdrost.

SIR,—I have the honor to enclose you a report from the Fieldcornet W. F. du Toit for your information, having the honor &c.

(Signed) P. J. THERON, Special Heemraad.

(5) Report from the Fieldcornet J. S. Theron to the Fieldcornet W. F. du Toit, dated the 4th of February 1825, being of the following tenor :

To the Fieldcornet W. F. du Toit.

Bokkeveld, 4th February 1825.

The Fieldcornet J. S. Theron reports that a slave of the Burgher Barend van der Merwe named Abel, who committed the murder at the place of the late Willem van der Merwe, has been apprehended here by a slave belonging to George Muller named Karel, and against whom he strongly defended himself.

I therefore send you the murderer Abel and the gun which belonged to the late W. van der Merwe. Of the slave Galant he knows nothing. Abel also says that a man slave belonging to the Burgher J. A. du Plessis, named Adonis, gave two bullet moulds to Galant, with so much lead that he cast thirty balls, and likewise that Galant instigated a great number of the farmers' people thereto, as you can hear yourself.

Be pleased to send the report further to the Landdrost.

I am in haste &c.

(Signed) J. S. THERON, Fieldcornet.



(6) Further report from the fieldcornet W. F. du Toit to the Special Heemraad at Tulbagh, dated the 4th February last, being of the following tenor :

Bokkeveld, 4th February 1825.

Mr. P. J. Theron,—After my report of the 2nd Instant, the Hottentots Isaak, Valentyn, and Vlak were apprehended on the 3rd, and this day Abel a slave of Barend van der Merwe was sent to me by the Fieldcornet J. S. Theron with the enclosed report. Having asked Abel if he assisted at the murders that were committed at the place of the late Willem van der Merwe, he answered yes.

Question : Whom he murdered ?

Answer. Hans Janse.

How many shots he fired at Janse ?

Answer. One in his breast.

If he had also fired at Willem van der Merwe ?

Answer. Yes, two shots, one behind in the shoulder, and one in the eye.

Who more fired at him ?

Answer. Galant.

Where Galant hit him ?

Answer. Through the head.

Who gave him the fourth shot ?

Answer. I don't know.

Who shot Verlee ?

Answer. Galant, from behind in his right side.

Who fired the second shot ?

Answer. I did, in his left arm.

Who gave him the third shot ?

Answer. Isaac, underneath his breast.

Who gave him the fourth shot ?

Answer. I don't know.

Who fired at the woman ?

Answer. Galant, behind in the thigh.

If he Abel also assisted at the place of Barend van der Merwe ?

Answer. Yes.

Who more were there ?

Answer. Galant, Klaas, Hendrik, and two Isaacs.

What did he Abel do ?

Answer. I fired a shot at my master, and Galant also a shot.

What did Klaas do ?

Answer. He kept my master in his eye, and helped to load the guns and said *fire*.

What did Hendrik do ?

Answer. Nothing.

What did the two Isaacs do ?

Answer. One of them held the horses, and the other went round the place and in the house with a sabre in his hand.

What did he Abel do to his Mistress ?

Answer. Nothing.

What did Klaas do at the place of Willem van der Merwe ?

Answer. He stood at the corner of the house as sentry to see if anyone came.

What did Hendrik do at the place of Wm. van der Merwe ?

Answer. He was there with a gun.

What did the slaves Antony and Achilles do ?

Answer. Achilles stood before the door with a bayonet in order to kill his Master when he should come out, and Antony stood there with a stick for the same purpose.

What did big Isaac do ?

Answer. He stood there with the sabre before the window, and broke open the window with a crowbar.

What was the reason of your committing those murders ?

Answer. Galant said because no one would read the newspaper to him, and there came so many newspapers in which it was said that the slaves were free and that the farmers would not let them go, and that he would now press on with the people whom he had stirred up to the Salt River at Cape Town, and that if the Commando should prove too strong for him, he would then proceed to the Great River and fetch a Commando thence.

All the above being distinctly read over to the Slave Klaas, he declared it all to be the truth, and further added that Hendrik broke into the place of Willem van der Merwe and took a gun from the rack, and that the wife of Wm. van der Merwe endeavoured to force it from him, on which Galant fired at her, and that Hendrik also fired two shots into the door ; but the slave Klaas denied that he kept his eye on his

Master, neither did he help to load the guns, nor did he call out fire.

The above being read over to the Hottentot Hendrik, there was a little difference in his statement, but he agreed in the principal points and said that he had been instigated and was willing to assist.

The people unanimously declared that Janse van Rensburg had attempted to make his escape on horseback, and that he was brought back by the slaves Galant, Abel, Klaas, and the Hottentot Isaac, all on horseback; and the Hottentot Isaac declared that Achilles and Antony were the makers of the slugs.

The Fieldcornet and witnesses certify to have investigated the above business, and hereby give the necessary information thereof to the Special Heemraad Mr. P. J. Theron at Tulbagh.

(Signed) W. F. DU TOIT, Fieldcornet.

Witnesses P. T. DU TOIT,  
R. J. VERSTER,  
W. J. JOOSTE,  
J. C. ERASMUS.

(7) Surgical Attest respecting the wound inflicted on the widow of the late Willem van der Merwe, dated the 5th February last, being of the following tenor:

“ I do hereby certify that I have this day examined Elsie Cecilia, wife of the late Wm. van der Merwe, and find she has received a large nearly round gun shot wound, in diameter about eight inches, situated on the outside and over the left hip joint, a considerable portion of the integument, the whole extent of the wound, has been completely blown away to the depth of an inch and a half and two inches, lacerating also a portion of the tensor vagina femoris muscle and exposing others.

“ From the nature of the injury it is my opinion she is in a dangerous state.

(Signed) “ H. H. GIRD, District Surgeon.

“ 5th February 1825.”

(8) Deposition of the widow of the late Willem van der Merwe, dated 6th February last, being of the following tenor :

On this day the 6th February 1825, Elsje Cecilia du Plessis, widow of the late Willem Nicolaas van der Merwe, at the requisition of Charles Trappes, Esqre., Landdrost of Worcester, and in his presence and in that of the undersigned witnesses, deposed as follows :

That early in the morning of the 2nd February last after her husband had risen and gone to the kraal, and while she was still in bed, Galant, a slave of her late husband, and Hendrik, a Hottentot in the service of Jan Dalree, stormed into her room and proceeded directly to the gun rack that hung over her head, from which they took away two guns. That deponent having immediately jumped out of bed, laid hold of the two guns by the muzzles, and held them fast till she got to the hall, when Galant succeeded in getting possession of one of them, while she continued to struggle with Hendrik in order to get the other from him, till coming to the kitchen door where she received a shot from Galant behind, through which she instantly fell. That after lying there for a little time, she with the assistance of her Hottentot maid servant named Betje got back to her room ; shortly after which her husband came in and informed her that Abel, a Slave belonging to Barend Petrus van der Merwe, had fired at, and wounded him in the right eye. That during the time her husband was in the room, several shots were fired with balls at the windows and doors, which were locked. That deponent's late husband having thereupon opened the front door, they on perceiving him fired at and shot him dead, so that he instantly fell.

That after her husband was shot deponent made her escape out of her room, and took refuge in the oven, but that they having discovered it, began to fire so violently at the oven that she fell out of the same covered with clay and rubbish. That while Johannes Hendrik Janse van Rensburg was employed to extricate deponent from under the rubbish, some of them, among whom were Galant and Abel (deponent not being able to recollect the others in consequence of the fright and confusion in which she then was), came into the kitchen door and shot him dead before her face and in her hands, notwithstanding

that he begged and prayed of them to spare his life ; Abel saying on that occasion that no Christian should have pardon, for that the report was that they should be free at New Year and that, that not having taken place, they would make themselves free. That deponent having thereupon made her escape to and concealed herself under the dining table, heard them, while she sat there, shoot Johannes Martinus Verlee in the kitchen, who was engaged at the place as schoolmaster by her late husband.

That after they had murdered said Verlee, they came to search for deponent in the hall, and having discovered her, Galant ordered Abel to shoot her, on which she immediately came out from under the table and begged and prayed of Galant to spare her life, for that he had already wounded her severely ; but that Galant said there was no pardon for her, and laid the muzzle of the gun upon her breast, which having pushed aside she went up to him and again begged her life, upon which he desisted. That deponent having thereupon gone to her bedroom, and attempting to shut the door, she was prevented by Galant, but that after she had given him and Abel many fair words she was at last permitted to lock the door, shortly after which they all left the house.

That as soon as deponent found they were gone she made her escape up to a little loft above the kitchen, where she had concealed her children ; but that she had been scarcely there when she heard Galant give orders to Klaas, a slave of Barend van der Merwe, to go and see if deponent and her children were on said loft. That the Hottentot maid Betje, on hearing this, prayed Galant for pardon, on which Galant threatened said Betje to shoot her if she spoke for deponent's life, but that Klaas prevented Galant from doing so. That the Hottentot Betje, on hearing Klaas intercede for her life, requested him to go up the ladder and see in what situation deponent was, which Klaas having done, he on that occasion told deponent not to be afraid that her life should be taken, for that Galant had merely called her to frighten, but not to kill her. That deponent then heard Galant say " Whitehead I have got already, but now I must have Isaac van der Merwe and Jan Abraham du Plessis, my gun is good and I am also good."

The above deposition having been read over to the deponent, she declared the same to be the truth, and that she persisted therein.

Done in the Cold Bokkekeld, day and year as above.

(Signed)      ELSIE CEC. DU PLESSIS,  
Widow of WM. VAN DER MERWE.

Witnesses,

(Signed)      B. J. VAN RENSBURG,  
J. DALREE.

In my presence

(Signed)      P. POGGENPOEL, Senior.

The accusation against the prisoner P. J. Campher being found groundless, the Court consider it unnecessary to examine his Witnesses.

The Court declares the Investigation of this case closed, and releases the prisoner P. J. Campher from all further prosecution on the charges contained in the act of accusation, and therefore discharges him from his Confinement. And with respect to the other prisoners orders the R. O. Prosecutor to make his claim on Monday next the 21st Instant, at ten o'clock in the forenoon, with such conclusion as he may deem advisable, according to the nature of the case and the laws of the land.

Monday the 21st March 1825.

Ten o'clock A.M.

All the Members present excepting Mr. F. R. Bresler through indisposition.

The Court being opened, and the prisoners brought in, and His Majesty's Fiscal together with the Advocates Hofmeyr and Faure as Counsel for the prisoners having been admitted, the Fiscal, pursuant to the Court's order of last Friday the 18th Instant, makes the following claim :

#### Fiscal's claim.

Worshipful Gentlemen,—It is a lamentable truth which experience has taught us, that when once the idea of being oppressed has entered into and taken root in the human mind,

whether groundless or not, it will oftentimes carry men to unthought of extremities.

As long as every man is satisfied with his station in life, peace and contentment reign in the mind, and no rupture of the existing tranquillity is to be feared, however unequal the situation of the one may be from that of the other; but scarcely does man feel that his inequality with those whom fortune has placed in more favorable circumstances affords him reason of discontent, and that he conceives he has to bear a burden which is unjustly imposed on him, than his passions begin to work, peace is banished from his mind, and he will leave nothing undone to find an opportunity to throw off his load.

The Country in which we live has alas! already in our time afforded more than one proof of this truth, and Heaven protect us from witnessing any more.

We live in a Colony where from its first establishment slavery has been introduced under the eye and with the sanction of its several successive Governments.

Can a greater inequality of human station exist than that between the Freeman and the Slave? The latter bound, without his consent, to appropriate the entire portion of his life to the service of his free Master; and yet I have not found in the whole history of the Colony a single instance, previously to the year 1808, of the Slaves having ever cherished or entertained the least idea of breaking their bounds by force.

Taught by the moral lessons of our Holy Religion to obey their masters, they did not withdraw themselves from this obedience without well knowing to have failed in their duty; and the punishment of their offence left no other impression on their minds than that they had brought it on themselves by their own bad conduct. This impression was necessary as tending to preserve order and tranquillity in the Land.

I by no means speak here as an advocate for slavery in the abstract, but I speak under the circumstances of the Colony as they actually exist, a Country which is cultivated by the labour of the slaves, and of which the free Inhabitants, or Colonists properly so called, have been allowed by the laws from the earliest period of its colonization, and encouraged by the example of their own Magistrates, to invest a very important

part of their means and their welfare in the purchase of Slaves. Under such circumstances that impression by which Slaves are bound to obey their masters was, and is absolutely necessary for the good order and well being of the state.

In the year 1808 however some evil disposed and wicked persons, whose evident object was to involve the whole Country in Anarchy and Confusion and hence to derive great advantages to themselves, found means to remove that impression from the minds of many of the Slaves here, whom by a most culpable and criminal perversion of the benevolent object of the British Legislature to abolish, not slavery, but the slave trade, they made believe that they were kept in Slavery contrary to the will of our Sovereign in England, where no Slaves are.

It is not yet effaced from the memories of the Colonists, what a dark cloud hovered over their heads when the pernicious poison of strife and discontent was infused into the minds of the slaves by those wicked men, and how easily it penetrated and corroded their bitter feelings. I allude to the conspiracy of James Hooper, Louis, and others, which broke out on the 27th October 1808, and which had nothing less for its object than to stir up the slaves to a general Rebellion, and for this purpose to assemble as many of them as possible, to arm them with the weapons of their masters, to march to Cape Town, storm the Batteries, break open the prisons, propose a general emancipation to Government, and, if refused, fight themselves free.

For such purposes did they collect, in the short space of two days, a number of no less than between three and four hundred persons, mostly consisting of Slaves and Hottentots, of whom by far the greatest part knew nothing of the plan before the moment they joined the gang and plundered the houses of the Inhabitants, seized the guns, powder, and ball, made prisoners of the proprietors of the places, bound and carried away all those who resisted, till that at last through the assistance of a Corps of Dragoons, which was then in garrison here, the undisciplined rabble were stopped in their progress, and with the exception of a few who escaped, taken prisoners.

The example which was made of the ringleaders of those Criminals, and the inability to execute such a plan, withheld the Slaves from again attempting a similar enterprize, but



whether the spirit of discontentment at their situation which then began to reign among them was quelled is a point which one has much reason to doubt. At least since that time the complaints of slaves against their masters for ill-treatment have considerably augmented; and notwithstanding that much has been done on the part of Government to ameliorate considerably the state of Slavery in this Colony, still however the fire of discontent at the frustrated hope of a general freedom appears to have been smothering under the ashes, so that the smallest blast of wind is but necessary to make the flame burst out again more violently than ever.

This disappointed hope was the cause in the year 1808 of the rebellion among the Slaves which we then witnessed, but then the lives of the Christian Inhabitants were spared. It was but a short time since the cause of those disasters which befel one of our American Colonies of Slaves; and now your Worships we hear for the first time in this Colony also the cry of murder at the disappointed hope of freedom, raised by a slave, who speedily collected a gang of adherents, and who, had he not been timely stopped in his career, would perhaps at the very moment I now speak have plunged this Country in the deepest mourning and sorrow.

Three victims of his fatal rage were already felled when he was stopped in the progress of the murderous tragedy which he had but then commenced.

It is necessary that I should take a nearer view of the causes that have led to the crimes of which the prisoners have been guilty, not only because they may be considered to have an influence on the culpability of their acts, but also that I may not be thought to have been mistaken in my judgment of the case.

I shall begin with the head of the gang, namely the slave Galant. When we hear his statement, one will be easily led to suppose that he had been obliged to sigh under a continued chain of successive ill usage, that his child, who could scarcely walk, had died in consequence of the repeated floggings he had received from his master, and this for no other reason than because he was displeased with his own wife; that he himself had been hoisted up by the arms and in this manner flogged by his master, that he had been incessantly maltreated by his

Master in the same way, and that he scarcely received either sufficient clothes or victuals.

How unfortunate it is for the impartial investigation of the truth that the man, whom all these accusations regard, now lies low and cannot refute them, and that his widow, who is likewise implicated in the charges, although she still lives, cannot possibly appear here without suffering too much under the consequences of the wound so cruelly inflicted on her.

In the meantime if it be considered worth the trouble to stop the mouth of the prisoner Galant of his foul charges, I believe there exist proofs enough which can be adduced with success.

We have already seen in the investigation of these charges, for as far as we could ascertain the truth, that the foulest slander constitutes their principal feature. For, in the first place, the death of the child David, who Galant says was so cruelly ill treated, did not take place about a year ago as he asserts, but happened upwards of eight years past, and as he was not present he could not have known the cause of the child's death otherwise than from his concubine Betje, who states that although it is true her Master had undeservedly punished the child who died about eight years since, the child however not only lived, but was a long time healthy and well after that punishment, and finally that she considered the whole case of such a nature as not to require any reparation on the part of her master. And that she was convinced that her master did not ill treat the people who were in his service is sufficiently proved by her having remained with him to the day of his death, whom she as a free person would have most certainly left in case any of her children had been cruelly treated by him. Of this we have a further proof, in as much that not a single one of the prisoners, eight of whom belonged to the family of the late Willem van der Merwe, with the exception of Galant only, knows anything whatsoever of any ill treatment having been exercised on a child of Galant. Of the other bad usage to which Galant says he was subject, nothing, not even a vestige, has appeared in the investigation. The Landdrost to whom he complained found him in the wrong, his fellow prisoners declare that he was favored above them all by his Master, and who, when warned that Galant had laid a plan

against his life, paid no regard to the information because he could not conceive it possible that such a dreadfully wicked thought could enter into the heart of a slave whom he so favored, whom he considered as it were a member of his family, for whom he felt an attachment in his own heart because he was brought up and had grown up with him, and to whose irregularities he had even shewn indulgence by allowing him to have two instead of one Concubine. Of victuals and drink the other prisoners complain nothing, although they signify that it would have been by no means disagreeable to them if they had got more than they were actually allowed. But let us hear what P. J. Campher says, a free man and a European, who worked with them during the Harvest, the time to which Galant confines this part of his complaint. He says that in harvest time the slaves got wine four times a day and more bread than they could consume, besides soup with peas and beans twice, and a little meat. Is that your Worships want of victuals and drink? How many thousands are there among the fortunate Inhabitants of free Europe who would not thank the Almighty on their bare knees had it fallen to their lot to suffer the same kind of want? It is this part of Galant's complaint that I feel myself especially obliged to expatiate on. He was the man himself who was charged by his Master with the distribution of the bread among his fellow slaves and the Hottentots.

But this food was too mean for him, the pieces of bread were found which had been thrown away by the slaves of the late Willem van der Merwe, they would have meat only with their wine, and because they were not allowed during the Harvest as much meat as would satisfy their appetites without bread, Galant stole no less in the short space of six days (during which the harvest lasted as can be shewn if necessary) than four sheep, and certainly not the poorest, from his master's flock, which he and the other people belonging to the place consumed by night. More than eight persons could not have shared in their nightly gluttonies, so that counting each sheep at no more than even 30lbs., each person had for his supper per night two pounds and a half of meat. This could only satisfy their voracity, so that it is no wonder that Galant complained of the insufficiency of meat allowed them by their Master. It

appears to me your Worships that the late Willem van der Merwe did remark that the number of his sheep unusually diminished, but that he did not punish a single one of his slaves either for losing or stealing them, for if he had, Galant would no doubt have stated it, and I cannot let this circumstance escape me, because it too plainly proves that the late Willem van der Merwe was not a severe master to his Slaves or Hottentots.

But it was not the ill treatment which Galant alleges to have suffered that brought him to the step, as he calls it, of fighting himself free; no, it was his disappointed hopes of freedom that induced him to it. I take his own words. When in his confrontation with the Witness Betje she says that Galant told her before the commencement of the present year he should wait till new year, and that if he were not made free then he would begin to murder, what else did Galant do than to acknowledge the truth of what Betje said, and to name the persons from whom he had heard last year that at the commencement of the new one a general freedom of the slaves should take place.

See there your Worships the ringleader's own confession, see there the pivot upon which the whole machine guided by his hand turned.

Such like false reports appear to have prevailed for some time, it is impossible to say how long they have been in circulation, but they have been communicated not only to the slaves but to the owners of slaves. No wonder then if some credulous and misled masters, imagining that their right of property to their slaves, which next to their lives they considered as most sacred, would be disputed, now and then expressed themselves in language characteristic of the bitterness of their internal feelings; and that the slaves, in whose presence such subjects were imprudently talked of, or who listened at such discourses or found an opportunity of getting a knowledge of them from the children of their masters, should on their part become exasperated against their owners from the opposition to their freedom which they supposed they met with at their hands.

No wonder if in this manner an enmity hitherto unknown arose and was cherished in the minds of slaves against their

masters, and that the ruinous distrust of their masters, which so evidently appears in the statements of Galant, gained ground and produced those extremities to which they naturally must lead. It is in this point of view that I consider the statement of Galant with regard to the backwardness of the Masters to communicate to their slaves the news contained in the papers which they received from time to time, or the written orders which they received from the Landdrost respecting their slaves, and also with respect to his fishing out and listening to the discourses which he says were held between his master and others, and again those discourses themselves, which he states to have consisted in threats against his slaves and all others who should undertake to proclaim their freedom.

For why should we doubt of the truth of what Galant says in this regard, that such discourses have been actually held by weak and credulous slave owners, who supposing that they were at once to be deprived of all their slaves, were driven by such an idea to the very borders of rage and despair.

It is not my task in the present prosecution to endeavour to trace out the authors of such evil and pernicious reports, this belongs to an investigation hereafter to be made by me. It is sufficient in the present instance if such reports did prevail, and if they were the leading cause, as Galant states them to have been, of his undertaking.

The second of the gang, namely the prisoner Abel, who says that he was the Corporal while Galant acted as Captain, although he chiefly screens himself behind the information which he received from Galant and therefore knows of no other propagators of such reports, or does not think proper to name them, he however did not hesitate to say (as appears from the deposition of the widow Van der Merwe in the preparatory information) at the moment he was about to give the death shot to Janse van Rensburg, that no Christian should have pardon, for that the report was that the slaves were to be free at new year and that this not having taken place they would make themselves free. Nothing more is necessary for me to advance to prove that this prisoner was also led by the same cause to take a principal part in the tragedy.

It is true, he states other reasons also, such as ill usage and that his master had frequently threatened to shoot him ; but

as he was apprehensive that his body would be examined and his lies thus detected, he cunningly adds that his master flogged the slaves in such a manner that no marks were left ; and all the threats of shooting come down to one occasion when his master in a moment of passion threatened to fire at him, merely to frighten him into obedience, without having ever thought of realizing it, and which Abel never entertained the least apprehension that his master would realize.

For otherwise he would have applied to the magistrate for protection, which he could the more easily have done as, shortly before the bursting out of his Conspiracy with Galant, he had been at Worcester to give evidence. Many a free Servant has heard a similar threat from his Master in a moment of anger, without attaching the smallest weight thereto, because they well knew it was not meant.

How much less can the hasty expression to a Slave from his master, whose property he is, and with whose loss he must lose a part of his means, awaken any fear or anxiety. I do not say that Slaves have never been killed by their masters ; but there are also examples of fathers having murdered their children, and yet where can a child be safer than in the arms of his father ? Or how can a father be better protected than by the love of his own offspring ?

If we compare the examples of murders committed on slaves by their masters with the number of those committed on and by others, we shall soon see that the slave here is almost as safe under the protection of his Master as the child under that of the father ; and especially those slaves who are born in the house, of which description both Abel and Galant are, with respect to whom the natural feeling of affection combines with self interest to make them find true friends and protectors in their masters.

With regard to the other prisoners from the 3rd to the 10th, and also the 12th prisoner Pamela, I need not say much. They were all seduced. The Hottentots among the gang, namely Isaac Rooy, Isaac Thys, Hendrik, Valentyn, and Vlak, could not have been driven to their crimes by a sigh after freedom, for they were already free. No desire of revenge for long protracted emancipation could have actuated them, for that was no case of theirs. It is true they were under the subordi-

nation of masters, and tickled by the hope of being Masters in their turn, might have been induced, by the craft and subtlety of their leader Galant, to become the enemies of their masters, from whom they undoubtedly enjoyed fewer privileges than are allowed to slaves in general. The hope of plunder and booty may also have had some influence on their minds, but I still consider them as the instruments only of which the principal ringleaders Galant and Abel availed themselves to attain their object.

In the year 1808 also there were Hottentots in the gang, and even free Europeans at the head of it, notwithstanding the avowed object of the plot was the emancipation of the slaves.

The 6th, 7th, and 8th prisoners, Klaas, Achilles, and Antony, as being slaves, shared in the same interest with the two first prisoners Galant and Abel. It appears also that the two latter with perplexed hearts acquiesced in the plan to fight themselves free, although they foresaw all the danger of the enterprize and were backward to join the others without having polluted their hands in the blood of their master or of the other two murdered persons, or without having followed the others to the place of Jan Dalree on the road to Barend van der Merwe, where it was intended to shed more blood.

It is unnecessary for me to say much on the several circumstances set forth in my act of accusation, for if I am not deceived the principal part of them are not only proved but acknowledged by the prisoners. I find it my duty however to remark that the 7th and 8th prisoners, Achilles and Antony, have not been proved to have made slugs for the gang, as I have charged them with in the act of accusation; although it appears that they shared in the deliberations which preceded the execution of the plan and took a part in the execution itself at their master's place.

It also appears that the 9th, 10th, and 12th prisoners knew of the plan formed by the gang previously to their proceeding to carry it into effect, even the 12th prisoner Pamela seems to have had the will to have provided Galant with one or more of the guns belonging to her master, which she as being housemaid and sleeping in the house had more than one opportunity of procuring; but the late Willem van der Merwe, who had

been informed by the Hottentot maid Betje of the plan against his life, had secured the window of his bedroom, where the guns were kept, with a lock, by which she was prevented of assisting Galant with these arms. She therefore by a careful silence when the storm was approaching, although she was in the house and had slept there the whole of the night, wilfully and knowingly exposed her master and his family to the danger that threatened them, and consequently contributed as well to his death and that of the other two persons as to the wounding of her mistress.

Proceeding now to the grounds of my claim relative to the criminality and punishableness of the several points of accusation, I remark that the most heinous species of high treason consists in taking up arms against the state, and that all those are justly considered as guilty of this crime who combine to oppose the existing order of public affairs with violence and arms.

In Van Leeuwen's Commentaries on the Roman Dutch Law, Book 41, Chap. 33, § 1 we find this crime thus described in the English Translation: "Crime against the supreme power and Government is *crimen læsæ majestatis* or a violation of the supreme power, and it is the greatest crime which can be committed by any person. It comprehends not only the murder of Kings and princes (which according to the circumstances of the crime cannot be punished with too great severity); but also all sorts of conspiracies, treasons, and whatever else is done or committed in defiance and to the prejudice of the prince of the country or the public, out of anger; so that here the will is taken for the deed, although it be not actually executed."

In a Country where slavery exists, a rising of the slaves to fight themselves free is nothing else than a state of war, and therefore to such a rising the name of war has been given more than once in the Roman history, and justly, for hence states can be, and we know have been, totally overthrown; and this remark which I have read somewhere *Nullum esse genus hominum unde periculum non sit etiam validissimis imperiis* can be here very properly applied.

One of the prisoners themselves, I believe Galant, called his act here in Court making *war*. According to the laws it is



sufficient that the plan of such a rising and the junction of the partakers therein, is prepared, to consider the crime of sedition, properly called *Perduellis* (High treason) as consummated. *Majestatis crimen illud est quod adversus populum Romanum*, says the Roman law, (but which I omit as not being applicable to the present circumstances) *vel adversus securitatem ejus committitur, quo tenitur is, cujus opera dolore malo consilium ininitum erit, quo re quove coetus conventus que fiat nominesse ad seditionem convocentur.*

This is taught us in the Roman law. See also Mattheus de Criminibus Lib. 48, Tit. 2, Chap. 2, § 5 ; and should be applied in the present instance, because that in the ordinance on the style of proceeding in criminal cases dated the 9th July 1570, which in this respect is by no means abolished, and which the Fiscals in this Colony are instructed to follow in their criminal proceedings, the common written laws (that is the Roman Law) are prescribed as the laws of the land to be observed by prosecutors and Judges where the modern law is silent.

The ten first prisoners, as having all shared in the arrangement of the plan previously to its being carried into effect, cannot be considered otherwise than guilty of this most heinous of all other crimes ; and next to them the 11th prisoner, in case he shall be judged to have supplied the 1st Prisoner Galant with powder, balls, and a bullet mould, to enable him to carry into effect his hostile intentions *ejus opera enim factum est quocoserint armati.* He is a Coadjutor.

There are some however among the prisoners who endeavoured to excuse themselves under the pretext that they were compelled through fear to join the gang. Vain and fruitless, your Worships, is this excuse. When Galant consulted with his fellow servants about the execution of their plan, not one of them had any arms. Not only the two guns, but the two pistols also, were in the possession of his master ; who of them could at that period have prevented any one of the gang from throwing himself on his master for protection, informing him of what was going forward, and in this manner preventing all that has happened ? When five of them, among whom were three Hottentots, were on the road to Barend van der Merwe's, all on horseback and unharmed, who could have prevented the Hottentots or any one of them taking the first favorable

moment to separate from the others, and favored by the darkness of the night, concealing themselves in the Fields or in the mountains ?

How did the slave Goliath withdraw himself from the gang, after that Galant and Abel had got possession of his master's guns, powder, and ball, and even fired at him ?

The 7th prisoner Achilles has with much emphasis maintained that he used his endeavours to dissuade Galant from his purpose ; that he represented to him the danger to which he was about to expose himself ; he has told this Worshipful Court that his first question to Galant when he returned from his expedition to the place of Barend van der Merwe without having succeeded in taking his life, was, " well have you now murdered Barend van der Merwe ? " And that he on that occasion told Galant that this his first ill luck should open his eyes to the danger into which he was going to plunge, and that it was perhaps still time to retract and to throw themselves on their master's protection and pray forgiveness. But when Galant persisted in his intention, what did Achilles do then ? He sat down to supper with the gang, every one of them went to rest for a time, not one of the many opportunities which he had of informing his Master of the threatened danger, or if he could not or would not do so, of making his escape while the others were gone to the place of Barend van der Merwe, or while they slept after their return, did he or Antony avail themselves of.

He went and lay down with the others, he got up again, he went and joined his master when he went to the kraal. Then even he left his master in ignorance of the danger that at that very moment hovered over his head. When his master flew into the house, he, armed with an assagaay, and Antony with a gun without a lock, stood sentry at the house. It was not his abhorrence of the crime which his accomplices were about to commit, but the fear and dread of the danger into which he was going to plunge, that made him hesitate for a time, which induced him to try and persuade Galant to give up the execution of his plan ; but for the rest he cared but little whether the slaves found the road to their freedom over the dead bodies of their masters or in any other manner. He wanted, the same as Galant and Abel, to be free, and who can doubt if his Master

had come within the reach of his assagaay but that he, instead of Galant, would have been his murderer ?

The same remarks, your Worships, are applicable to the 8th prisoner Antony. Although they both may have been seduced, they saw the danger they were exposed to, and they voluntarily entered into it. They both acquiesced in the plan framed by Galant, yes even one of them Achilles is reproached by one of his accomplices (and he does not contradict it) with saying that he was tired of the delay in the execution of the plan, so that he did not scruple to express himself in a manner as if they were continually talking about killing their Master without however coming to the point.

The prisoner Klaas can just as little as the others screen himself behind the pretext that he was compelled by fear to join the gang. If this were the case, to what purpose then is his excuse that he was punished both inside and outside by his Master ? For surely the alleging of such an excuse indirectly implies that it was not the fear of his accomplices, but the behaviour of his Master of which he complains, that brought him to the act. Add to this that his Master, who was awakened about ten o'clock at night by the barking of the dogs, having sent him out to see what it was, he by keeping silence enticed his master to come out of the house, and thereby afforded Galant and Abel an opportunity to rush in and seize the guns and ammunition. The situation of the place as laying in the mountains, and the darkness of the night, would have no less afforded him than his master an opportunity to escape, in case it were not his will and wish to co-operate ; he could just as well as Goliath have remained with his Mistress, but no, he belonged to the gang, and the active part that he took with them sufficiently proves, were proof necessary in so clear a case, that he not only participated in framing but in executing the plan, and that he was a voluntary and wilful accomplice in the whole business ; wherefore after having played a most treacherous part with his master, and after having appropriated to himself and put on a pair of trousers belonging to his master, he mounted a horse with the others, proceeded to the place of the late Willem van der Merwe, and did everything there with which he is charged in the act of accusation, and finally attempted to fire at the Commando of Inhabitants by

whom they were pursued, but in which he was prevented by the Hottentot Admiral Slinger.

With respect to the Prisoners Valentyn and Vlak, it deserves remark that they are still very young, the former at the most not more than fifteen and the latter about twelve, and that they were not absent from the place of the late Willem van der Merwe, although they ran away with the 12th prisoner Pamela to the mountains after the departure of the murderers, to wait there till they should return.

The share which these two prisoners took in the crimes committed by their accomplices consists principally in their having held the horses and keeping watch to see if a Commando came. They therefore appear to me to belong to those respecting whom the Law says that youthful age gives the liberty to the Judge to substitute a more lenient punishment in the place of the ordinary one ; because it cannot be said of them that a high degree of judgment or acuteness, or the peculiar atrocity of the acts of which they have been guilty, supplied the place of their want of years.

Entirely different do I think of the prisoner Isaac Rooy, for the uncommonly active part which he took in everything that was done by the gang, from the very commencement to the final termination of the tragedy even in the most bloody scenes of it, compared with his apparent youth, must freeze with astonishment the blood of any feeling man, and cause him to ask how is it possible that such consummate villainy could be concealed in such a youthful heart.

Mere insolent wantonness and nothing else brought him to be an accomplice in the crimes, from which, if he had chosen, he could have excused himself, even on account of his inability to perform anything of consequence.

He, just as little as Achilles, Antony, Valentyn, and Vlak, could have been forced by the gang of rebels, which then consisted of only five persons besides him, to ride at night to the place of Barend van der Merwe, in order to begin the first act of the tragedy there. Who desired him to go into the smoke of Galant's and Abel's guns when they were employed murdering Rensburg and Verlee ? It was nothing more than his own bloodthirsty curiosity to be a near spectator of the murderous scene that afforded Galant the opportunity of putting a loaded

pistol into his hand and obliging him to give the last and death shot to the already mangled body of the dying Verlee. And this was not his only act, he was also one of those who stopped Rensburg in his flight. If ever therefore the great wickedness of the act, and the high degree of wilfulness which accompanied it, must supply the want of years in awarding the punishment of a culprit's crime, then certainly it is in the case of this prisoner, who if he has not attained the age of eighteen, which he states himself to be, has evinced however sufficient proofs of understanding and judgment to shew that he is ripe enough to suffer the punishment that awaits his villainous crimes. See in this respect Carpzovius Tract. Crim., part 3, Quart. 143, N. 64 and Legg Lex 37, § 1 D, de minoribus, and Bohmer in Obs : 3 ad Carpz. L. C.

I likewise feel it my duty to say a few words respecting the prisoner Pamela, who, it is true, did not take an active part in all the crimes that were committed by the gang, but she knew of the plan and she concealed it, and she gave the clearest proof of her confederacy by taking the road to the mountains after everything was over, for the evident purpose of there waiting the return of Galant, whose concubine she had become, notwithstanding he already had another at his master's place, and by whom she acknowledges to have had a child.

I do not speak here of the suspected endeavours of this prisoner, or at least of the willingness which she evinced to steal her Master's guns for Galant, or to assist him with powder and ball. These points I allow are not fully proved, but they are sufficiently so to render her highly punishable. Such female Slaves, your Worships, are not unfrequently the instruments that are made use of to assist in premeditated treason ; of this we have another example in the Town prison, in the female slave *Seina*, concubine of the slave Richter, whom she supplied with the gun, powder and shot of her master with which he deserted, because through the greater access which she had in the house and the greater degree of indulgence which she experienced from her Master, she had a better opportunity of doing so. Justly therefore we find applied to slaves in general what the law teaches us respecting the obligation of slaves to make known to their owners the danger they may (be) threatened with either from their inmates or others.

No owner of a slave is any longer safe in his house if a slave can conceal with impunity from his master any danger with which he may be threatened. Pamela, who knew of the danger which hovered over her master and the whole of his family, was, and remained the whole of the night between the 1st and 2nd February last, in his house, and yet she was silent. She, the same as her accomplices, is subject to the punishment of death according to the existing laws, for the Roman law, which according to the express tenor of the Statutes of India, (title *Slaves* last article) must decide her lot, requires this punishment of her, and of all those slaves who have not used their endeavours, were it even at the risk of their own lives, to protect and defend their masters in existing danger. So that even if Achilles, Antony, and Klaas were not guilty of anything else than this crime, they the same as Pamela would have forfeited their lives, vide the *Lex* 1, § 28 *D, de S. C. Sylaniano*.

I shall not expatiate on the degree of punishment for each particular crime of which the prisoners have severally been guilty ; for this purpose days instead of hours would be necessary ; but I conceive I have said sufficient to lead the Court in awarding the punishment of the principals. Who does not know that death is what the law enacts for High treason and murder ? The crimes of Achilles, Antony, and Pamela, each of whom had the means of preventing the murders that were committed, although they did not assist notwithstanding that they could have assisted, and the latter of whom slept under the same roof with her master at the time that death approached him, are all considered by me as accomplices of the murderers.

I have spoken of the youth of Valentyn and Vlak as the only circumstance which can plead in extenuation of the share they had in the guilt ; but this can avail the 3rd prisoner Isaac Rooy nothing.

With respect to the prisoner Adonis, it has appeared to me, with due submission, that the part which he is charged by the act of accusation to have taken in the crimes of the others has not been proved.

And now, your Worships, as it has fallen to my lot to claim the punishment of death against so many culprits who now stand before you, it only remains for me to see whether I am at liberty to recommend any mitigation to the Court. There

exists a right of mitigation that the law gives to the Judge, namely when legal reasons can be adduced why the Judge is allowed to mitigate the ordinary punishment. But among these reasons I certainly do not find that of having been led away by Galant ; for all of them have attained that age, and possess that portion of understanding and judgment, which could prevent them having been so seduced.

The eagerness to shake off the yoke of slavery, which had never before led to such excesses here, cannot be considered in any other light than as a desire to withdraw themselves from the laws of the land and from obedience to Government ; a desire for blood, war and confusion leading to the most disastrous anarchy, the desire of freedom thus directed is a reason for the aggravation of the punishment. But perhaps it will be said, when so many are to suffer, humanity requires that the example to deter should extend to all, but the punishment to only few. Of this we find instances in history where great crimes have been committed by many persons. But this belongs to the rights reserved to the Sovereign. As Judges I am humbly of opinion that this court cannot go farther than the right with which judicial authority is vested with regard to crimes and punishments. The reasons which might induce His Excellency the Governor to spare any of those who may appear to have been led away are not within the pale of that authority, and they cannot constitute a subject of discussion at the present moment.

I therefore claim and conclude that the first ten prisoners, Galant, Abel, Isaac Rooy, Isaac Thys, Hendrik, Klaas, Achilles, Antony, Valentyn, and Vlak, and the 12th prisoner Pamela shall be declared by your Worships guilty of the crimes with which they are charged in the act of accusation ; and the last mentioned prisoner Pamela in particular of not rendering any the least assistance to her Master and Mistress, but on the contrary deserting them, when she slept under the same roof and could have afforded help by warning them of the approaching evil and assisting them in their danger, whereby she has incurred the punishment of the S.C. tum Sylanianum ; and therefore that they shall be condemned by sentence of your Worships to be brought to the usual place of execution here, and being there all with the exception of the 10th prisoner

Vlak, delivered over to the executioner, the first eight prisoners, Galant, Abel, Isaac Rooy, Isaac Thys, Hendrik, Klaas, Achilles, and Antony, to be hanged by the necks till they are dead ; the 12th prisoner Pamela to be strangled, and the 9th prisoner Valentyn to be tied to a stake and severely scourged with rods on the bare back, then branded, and thereupon confined to labour on the public works here for such term as this Worshipful Court shall deem requisite, that the bodies of the first six prisoners shall be afterwards taken down from the gallows and their heads separated therefrom with an axe at the public place of execution, and then thrown into sacks in order to be conveyed to Bokkeveld and there exposed to public view on separate poles to be erected on the most conspicuous places near the road, with a board over each, on which shall be painted in legible letters *The punishment of Rebels* ; thus to remain till consumed by time and the birds of the air ; and the 10th prisoner Vlak, after having witnessed the execution, to be severely flogged in the town prison by the black constables, with further condemnation of all the prisoners in the costs and expenses of the prosecution, or to such other &c.

While with respect to the 11th prisoner Adonis I declare to have no objection to his being discharged *under promise of hand and word*, or such other disposition given in his case as the Court may deem meet, in consequence of the want of proof of the charges preferred against him in the act of accusation.

Mr. Advocate Hofmeyr, as Counsel for the Prisoners, hereupon proceeds to their defence and says :—

Worshipful Gentlemen,—Now again do we see a number of human beings brought before your tribunal and accused of the most horrid crimes that one can conceive, or even scarcely expect man to be guilty of because we bear the name of man. We see here a number of our fellow creatures charged with conspiring to attack and lay waste the places of their masters and all other Christian Inhabitants, to murder their masters and all who should oppose them, to form a gang among the slaves and Hottentots in the service of the Colonists to assist them in the execution of their enterprize, and in keeping possession of the places they should attack, and further to



penetrate here to Cape Town; they are thus accused of the crime of sedition.

We see here slaves as well as free persons charged with having attacked their masters' places, and what is more, slaves of having murdered their own masters and of having attempted to murder them. We see at the head of them a slave who has been brought up as it were hand in hand with, and as the playmate of his master, accused of having laid the whole plan and instigated the gang to commit the most murderous and bloody scenes, and to make a beginning with his own master, the playfellow of his early years, and whose life he has now brought to a termination in the most cruel manner.

It is however, your Worships, far from us to deny these charges entirely. We have too great an interest in the maintenance of Justice, and are too well aware of the necessity of establishing and preserving good order in Society, not to know that those who do evil must be punished, the same as the good rewarded!

We feel it too well, ever to have entertained the idea of denying the charges with which the gang now standing before this Court are accused, and especially not because each of the prisoners has so circumstantially stated the crimes he has committed and his conduct with the gang that it would cost but little trouble to award to each a punishment proportionable to his guilt, or to acquit him should he be found innocent.

But it shall be my task to investigate, as far as is in my power, the motives which appear to have led them to the commission of such enormities, in order thereby to be enabled to judge in how far all these culprits can be punished *ordinario modo* in proportion to their crimes.

Although it would be a difficult and nearly impossible task, and I should almost consider I burthened my conscience, should I use my endeavours to acquit them of the charge of wilful murder, still however I am not at liberty to be silent on the motives which appear to me to have led to the dreadful acts they have committed, in order to see whether there be anything, and if so what, I can say in their defence. We find then in the first place, your Worships, Galant himself assign as a motive the idea that he and his fellow prisoner Abel cherished respecting the personal state in which they were kept by their

masters, when they supposed they ought to have been emancipated by their masters at new year. We find him brought into a labyrinth about some newspapers, which as he says his Master received from time to time from the fieldcornet, the contents of which were continually communicated to him either by his master or mistress, or by his concubine the Hottentot Betje, so as she had been told by her master or mistress. We find in the statement given by this prisoner an account of some conversations between his late master and his neighbour Barend van der Merwe, Barend Johannes Lubbe, Jan Bothma, and others, the subject of which discourses seems to have been the state or condition of the slaves. We further find in his statement that he some time ago told his concubine Betje that he had heard from the slaves, or as he terms them the people of David Theron and Piet Joosten, that they were all to be free between last Christmas and New Year's day ; and that if he was not free then, he with all the slaves would endeavour to make himself free. We find this and other circumstances alleged by the first prisoner as the motives which led him to the commission of the cruelties he has been guilty of, and we hear him confirm his account by saying that everything he stated was the truth, and that he would die upon it. Verily, a confession and persistence which cannot fail to make an impression on the minds of the Court, especially when we reflect that he was led by erroneous ideas into a maze of confusion, from which he is extricated only now that it is too late ; for he now discovers that he has committed a crime for which he confesses to be punishable, although he hears of so many circumstances which without his fault *libidine libertatis motus et quasi addictus* contributed to form the plan which he has partly executed, so that he has become a victim to his own wrong ideas and errors, into which he has been led by the frequent reports respecting his state, and for which he must now pay the penalty. On behalf of this prisoner, your Worships, we shall not say more, the records are before you, which contain so many circumstances stated by Galant that everything for and against him can be deduced therefrom.

The same motives may be also alleged with respect to the 2nd prisoner Abel, with this difference only, that the plan for the commission of their crimes was proposed to him by the 1st

prisoner Galant, for which reason we shall say nothing more on behalf of the 2nd prisoner than that he on two occasions evinced a lesser degree of wickedness in the perpetration of his crimes, the first time when Galant wanted to shoot the wife of Barend van der Merwe, which was prevented by his interference, so that he was the cause of her life being preserved, and the second time when he stood before the door of the late Willem van der Merwe by Galant's directions in order to shoot him when he should open it, when on Van der Merwe praying for his life he desisted from his purpose, and at least appeared to be unwilling to commit further cruelties.

But it is entirely different with the case of the third prisoner Isaac Rooy, who really deserves more pity than contempt for the acts which he has committed, and which he has not only openly and frankly, but even with a childish fear and anxiety, confessed.

This prisoner it is true states himself in his simplicity to be eighteen years of age, and that he perpetrated his crime by order of Galant, but in the first place I beg leave to remark, and I take the liberty to ask your Worships, can we suppose (as far as one can judge from external appearance) this prisoner to be the villain and murderer which we could call him if he was more advanced in years and appeared less innocent of the crime he has committed than at present ?

But also your Worships where is the proof that he is eighteen ? Or should we trust to the mere statement of this prisoner (who was born in the Interior and scarcely knows an A from a B) and positively prescribe his age to be eighteen ? It is a most doubtful statement, your Worships, and cannot this prisoner make a mistake, as we are convinced the prisoner Adonis has done, when on being asked he says positively that he is eighteen ? It would surely be absurd to suppose for a moment that the 3rd prisoner Isaac Rooy and the 11th prisoner Adonis are both of the same age. Should we not therefore, as we are obliged *in rebus dubiis, in primis in criminalibus ad admittendam benigniorem sententiam*, much rather and with more safety prescribe his age at under fourteen, or at all events much nearer 14 than 18 ? And can we not with confidence class him among those who in consequence of their youth and unripeness of years merit the particular indulgence of the

Judge, and who cannot be punished *ordinario modo* in proportion to their crimes ; but who, as one cannot suppose any premeditated wickedness in them, are only chastised with an extraordinary or moderate punishment or correction. Could we not much more safely place this third prisoner (even were it proved that he has attained the age of eighteen) in the same situation as those for whom the *Lex 37 ff. de minor* pleads ? And should he have committed a premeditated crime, even then apply to him what we find taught in the same law in these words. “ *In delictis autem minor annis vigintiquinque non meretur in integrum restitutionem, utique atrocioribus ; nisi quatenus interdum miseratio ætatis ad mediocrem pœnam judicem produxerit ?* Could we not, your Worships, answer these questions and considerations with more safety in the affirmation and in favour of this third prisoner, than in the negative ? Certainly we can ; for then we have nothing to reproach ourselves with afterwards, should his real age be ascertained, for example should he be found to be no more than fourteen.

Besides this, your Worships, we have seen how this prisoner Isaac Rooy from the very beginning was obliged and compelled by the prisoner Galant to ride after him as his postillion, as he calls it, and to take a part in the crimes committed by the others. I imagine I can now hear the threatening voice of the prisoner Galant to the third prisoner Isaac Rooy, I can almost feel how his voice sounded in his ears, and the fear that seized upon him when Galant, (after that he had already wounded his mistress, shot his master, and likewise wounded Janse and Verlee) put a pistol in his hand and called out to him, *shoot him with the pistol you have in your hand right on the head, for he is not yet dead, and if you do not, you shall see what I will do with you.* And who will for a moment doubt of what would have been the lot of this prisoner, (whom we may well call a child) had he not complied with the order of Galant, who had already threatened to beat him, and even to shoot his concubine Betje, when she interceded for and begged the life of her mistress ? For ourselves, your Worships, we do not doubt a moment, nay we are almost certain, that the 3rd prisoner was obliged to obey the order he received ; and therefore that he is less culpable than him who gave it, as

we find taught by *Boehmer ad Caust. Crim. Carol. ad Art. 177, § 4*, where he says: “*Sæpe mandatario contra regulam succurrendum, quo referant vitiosam executionem ad jus summus, cui reverentia vel obsequium non absolutum quidem, ast tenax debetur, quales sunt parentes, intuitio liberorum, domini intuitii servorum, magistri, intuitii alumnorum; (cui non adeo repugno) cum talis jussus fortius ardet, et stimulum obsequendi temerimam facile provocare possit, præsertim si ætas juvenilis vel alia imbecillitatis ac infirmitatis ratio concurrat, quae efficit, ut mandanti facinus plus, obsequenti (vel mandatario) minus imputetur.*”

This opinion is fully corroborated by what we find laid down as a rule to be observed in judging of criminal cases in the *Lex 108 ff de R. J.*, where it is said: “*Fere in omnibus poenalibus judiciis, et cetati et imprudentiae succurnitur! And in Lege 16, § 3 ff de poen, where we read “Persona dupliciter spectatur, ejus qui fecit, et ejus qui passus est: Aliter enim pumatur, ex eisdem facinoribus serir, quam liberi; aliter qui quid in dominum parentenave ausus est, quam qui in extranum, in magistram, vel in privatum. In ejus rei consideratione ætatis quoque ratio habeatur.*”

And should not then, your Worships, the youth of this 3rd prisoner be taken into consideration, when he is accused of such an atrocious crime? Should not the language of this prisoner on his examination (where he speaks as a mere child) “that his master was never severe to him, that he had been always well treated by his master; that he had more than once been flogged by his master but never without having deserved it; that he had been led away by Galant; and that he did not know that the act he had committed was so great a crime,” should not this language I say meet with the same indulgence to which a child *non dum doli capax* makes claim? Most certainly, if not wholly, at least in so far that he should not be punished in proportion to his crime, but *extraordinarily* as we have seen in the *L. 108 ff de R. j.* and in the *L 16, § de pœnis*, already quoted; namely that although a minor is liable in consequence of his crime, still the usual punishment is remitted him by the Judge because his minority affords legal reasons for a mitigation of the punishment.

For example, see what Carpzovius says, as translated by

Hogendorp, on crimes liable to corporal punishment Chap. 135, § 22.

With more confidence in the indulgence of the legislator, can we submit to the consideration of the Court the cases of the 9th and 10th prisoners Valentyn and Vlak, because they being *infra pubertatem*, below the age of fourteen, (which we can safely depend on in as far as one can prescribe from appearances) are fully entitled not only by the indulgence of the laws, but even to forgiveness for the acts they have been guilty of, vide \* \* \* In which last mentioned law it is said, "Impubus servus, vel ancilla nondum veripotens, non in eadem causa erunt (nimpe in qua pubus &c. majorem) ætas enim excusationem meretus. And how much the more when these two prisoners did not do anything else than hold the horses of the two first prisoners, and this even with threats that if they did not do so, they should be shot.

With respect now to the 4th, 5th, and 6th prisoners, Isaac Thys, Hendrik, and Klaas, although they have confessed the share they took in the plot, we must nevertheless not forget that they were forced to do so, with threats of being shot if they did not comply. We must especially with regard to the prisoner Klaas place ourselves for a moment in his situation, at the time when Galant and Abel were at his Master's place Barend van der Merwe, and look into the deposition given by this Van der Merwe before your Worships (in which he says that he did not see Klaas do anything with the murderers that evening, but that he had heard the others threaten to shoot him, probably because he would not assist them) to be convinced that the prisoner Klaas knew nothing of the plot previously, and that it was fear and dread by which he was carried away to join the gang and afterwards remain with them. We do not find either that the prisoner Klaas played any principal part in the crimes committed by the gang, but conducted himself passively, which in fact he was obliged to do as his life was so frequently threatened. We therefore do not believe that he ought to suffer the same punishment as the two first prisoners Galant and Abel, although he is considered as an accomplice in their crimes, for one must distinguish well between the accomplices whether they be equally guilty, and punish them also, in proportion to the greater or lesser

share they have had in the crime. Putman most clearly expresses himself in this regard in his *Elementis Juris Crim.* Lib. 1, § 89, when he says “quod ad complices &c.” And this we also respectfully submit to the consideration of the Court with regard to the other prisoners.

We will now dwell for a moment on the 7th and 8th prisoners Achilles and Antony. These two are accused of being accomplices in and promoters of the crimes committed by the gang, as having assisted them therein ; but with regard to this point of accusation, we must remark that the share which these two took in the business was not so serious and great as has been laid to their charge.

For at all events it is true (and this they have both acknowledged) that Achilles and Antony were posted at the door of the late Willem van der Merwe’s house by orders of Galant, the one with an assagaay and the other with a stick ; but who says, your Worships, that when it came to the point and that their master came out, they would have remained more faithful to Galant than to their Master ? Who can say to a certainty that they would have executed the orders they had received ? And what reason have we to suppose that they would have attacked or murdered their Master, when they neither before the moment they were obliged by Galant to post themselves there, nor at any period afterwards, evinced that they had the smallest evil designs, on the contrary, the instant the gang left the place of the late Willem van der Merwe they joined their Mistress, and remained with her till the Commando came to the place, by whom they were apprehended without the least resistance. These two prisoners therefore especially deserve the consideration and discretion of the Court.

It is not necessary to say anything in defence of the Prisoner Adonis, as the Prosecutor has declared himself that the charges against him are not sufficiently proved.

We must now say a few words in defence of the 12th prisoner Pamela. She is accused, your Worships, of having by her passiveness and silence coöperated towards the disasters which befel the family of the late Willem van der Merwe. But let us ask ourselves who is this prisoner Pamela, and in what relation does she stand with the prisoner Galant ? And the

answer that *she is the wife of Galant, and that she has had a child by him* will impress us all with a very different feeling for her. She could not, your Worships, smother the feelings of nature (if she really had been told previously of the plot by her husband). She felt too sensibly the relation in which she stood with the prisoner Galant, to accuse him (had she known his intention) of a crime through which she should in all probability be separated from him for ever. She could not have concealed the crime he meditated (had she been acquainted with it) from any other motive than from the feeling of her connection with him. Who is there that will not be convinced of this, when he considers the answer which this Prisoner gave the Hottentot maid Betje (according to the deposition of the latter) when she advised her at the Fieldcornet Louw's to tell the truth, "*I have a child by Galant and will not make him unfortunate;*" an answer in which the voice of nature speaks. But it is enough with respect to the prisoner Pamela, even if she had heard of the intention of Galant, that she never expressed herself or evinced her acquiescence therein to any person.

With regard now to the passiveness of Pamela at the time that the crimes were committed, if ever one may venture to acquit a person of guilt for passiveness during the commission of a crime, then certainly it is Pamela, for she already knew the passionate nature of Galant, and that it would perhaps cost her her life if she endeavoured in the least to interfere. Of this we have a proof in Galant's threats to shoot his concubine Betje when she attempted to intercede for her mistress, so that we believe that there existed with Pamela also a well grounded fear which deterred her from offering the smallest opposition to Galant in the commission of his crimes.

We shall now further add three circumstances which likewise plead in Pamela's favour. The first is that according to the deposition of the widow of the late Verlee Pamela assisted her Mistress when she was wounded, and brought her into her room.

The second that according to the statement of the prisoner Galant, she was in the house and seems to have held the window shutter close, that the gang should not see her master and fire at him through the window, for Galant says: "I



listened at the window and heard Master say, *Pamela let go the window, I want to see where they are &c.*" And the third is that she immediately, when Galant, Abel, and the others rushed into the house, (after the late Willem van der Merwe was killed) made her escape out of the house with Lea, according to the deposition of the Hottentot Betje.

We shall not say any more, your Worships, in defence of this prisoner or of the others than what we have already advanced above, confidently trusting that in deciding the lot of those unhappy persons, which is now in your hands, your Worships will proceed with your well known prudence and justice, and that you will judge them not only *secundum acta et probata*, but also *secundum conscientiam*. For if ever there was a case which required the caution of the judge to accompany his severity, then certainly it is the present one.

On all of which grounds we have no hesitation to conclude for the rejection of the claim made by the R.O. Prosecutor ; with the costs, or otherwise do justice, &c.

The Court being about to be cleared, the prisoner Pamela requested to be allowed to say a few words, which being granted she says :

The punishment that has been claimed against me is too severe, and I pray that it may be mitigated. I assisted to bind my Mistress when she was wounded ; I remained with my Mistress, and did not run away till I saw the maliciousness of Galant, who gave the child at my breast, and which is his child, such a blow on the head that I thought it was dead. I knew nothing more of the business than Betje, who is also Galant's wife. She warned my mistress of it before, but Mistress would not believe her, I therefore pray for mercy.

The Court after due investigation having heard the claim of the R.O. Prosecutor together with the prisoners' defence, and having taken everything into consideration which deserved attention or could move the Court, administering Justice in the name and on behalf of His Britannic Majesty, declares the ten first prisoners in this case guilty, the 1st and 2nd prisoners Galant and Abel of conspiring to commit and of actually committing the crimes of *High Treason*, *Murder*, and *armed violence* ; the 3rd, 4th, 5th, 6th, 7th, 8th, 9th, and 10th

prisoners, Isaac Rooy, Isaac Thys, Hendrik, Klaas, Achilles, Antony, Valentyn, and Vlak, of being accomplices in the execution of the plan previously framed by the 1st and 2nd prisoners, aggravated with respect to the 3rd and 4th prisoners Isaac Rooy and Isaac Thys, on the part of Isaac Rooy by having assisted in the murder of the late Johannes Verlee, and on that of Isaac Thys by the particularly active part which he took in all the acts of violence that were committed; taking into consideration however the youth of the 3rd prisoner and the circumstances under which he fired at the late Verlee; and therefore condemns all the said prisoners to be brought to the usual place of execution at the Drostdy of Worcester, and being there delivered over to the Executioner, the 1st, 2nd, and 4th prisoners, Galant, Abel, and Isaac Thys, to be hanged by the necks till they are dead; the heads of the two first prisoners, Galant and Abel, to be then struck off from their bodies and thereupon stuck upon iron spikes affixed to separate poles to be erected in the most conspicuous places in the Bokkeveld, there to remain till consumed by time and the birds of the air; the 3rd, 5th, and 6th prisoners, Isaac Rooy, Hendrik, and Klaas to be exposed to public view made fast to the gallows by ropes round their necks, and together with the 7th and 8th prisoners Achilles and Antony tied to a stake and severely scourged with rods on the bare backs, to be then branded, and thereupon confined to labour in irons without wages on the public works at the Drostdy of Worcester; the 3rd, 5th, and 6th prisoners, Isaac Rooy, Hendrik, and Klaas for life, and the 7th and 8th prisoners, Achilles and Antony for the term of fifteen years; and the 9th and 10th prisoners, Valentyn and Vlak, after having witnessed the public execution to be severely flogged in the prison at Worcester in presence of Commissioned Heemraden; while the Court acquiesces in the declaration made by the prosecutor with respect to the 11th prisoner Adonis, and absolves the 12th prisoner Pamela from this instance, with rejection of the greater or other claim and conclusion made against the 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, and 12th prisoners in this case, and condemnation of all in the costs and expences of the prosecution.

Thus done and decreed in the Court of Justice at the Cape

of Good Hope day and year as above, and pronounced the same day.

(Signed) J. A. TRUTER,  
W. HIDDINGH,  
WALTER BENTINCK,  
J. H. NEETHLING,  
J. C. FLECK,  
P. J. TRUTER,  
P. B. BORCHERDS,  
R. ROGERSON.

In my presence.

(Signed) D. F. BERRANGÉ, Secretary.

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[Original.]

*Letter from SIR RUFANE DONKIN to R. WILMOT HORTON, ESQRE.*

88 PARK STREET, GROSVENOR SQUARE, *March 15, 1825.*

SIR,—I beg leave to transmit to you the Paper which I shewed you a few days ago from the Office of Colonial Audit here, containing a List of certain Items of my public Expenditure at the Cape of Good Hope for which Earl Bathurst's sanction is necessary to enable the auditors to audit my account, and which sanction I now solicit.

In making this request I owe it to myself to complain of the manner in which my public accounts at the Cape have been made up and passed through the Audit Office in the Colony, to which I have had occasion to advert in my answers and explanations to the Commissioners of Colonial Audit here. Amongst other neglects the proper officer in the Colony omitted calling my attention to the Regulation which requires Earl Bathurst's sanction to even the smallest expenditure beyond the Sanctioned Ordinaries. It is this neglect which now obliges me to trouble Earl Bathurst for his Sanction for Expenditure, which, had I been apprized in time of its necessity, I could have obtained long ago on the documents and statements I should have made from the Colony, for I well know

that every item of my public Extraordinary Expenditure there was caused by some urgent and palpable necessity on the occasion.

Under the circumstances connected with the Explanations I have annexed to the enclosed paper, I request the favour of you to call Earl Bathurst's notice to the subject, and to obtain from His Lordship that sanction which is necessary for the final passing of my accounts, for which I must naturally be very anxious. I have &c.

(Signed) R. S. DONKIN.

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[Office Copy.]

*Letter from R. WILMOT HORTON, ESQRE., to the REVEREND WM. GEARY.*

DOWNING STREET, 15th March 1825.

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of your letter of the 12th Inst., and to request that you will transmit to his Lordship in writing the exculpation which you are desirous to submit to him of your conduct ; and his Lordship will afterwards appoint a time for seeing you, if that should be necessary. I am &c.

(Signed) R. W. HORTON.

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[Original.]

*Letter from MR. W. A. HANKEY to R. WILMOT HORTON, ESQRE.*

FENCHURCH STREET, 15 March 1825.

DEAR SIR,—The Directors of the Society are desirous to send a Printing Press to the Cape of Good Hope for the purpose of printing those works which are necessary for the religious instruction and education of the persons under the care of their Missionaries, and I have to beg the favour of the sanction of Earl Bathurst in sending it.

I can assure his Lordship of the sincerity of their intention to restrict the application of the press to the object stated, and I beg leave to inclose for his Lordship's information, a copy of the instructions intended to be sent with it. I am &c.

Signed) W. ALERS HANKEY,  
Treasurer of the London Missionary Society.

[Enclosure in the above.]

*Copy of Instructions of the DIRECTORS OF THE LONDON MISSIONARY SOCIETY to REV. DR. PHILIP, Superintendent of its Missions in South Africa, relative to Printing Presses belonging to the Society employed for the use of the said Missions.*

“I am instructed by the Board of Directors to acquaint you that the Printing Press which we send out by the present opportunity in the Ship \_\_\_\_\_, and all Printing Presses belonging to the Society already in South Africa, are to be employed exclusively for Missionary purposes (viz. in the printing of School Books and Lessons, books of moral and religious instruction, books of history and science, &c., &c.), under your sole control and direction, as the accredited Superintendent of its African Missions, and are on no account whatsoever to be placed under the control, management, or direction of any person or persons, not being Agents or Missionaries in immediate connexion with the Society; and in all cases where such subordinate control and direction shall be delegated, the Directors require that you should give to every such agent or missionary, so employed, written instructions enjoining them to confine the use of the Press exclusively to missionary purposes as before mentioned, and that such agent or missionary on no account whatsoever grant the control or use thereof to any other person or persons.”

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[Original.]

*Letter from the* REVEREND WM. GEARY *to* R. WILMOT  
HORTON, ESQRE.

26 KING STREET, WESTMINSTER, 15th March 1825.

SIR,—I hasten to acknowledge the receipt of your Letter of this date, in reply to one which I had the honor of addressing to Earl Bathurst on the 12th Instant, requesting his Lordship's permission to exculpate my conduct before him, in allusion to those charges preferred against me by Lord Charles Somerset to the Home Government, and which appear to have been the cause of my removal from the Clerical Appointments I held in Africa. Having however never been favored with the slightest information respecting the nature of His Excellency's complaints against me, I feel some difficulty in complying with the requisition contained in your letter, and of framing an Exculpation as systematic as I could wish to put into the hands of the Noble Secretary to the Colonies.

But possessing one of His Excellency's Letters, wherein I am threatened with a dismissal from my situation, I may perhaps be allowed to infer that one accusation of a prominent character is to be gathered from that Communication, a Copy of which I have the honor to enclose for Earl Bathurst's perusal, preceded by Copies of my Correspondence with Mr. Rivers, the late Landdrost of Albany, which was the cause of Lord Charles addressing me. I have also enclosed that concluding part of a discourse which I delivered from the pulpit at Graham's Town, (the subject of a complaint of Mr. Rivers to the Commissioners) pleading the sanction of those sacred Writings which summoned me to reprove, and rebuke "as well as to exhort." Another Correspondence to which His Excellency alludes in his Letter of the 1st of October as having taken place between Mr. Rivers and myself, I shall have the honor of submitting to you for the perusal of Earl Bathurst, as soon as it can be transcribed, that His Lordship may judge how far I am implicated in His Excellency's charge of treating the Landdrost of Albany with disrespect, or withholding any reparation he could in justice claim from me. I have &c.

(Signed) WM. GEARY.

[Copy.]

*Letter from D. CAMPBELL, ESQRE., to the COMMISSIONERS OF ENQUIRY.*

GRAHAM'S TOWN, *March 15, 1825.*

GENTLEMEN,—I have the honor to return you herewith your interrogatories with my replies thereto.

I transmit you at the same time the Copy of a letter from Mr. Francis, of one from Mr. White, and of one which I addressed to Mr. Parker, relating to the subject upon which you have done me the honor of addressing me.

As my communication to Mr. Parker goes fully into detail, it is unnecessary for me to trouble you with any observations upon it further than to state that he never made any reply to it, and that I ascertained afterwards through Mr. Francis that he had received it. I have &c.

(Signed) DUN. CAMPBELL.

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[Copy.]

*Letter from MR. GEORGE GREIG to R. WILMOT HORTON, ESQRE.*

32, CITY ROAD, *March 15, 1825.*

SIR,—In your communication of March 11th, I deeply regret to find it stated that Lord Bathurst cannot consent to the proposed alteration in my prospectus; and as I have before stated that my chief aim in coming to England is to get from his Lordship a definition of that prospectus, I must express an equal regret that his Lordship's non-consent is accompanied by no reason for such determination. It is impossible not to be impressed with Lord Bathurst's liberal intentions, and had I these only to depend upon I should be under no apprehension. I cannot, however, conceal from his Lordship *my conviction* that the ambiguous wording of the prospectus will be productive of fresh difficulties in the way of publication on the first discussion of any general measure affecting the colony. This it is I seek to obviate, and with this view I implore his

Lordship to favour me with an answer to the following question :

As the prospectus, by which it is proposed I shall be guided, has been construed by the Cape authorities to prohibit any discussion whatever of colonial measures, will my licence be liable to suspension in the event of any such topics being adverted to in the paper, supposing an absence of all intemperance and personality ?

You will oblige me, Sir, by procuring Lord Bathurst's early, and I trust favourable, answer to the above ; on receipt of which I will forthwith give in a final answer. I have &c.

(Signed) GEO. GREIG.

[Copy.]

*Letter from MR. F. R. BRESLER to P. G. BRINK, ESQRE.*

CAPE TOWN, 15th March 1825.

SIR,—I beg to acknowledge the receipt of your letter of yesterday, and have the honor to state for the information of His Excellency the Governor, that when I was Deputy Receiver General it was the custom, when there was not sufficient money for the payment of the Warrants, then, with the knowledge of the Receiver General to apply to the Discount Bank for a temporary loan, for which a receipt was given according to the form which accompanies your Letter, differing from those more in detail, which the several Collectors usually received when they paid in their respective receipts, when these temporary Warrants were repaid the receipt was returned and nothing more took place, and without either the one or the other being entered into the Books of the Receiver General ; probably owing to the multiplicity of business or otherwise, this receipt was not returned.

To this alone can I ascribe the cause that a receipt which was given ten or eleven years ago now only is forthcoming ; which surely appears strange to me, not being able at this time to bring anything further respecting it to my recollection.

I am &c.

(Signed) F. R. BRESLER.



[Copy.]

*Letter from P. G. BRINK, ESQRE., to the COMMISSIONERS OF ENQUIRY.*

COLONIAL OFFICE, 16th March 1825.

GENTLEMEN,—I have had the honor to receive your Letter of the 3rd Instant, and in reply thereto I beg to transmit to you a copy of the Account that was made out in this Office of the Amount and value of Rations, for which the sum of Rds.3502 4sks. 2½sts. was ordered to be paid on account of Mr. W. Parker and his family to Captain Edward Horrie from the Military Chest.

In enclosing at the same time a Copy of the Letter addressed to Mr. Parker by the Colonial Secretary on the 27th September 1822, immediately previous to his departure from the Colony, it may be necessary to observe that Mr. Parker's claim to Rations was never admitted by the Government, the act of abandoning his original location being considered to have disentitled him thereto; and the compensation that was allowed to Mr. Parker was made in consideration of the failure of his undertaking, to enable him and his family to effect their return to Europe. I have &c.

(Signed) P. G. BRINK.

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[Original.]

*Letter from MR. H. W. WILTON to R. WILMOT HORTON, ESQRE.*

NO. 4 REGENT STREET, PALL MALL,  
March 16th, 1825.

SIR,—In reply to your letter of yesterday, and for the purpose of an early compliance with the wishes of Earl Bathurst, I have the honor, without waiting for a communication with the whole body of the gentlemen interested in the proposed South African Company, to state that the main purpose of the requested interview with Earl Bathurst, as decided upon at our last general meeting, was to submit to His Lordship whether, as the intended reference to the Commissioners of

Enquiry was understood to be directed rather to local details than to the general principle of the measure, His Lordship might not think fit to sanction a grant of two hundred thousand acres of land in the frontier Districts of Albany, Uitenhage and Graaffreynet, being those to which the Emigration was directed in 1820–21, leaving the remainder of the solicited Grant to be regulated on receipt of the report from the Commissioners, or at such further period as may seem most fitting to His Lordship.

The parties interested conceived that the detailed information applicable to those districts had at that period received the consideration of His Lordship, and that a decision in this Country might probably be taken as to the disposal of any tracts of land not granted to the Emigrants of 1820–21.

I beg leave to add that the General Meeting contemplated the submission of this modified proposition, in the hope of obtaining from Earl Bathurst a direct sanction to the principle of the undertaking, for they cannot but feel that the delay which must arise, if no decision be taken until the receipt of a specific report from the Commissioners, will operate as very serious discouragement to the whole proceeding; the more so as His Majesty's Government appears to entertain more favourable sentiments towards Companies recently established for improving the agriculture and trade of other transatlantic possessions of His Majesty.

The Deputation respectfully await the determination of His Lordship as to the interview solicited in my letter of the 10th Instant. I have &c.

(Signed) H. W. WILTON.

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[Original.]

*Letter from MR. JACOBUS THERON to R. W. HORTON, ESQRE.*

20 ANDERSON'S BUILDINGS, CITY ROAD,  
16 March 1825.

SIR,—I am honored with your reply dated 26th February, but only received per post yesterday, stating that Lord Bathurst could not pronounce any opinion on my memorial

because I had not adduced any *proof* to the truth of my statement.

In answer thereto I beg to state that my means are so effectually crippled by the Cape Government, as detailed in my memorial, as to put it out of my power to bring over witnesses to substantiate my charges. In vain I applied to Mr. Brink the Colonial Secretary, also to the Secretary of the Court of Justice, to have my papers delivered over to me, and which papers would have enabled me to prove my charges. The only answer I received to my repeated applications, I now annex a Copy taken from the Original in my possession.

It happens that there now is in London a Cape Merchant of the highest respectability who can and is willing to prove the chief part of my charges.

To the above testimony I am willing to add my solemn oath to the truth of all and every part of my memorial and abide the consequences of such an awful procedure.

I court the strictest scrutiny into my conduct and implore that Lord Bathurst will enable me to return to the Colony and there before the Commissioners or other competent authority, have the opportunity of substantiating my charges.

In Conclusion I entreat his Lordship's early answer as I am here in a strange country (reduced by the vilest oppression from a comfortable situation in life) entirely destitute of the means of support. I have &c.

(Signed) JACOBUS THERON.

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[Copy.]

*Note from the* COMMISSIONERS OF ENQUIRY *to* LIEUTENANT-COLONEL BIRD.

CAPE TOWN, 17th March 1825.

SIR,—The Commissioners of Enquiry transmit herewith to Lieutenant Colonel Bird the accompanying Interrogatories (17) upon the subject of Government Slaves, and request he will be so good as to return the same with his answers affixed at his earliest convenience, together with the documents referred to in the questions.

[Enclosure in the above.]

*Interrogatories proposed by the COMMISSIONERS OF ENQUIRY to  
LIEUTENANT-COLONEL BIRD.*

17th March 1825.

1. Are you aware that the Government Slaves at the Cape were taken and admitted prize at the Surrender of the Colony in 1806, and that they were paid for by the Commissariat to the Captors on account of His Majesty's Government in the sum of 150 Rds. each ?

Answer. I have understood that to be the case.

2. Was it in consequence of this payment having been made from His Majesty's Treasury that the charge for their clothing and maintenance has been borne by the Commissariat ?

Answer. I don't know; I was not in the Colony when these arrangements were made.

3. Have any Instructions been received at any time from the Lords Commissioners of His Majesty's Treasury authorizing the transfer of Government Slaves to Individuals, and if so upon what terms ?

Answer. I am not aware of any such, or of any correspondence with the Treasury on this head; a reference to the official Papers will give a more satisfactory answer to this query.

4. With reference to the contents of your letter to the Director of the Government Slave Lodge, dated 28th October 1817, and its Enclosure dated Colonial Office 17th October 1817, was the sum of Rds. 300 (ordered to be refunded to the Commissariat by Mr. Donough) understood to be the repayment of sums paid by the captors on account of His Majesty's Treasury at the rate of Rds. 150 for each slave ?

Answer. I understand the sum of Rds. 300 to have been refunded to the Commissariat as a repayment for two slaves which the Commissariat had purchased, at the average of Rds. 150 each. I am not aware that the Captors paid for the Slaves as stated in the query.

5. Were the other payments of Rds. 150 that have been made for Government Slaves transferred to Individuals considered in the same light as a refund to the Treasury ?

Answer. Certainly.

6. Is it to be understood that any sums were due to the Treasury on account of advances for children born in the Government Slave Lodge, or subsequent to the Payment being made by the Treasury for the mothers of such children ?

Answer. I am not aware that any such suggestion was ever proposed.

7. What was the consideration that induced the Colonial Government to direct that Rds. 1,000 should be paid by Mr. Donough to the Fund of the Free School, and that he should be required to give security for the emancipation of the Slaves Flora and Eliza ?

Answer. I don't know the circumstances of this case precisely, it was one of the many which were arranged at Government House and only sent to the office to go thro' certain forms. I believe Donough, who had been servant to one of the Governors, cohabited with the woman Flora, and that Eliza was his child by her. But Flora, being a house servant of Government House, was called in, and then this arrangement took place. I have this only by hearsay, but I believe it to be correct.

8. Was the sum of Rds. 1,300, that was ordered to be paid by Mr. Donough, considered to be the current value in 1817 of the Female Slaves Flora and Eliza ?

Answer. I never saw the Slaves, and am no judge of their value.

9. With reference to the contents of the two letters addressed by you to the Director of the Slave Lodge on the 13th July 1818, what was the nature of the "usual conditions" upon which the Government Slaves Michael and Stoffel were transferred to Major Rogers and Mr. Stoll ?

Answer. The repayment of Rds. 150 each to the Commissariat.

10. Did these conditions include any pledge or engagement that the Slaves should be emancipated, or that they should not be sold ?

Answer. No, they did not.

11. With reference to the receipts of Assistant Commissary General Rogerson, did the sum of Rds. 150 constitute the entire consideration that was required either from Major

Rogers or Mr. Stoll for the transfer to them of the Government Slaves Michael and Stoffel ?

Answer. It did.

12. Was the repayment of Rds. 150 to the Commissariat considered to give to these Gentlemen an unreserved right of property in the slaves transferred, so as to enable them to sell them ?

Answer. Certainly. Such sales have frequently taken place, without their having been considered irregular.

13. If the right of selling the Slaves was not withheld, are you acquainted with the considerations that may have induced the Colonial Government to transfer them on the payment of Rds. 150 only, at a period in which the Slaves at the Cape had so greatly exceeded that amount ?

Answer. It appears to me that precedent has been implicitly followed in these cases : that the cession of a Government Slave to an Individual was considered as an act of great favor to that Individual, and was thought to ameliorate the condition of the Slave, in as much as such Slaves were uniformly of the class of domestic Slaves, and were better fed and better clothed in private families than in the Government Lodge, which used to be a sink of filth and vice, and that the price was not enhanced under the supposition that the British Government could not wish to profit by the sale of such Slaves. The transfer of Government Slaves to Individuals had been a practice under the Dutch and English administrations ; the late director of the Slave Lodge, Mr. Hohne, informed me that the Dutch Government had ceded many slaves to Mr., now Sir J., Truter, and that he himself has had several. I also know that the late Mr. Ryneveld obtained many very valuable slaves from the British Administration which closed in 1803. These were almost all sold.

14. With reference to Mr. Alexander's letter to the Director of the Government Slave Lodge, dated 13th November 1819, directing that the Slave Louis should be transferred to yourself on paying 150 Rds. on account of His Majesty's Government, was this payment intended to be made for the freedom of the Slave Louis as stated in the receipt of Acting Deputy Commissary General Hill, dated 17th November 1809 ?

Answer. Certainly not. The Slave Louis was transferred

to me as other Government Slaves were ceded to other Individuals, and he remains in my service at this moment.

15. Referring to your letters addressed to the Director of the Government Slave Lodge, dated 26th June and 2nd July 1811, was any restriction imposed upon the sale of the Slaves by the Gentlemen named in those letters, or any stipulation made for the freedom of the children of the female Slaves ?

Answer. There was not. The female Slave Mecatzé, ceded to me, was very old. I applied for her at her own request, and she died very shortly afterwards.

16. What may have been the consideration that influenced the Colonial Government in transferring the Government Slaves in some instances on a condition of Emancipation and in other instances without any such condition, altho' the payment of 150 Rds. was alone required in the former cases as in the latter ?

Answer. I believe that when the Parties applied to be allowed to emancipate such or such a Slave, the clause was introduced into the letter authorizing the transfer. This sometimes had its rise from feelings of gratitude in the applicants towards the slaves, who had antecedently been in their service, sometimes in consequence of the applicant having had connexion with the female slaves and offspring by them, as in the instance (I believe) of Donough and Venus.

17. What may have been the circumstances that induced the Colonial Government not to have directed the repayment of 150 Rds. by the Burgher Senate on the transfer to them of the Slave Mamoudie pursuant to your letter of the 9th September 1807 ?

Answer. It is so long since this occurred that I am not very clear on the subject. I believe that it was in consequence of Mamoudie's transfer being considered as a removal from one part of the Government Service to another. The effect was that Mamoudie was no longer shut up in the Lodge at night, but slept near the Fire engines ready to attend to the aqueducts in case of fire.

19th March 1825.

(Signed) C. BIRD.

[Copy.]

*Proclamation by LORD CHARLES SOMERSET.*

Whereas by my Proclamation bearing date the 4th day of October, 1822, the Landdrost of the Albany District was directed to cause a select proportion of the Inhabitants of that District to be enrolled, armed, and supplied with Ammunition, under such restrictions and regulations as are therein laid down, and those that have subsequently been framed and approved by me, with the view of giving a more systematic form of enrolment than what had, up to that period, been the practice in this Colony, to enable the Landdrost of the District to avail himself of their combined aid, in cases of emergency, in the most efficient manner :

And whereas it has appeared to me, that the present state of the Albany District does no longer render that measure necessary,—I do therefore hereby order and direct the Landdrost of the aforesaid District to cause the Inhabitants, composing the Albany Levy, to assemble at the places of General Muster, and formally disband the said Levy :

And I do hereby further direct the said Landdrost to call upon all those to whom Arms have been issued, to deliver up the same to such Persons as the Landdrost shall appoint, on or before the 1st day of May next, on pain of rendering themselves liable to be proceeded against according to Law, should they, or any of them, neglect so to do. But as some of the Inhabitants may be desirous to reserve their Arms for their personal defence, I do, in that case, empower the Landdrost of Albany to allow such Inhabitants to purchase the same, at 37 Shillings and 6 Pence, Sterling, each, (Rds. 26 2.) (being the Price at which they are charged by H.M. Board of Ordnance), provided they notify to him their wish and intention to that effect on or before the day above named.

And that no Person may plead Ignorance hereof, this shall be published and affixed as usual.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 18th Day of March, 1825.

(Signed) C. H. SOMERSET.



[Copy.]

*Letter from R. WILMOT HORTON, ESQRE., to MR. GEORGE GREIG.*

DOWNING STREET, 18th March 1825.

SIR,—I am directed by Lord Bathurst to inform you, with reference to your letter of the 15th instant, that his Lordship cannot be responsible for the ambiguous wording of a prospectus which you yourself drew up; and that in granting you permission to continue your duties as editor, under a prospectus framed by yourself, his Lordship could not but consider that the decision would be satisfactory to you.

You inquire whether your licence will be liable to suspension in the event of your discussing colonial measures without intemperance and personality; you have been informed that it will be left to the Governor in Council to decide on your adherence to your prospectus, and that they will incur the responsibility of an erroneous decision. If, therefore, your licence were to be suspended in consequence of your discussion of colonial measures, although that discussion was not attended with “intemperance and personality,” in the fair spirit of those expressions, such suspension could only take place under the responsibility to which I have alluded; and this would equally be the case, if the Governor in Council were to deem it necessary to suspend your licence in consequence of your discussion of subjects, such for example as the state of slavery, in a manner, although temperate and unattended with personality, that in their judgment endangered the peace or safety of the colony. I am &c.

(Signed) R. W. HORTON.

[Copy.]

*Letter from R. WILMOT HORTON, ESQRE., to MR. BISHOP BURNETT.*

DOWNING STREET, 18th March 1825.

SIR,—With reference to the Statement which accompanied your letter of the 12th instant, and in which you allege that

you are strictly justified in suspecting that a communication which you state that you addressed to the Colonial Department, under date of the 12th of August 1823, and which has never reached its destination, although sent in triplicate, has been suppressed by the government of the Cape of Good Hope ; I am directed by Earl Bathurst to request that you will acquaint me, for his Lordship's information, with the grounds upon which you feel yourself justified in entertaining such a suspicion. I am &c.

(Signed) R. W. HORTON.

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[Copy.]

*Letter from MR. BISHOP BURNETT to R. WILMOT HORTON, ESQRE.*

*March 19th, 1825.*

SIR,—In reply to your request of yesterday, I beg to communicate for Earl Bathurst's information, the grounds of my suspicion that my letter to Downing Street, under date the 12th August 1823, has been suppressed by the Cape Colonial Government.

A concurrent opinion entertained by the colonists that this practice is common with their government, would naturally infuse itself into the mind of any person who found his correspondence subject to perpetual interruption, by the failure of letters reaching their destination, without the super-addition of the fact, that after persevering remonstrance on the subject, a letter from me to Mr. Eaton of Cape Town, which had been strenuously denied by the postmaster to have passed through his department, was, eight months subsequent to its entry in the Graham's Town bag, traced to that department and ultimately delivered ; while it so happened that the contents of that letter (making every admission for casualty, and the singular circumstance of the Commissioners of Inquiry having no advices referable to it) might, from its address, and the period of its transmission, have been naturally suspected to be an important acquisition on the part of the government against me.

But the circumstance itself of a letter, not altogether unim-

portant in its nature, remaining unanswered by your department for so long a period, although sent in triplicate, might well justify the suspicion entertained, without any corollary from the premises, or the additional contingency of any suspicions that might arise from my relative situation with the government.

If this statement is not sufficiently confirmatory of the charge I have advanced, I am prepared to corroborate it ; and if Earl Bathurst has the least desire to see my correspondence with Mr. Crozier, the post-master, upon the subject, it is much at his service. I am &c.

(Signed) B. BURNETT.

[Original.]

*Letter from MR. DANIEL DIXON to R. WILMOT HORTON, ESQRE.*

35 MARK LANE, 19 *March* 1825.

SIR,—In compliance with your wishes, I beg to enclose you a statement of the current value of labour at the Cape of Good Hope on the 31 October 1824.

I can further observe should the duties on Cape Wine be reduced to even 1s. 4d. per gallon, labour will fall below the prices stated full 20 per cent. If continued at 2s. 6d. per gallon and Portugal and Spanish Wine at 4s. per gallon, it will be a total stagnation to labour. Last week I wrote to my young men left in charge of our concerns there, immediately to discharge twenty people from our employ. I remain &c.

(Signed) DANIEL DIXON.

[Enclosure in the above.]

*Statement of the price of labour at the Cape of Good Hope in the year 1824.*

*In Cape Town.*

Carpenters, good workmen, European or Cape Dutch . . . . .	3 Rds. per day
Do. ordinary, free blacks or slaves . . . . .	2 „ „
Waggon makers and Smiths, same wages as Carpenters . . . . .	3 „ „

Coopers, good workmen, European or Cape Dutch . . . . .	2½ Rds. per day
Do. ordinary workmen of whatever nation . . . . .	1½ „ „
Masons & Bricklayers, good workmen of whatever nation . . . . .	2 „ „
Do., ordinary workmen . . . . .	1½ „ „
Labourers to attend Bricklayers . . . . .	1 „ „
Tailors and Shoemakers same wages as Masons.	

N.B. The above Tradesmen and Labourers are always hired by the day, and can and are liable to be discharged without notice.

Cooks, Coachmen, good slaves or native . . . . .	30 Rds. per month
Labourers . . . . .	20 „ „
Do. Mozambique . . . . .	16 „ „

English or other Europeans are rarely employed in Cape Town on account of their irregular habits, when they are never at higher wages than the men of colour.

#### *Country Districts.*

Tradesmen or Mechanics in the country districts are the same in wages as Cape Town, only they receive in addition their victuals which are looked on as no value in the present state of the Colony.

Laborers of colour for field labour in the Cape and Stellenbosch, according to strength Rds. 18 and 20 per month.

Do. Europeans are not so good for field labour and are at Rds. 15 to 18 per month.

Slaves get for themselves from their Employers as a premium for good behaviour in addition to the above

If a Mechanic . . . . .	1½ Rds. per week
If a Labourer . . . . .	½ „ per do.

The Colonial Government have on hand several Public Works, particularly in the Frontier Districts, and are paying perhaps 20 per Cent higher than the preceding prices, that will be of short duration, when the same labour will again return to its old Channels.

Hottentots are not included in the above, they are mostly employed as herdsmen, and receive their wages in clothes and tobacco at about Rds. 8 per month.

Field labour has always been considered *high* at the Cape to

the buyer of it, but certainly not to the seller of it. Thin Population and want of a division of it is the cause.

A farmer must have hands to put his crops in the ground, and hands to harvest it again, for the six months actual work to do that he must hire and pay twelve months wages excepting a little in the immediate neighbourhood of the Wine Country where the Wine Farmer gives or parts with a portion of his labour to the Corn Farmer, during the harvesting season, and receives his wages in kind.

It is to this, small as it is, division of labour, the Colony is enabled in good years to export Corn.

I can only add, any further detailed information I can give, I shall be glad to do it at any time. I have &c.

(Signed) DANIEL DIXON.

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[Original.]

*Letter from LORD CHARLES SOMERSET to EARL BATHURST.*

CAPE OF GOOD HOPE, 20 *March* 1825.

MY LORD,—Referring to your Lordship's Despatch of the 14 March 1823, No. 58, relative to the case of Mr. Murray and the indemnification to be made to that gentleman for the Buildings on Robben Island relinquished by him in favor of the Colonial Government, I have the honor to acquaint Your Lordship that, after conferring with His Majesty's Commissioners of Inquiry, according to Your Lordship's directions, as to the amount of indemnification for the value of the Buildings in question, and the Sum agreed upon had been paid to Mr. Murray, and the Buildings duly transferred to the Government, I considered it essential for the better security of Prisoners confined on the Island, or under sentence of banishment, and in order to obviate further deterioration, to direct an examination into the state of the Premises evacuated by Mr. Murray, and of the other Buildings on the Island.

It was not my intention to put them into that entire repair which they might appear to require, but to effect what was immediately requisite to be done, so that no apprehension

might remain of their being injured by the weather. I have the honor to enclose copies of the report and Estimates of the Government Inspector of Buildings hereon, from which your Lordship will perceive that the expence of executing these repairs has been computed at Four thousand eight hundred and Six Rixdollars, four Skillings, (about Three hundred and forty three Pounds and five Shillings Sterling). The assistance rendered by the convicts on Robben Island having been availed of, the hire of Labourers was dispensed with, which materially reduced the Expenditure.

I embrace this occasion of also informing your Lordship that the repairs of the Reservoirs and Watercourses in the Slave Lodge having become indispensable I authorised tenders for the work to be called for ; the lowest of which amounting to Four thousand and Fifty Rixdollars (about Two hundred and eighty nine Pounds, five Shillings Sterling) I request your Lordship's permission to accept.

In soliciting Your Lordship's sanction to these repairs, and to Your causing the same to be notified to the Commissioners of Colonial Audit, I trust Your Lordship will see that, consistent with the Interests of the Public, it was not in my power to delay the execution of them until I could receive Your Lordship's authority. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

CAPE TOWN, 22nd March 1825.

SIR,—In compliance with your request, I repaired to Robben Island and inspected the state of the whole of the Buildings thereon.

For the information of His Excellency the Governor I have made out the particulars of what is at this time actually necessary to be done to the separate Buildings previous to the ensuing Winter, to preserve them from total destruction, accompanied with estimates of the expense they will require, amounting on the whole to the sum of Four thousand eight hundred and six Rix Dollars and four Skillings, exclusive of two hundred half aums of lime to be supplied from Buckbay, not

being aware for what purposes the late residence of Mr. Murray may be converted into. I have only provided for the external necessary repairs required for the preservation of the Buildings, avoiding every internal decoration whatever, which will be seen by the particulars of each of the separate Buildings, should His Excellency be pleased to approve of the whole being done, or any part thereof.

In the enclosed estimates I have taken into consideration the converting of the spare materials, now at the late Fishery as useless at that place for the improvement and necessary repairs required to be done to the Barrack guard Room, and Officers' Quarters, also the assistance that can be afforded from the Convicts as Laborers, waiting your further Commands on the subject. I have &c.

(Signed) WM. JONES, Inspector of Buildings.

P. G. Brink, Esqre.

[Enclosure 2 in the above.]

*Estimate and particulars of the Repairs required to be done at the House (late Murray's Fishery) Robben Island.*

The Items need not be given. The whole amount is Rds. 3,054 4 sks.

(Signed) W. JONES, Inspector of Buildings.

*Estimate and particulars of the repairs required at the Commandant's House, Robben Island.*

The whole amount is Rds. 552.

(Signed) W. JONES, Inspector of Buildings.

*Estimates and Particulars of the repairs required to be done at the Prison, Soldiers' Barracks, and Officers' Quarters, Robben Island.*

The whole amount is Rds. 1200.

(Signed) W. JONES, Inspector of Buildings.

[Original.]

*Letter from LORD CHARLES SOMERSET to EARL BATHURST.*

CAPE OF GOOD HOPE, 20th March 1825.

MY LORD,—I have the honor to transmit to your Lordship a List of Items causing small additions in the public Expenditure of this Government, which I have felt myself compelled to sanction, for the reasons stated opposite to them, considering that the public Service would have been materially inconvenienced and impeded had I deferred to approve them, until I could have been honoured with Your Lordship's authority.

Your Lordship will, I am sure, readily enter into the necessity of authorizing every necessary assistance to promote internal communication as well as the successful Establishment of Sea Ports along the line of Coast, the prosperity of the Colony mainly depending thereon.

I trust therefore that I shall be honored with Your Lordship's sanction to these Items, and that you will be pleased to cause the same to be notified to the Commissioners of Colonial Audit. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[The list comprises several postholders, post carriers, boatmen, and a parish clerk.—G. M. T.]

[Original.]

*Letter from LORD CHARLES SOMERSET to R. WILMOT HORTON, ESQRE.*

CAPE OF GOOD HOPE, 20th March 1825.

SIR,—In reply to your letter of the 7th October last, relative to the small Distribution of Constantia Wine to persons holding particular Offices here I have the honor to state that I know of no Instance in which such distribution has been considered in the light of a perquisite except in the case of Lieut. Colonel Bird alluded to in your letter ; on the contrary it has ever been received, and acknowledged, as a compliment from the Government and in every Instance I believe (except



with the person above named) a Letter of thanks has been written on receiving it ; the quantity thus disposed of is very trifling, exclusive of the Secretary to the Government, One half aum is presented to the Chief Justice, the Fiscal, the Naval Commander on the Station, and the Military Commandants, and some few others. The supply not having been regularly transmitted to England arises from two causes, 1st that nothing is more rare than a good vintage of Constantia Wine ; some years not more than five Leaguers are made upon the estate ; in those cases I have been compelled to waive or postpone the claim of Government. 2ndly, the very few opportunities of sending it home freight free. If the Government at home will be at the Expence of the Freight, whatever there is may be sent home punctually at one particular Period every year. On this subject you will perhaps have the goodness to take Lord Bathurst's pleasure and honor me with his Directions.

By the *Borodino* Transport (the last opportunity I had of sending it free) Sixty Half Aums were forwarded, there are now ready to be sent rather more than double that Quantity, which, or any part thereof, I shall forward by the first opportunity. I have &c.

(Signed) CHARLES HENRY SOMERSET.

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[Original.]

*Letter from* LORD CHARLES SOMERSET *to* R. WILMOT  
HORTON, ESQRE.

CAPE OF GOOD HOPE, 20 *March* 1825.

SIR,—With reference to your letter of the 30th September 1823 I have the honor to transmit to you herewith a Brief Summary of the separate points contained in the Despatches that I have addressed to the Earl Bathurst and yourself during the year ending 31 December 1824. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[As every Despatch has been printed, it cannot be necessary to copy this enclosure.]

[Copy.]

*Letter from LORD CHARLES SOMERSET to the COMMISSIONERS OF ENQUIRY.*

NEWLANDS, 21st March 1825.

GENTLEMEN,—In reply to the Letter you did me the honor to address to me on the 15th Inst., requesting to be informed if it was my intention to avail myself to any further extent (either with a view to the accommodation of Individuals or the execution of public works) of the Sum (£125,000 Sterling) for which I was authorized by Earl Bathurst's Despatch of the 15th November 1822 to draw on His Majesty's Treasury, I do myself the honor to state that I desisted from drawing under that authority on the receipt of Earl Bathurst's despatch of the 31st January 1824, No. 83, Copy of which I have already had the honor to transmit to you.

It would, there can be no doubt, contribute most extensively to the improvement and prosperity of this Settlement were I allowed to draw for the remaining sum of (£89,902.9.5) for the execution of public works, particularly for such as it might be expected would after their completion yield an annual profit adequate to an Interest of 5 per cent on the Capital expended. With this view I addressed a Despatch to Earl Bathurst on the 27th January last (of which the enclosed is a Copy) relative to the erection of an English Church, a work which appeared to me to be the most pressing. There are however various other works of great utility which could be effected upon this principle.

The minute enquiries you are making into every Department of this Government cannot fail to enable you to form a very just opinion relative to the first objects upon which it would be most beneficial to employ this Capital, and I should therefore be happy to confer with you thereon at any time that may suit your convenience. I have &c.

(Signed) CHARLES HENRY SOMERSET.

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[Copy.]

*Letter from MR. GEORGE GREIG to R. WILMOT HORTON, ESQRE.*32, CITY ROAD, *March 21st, 1825.*

SIR,—I am honoured by your communication of the 18th, by which I am apprised that Earl Bathurst grants me permission to resume the publication of a journal at the Cape of Good Hope, under a prospectus framed by myself; and that his Lordship considers that decision will be satisfactory to me.

In answer to my inquiry, as to the liability of my licence to suspension, in case of discussing, “without intemperance and personality, colonial measures,” I learn also, that the Governor in Council will be specially amenable to Lord Bathurst for any suspension under such circumstances.

It is, I think, much to be regretted, bearing in mind the great preponderance of white population in the colony, and the humane and praiseworthy measures of the government in promoting education there, that the range of the press should be bounded by any thing save the salutary check of the laws, and to this desideratum I look forward at no distant period.

I had hoped that my losses of some thousands of pounds, and other grievances of which I complained, would have met with redress of a more direct character. To me it appeared past doubt that Earl Bathurst would have viewed in reprobation the vindictive spirit which dictated not alone the suppression of my paper, but the entire annihilation of my business and prospects. Unwilling however not to avail myself of his Lordship’s liberal intentions, and the opportunity they hold out (under an impartial construction of my motives) usefully to employ myself at the Cape, I beg to express my acquiescence in his Lordship’s arrangement for my return thither. It is most satisfactory to find that in any discussion of colonial measures, even to the extent of the slave question, “the cause for interference on the part of the Governor in Council will only arise out of such discussions endangering, in their judgment, the peace and safety of the colony.” Under this conviction, I hasten to inform his Lordship of my anxiety to return and resume my professional calling, and of the perfect reliance with which I look forward to protection, should any

vexatious obstacles be thrown in the way of his Lordship's liberal views, or of my otherwise unproblematical success.

It now, Sir, therefore only remains for me to solicit Earl Bathurst's early and favourable consideration of those deferred parts of my former communications, in which, for reasons there given, I prayed to be furnished with a free passage for myself and wife, and suggested to his Lordship my eligibility to any colonial advantages within his Lordship's dispensation.

To you, Sir, I beg to offer my warmest acknowledgments of the urbanity and gentlemanly mildness which has characterised every interview I have been honoured with during the progress of this grievous case. I have &c.

(Signed) GEO. GREIG.

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[Copy.]

*Letter from J. B. EBDEN, ESQRE., to J. C. HERRIES, ESQRE.*

KING'S ARMS YARD, 21st March 1825.

SIR,—In reference to the correspondence submitted through you to the consideration of the Lords of His Majesty's Treasury on the subject of the Currency and the establishment of a Bank at the Cape of Good Hope, I have the honor to acknowledge Mr. Harrison's letter of the 14th Inst. stating that "whatever advantages might result from the establishment of a Bank upon fair and equitable principles at the Cape of Good Hope, their Lordships do not think they should be warranted in recommending to His Majesty to grant any exclusive privileges to such Bank, and still less to grant any exemption from Individual responsibility." Adverting to the depressed state of public credit at the Cape arising from a delusive currency, the parties desirous of forming a Bank in that Colony were led to hope that similar encouragement would have been extended to them as to the Bank of Montreal established by Royal Charter and the Act of the Legislature.

However Monopolies in general may be deprecated, the peculiar situation of the Cape in reference to its finances, its distance from the mother country, the want of Capital to

which it has been so long exposed, with many other circumstances, might be adduced to shew the necessity of the privileges of exemption sought for, as the best and most effectual means of re-establishing public and private credit in that Colony.

The great benefit likely to arise to the Colony from the establishment of a Bank with an adequate Capital not liable to be withdrawn, is admitted on all sides, nor is it less obvious that it would be equally useful to the Government as to the Public. But as the decision of the Lords of the Treasury involves the question of individual responsibility, having presented a petition to the House of Commons for leave to bring in a Bill for authority to sue and be sued in the names of the officers of the Bank, before proceeding any further with the arrangements incidental to the object in view, it becomes important to learn how far His Majesty's Government may be disposed to countenance the undertaking by its sanction and support, and I therefore beg leave, as absolutely necessary for the Government of the Bank at its very inception, to request through you that the Lords of the Treasury will be pleased to afford me such certain information in answer to the following queries as they may think proper, viz. :

1. What in future is to form the legal currency of the Colony ? whether rixdollars as heretofore, or the currency of Great Britain ? (Query Gold or Silver).

2. Whether upon sufficient security being given, His Majesty's Government would be pleased to issue an order to the Executive Government at the Cape, and to their Commissaries and Collectors resident there, directing the notes of the Bank to be received in payment of the Colonial Revenues, &c., such notes being at all times convertible, if required, either into the currency of the Colony, or into sterling money by Bills of Exchange on the Company in London ?

3. Whether the Executive Government at the Cape has been restrained from any further issue of paper money ?

I trust that it will be obvious to His Majesty's Government that the proposed undertaking is not so speculative on the part of those with whom it has originated and by whom it will be conducted, as to be proceeded in without the utmost probability of insuring solid advantages to the Colony, and to

effect that object not less than their own individual interests, it appears necessary that the formation of the Company should be preceded by the information requested, and the sanction of Government so far as I have here ventured to solicit it.

I have &c.

(Signed) J. B. EBDEN.

[Original.]

*Letter from MR. THOMAS WILLSON to EARL BATHURST.*

STOCKWELL, 21 *March* 1825.

MY LORD,—Nothing can be more cruel than the return which I have hitherto experienced for my labours and devotedness to the service of Government, confiding in the promises issued by your Lordship, nothing more vexatious than the restless suspense with which I wait your Lordship's answers and decision upon my claims so painfully derived. If in the effusion and fervency of my feelings (so strangely and strongly excited) I have perchance deviated from the suavity and accuracy of expression which is due to your Lordship, I would crave that excuse which is inseparable from a gracious and liberal appreciation of the homely freedom of truth : but it is not to be endured after the very great pains I have taken, after all the perils that I have encountered, confiding in the integrity of your Lordship, abandoning all my hopes and prospects in England, after giving up all, to follow the word of honor promulgated by your Lordship in the name of the King ; after the pangs of tearing myself from kindred and acquaintance at home to bear the drudgery of so hard a service abroad, it is not to be endured that I am at length to be told, with a total disregard of all honorable pledge, and an utter contempt for my feelings, that for my reward, I may take my labour for my pain, what can be more taunting my Lord ? what more disgraceful to the Government at the Cape, or more ungenerous or unjust of the Government at home ?

I am told that my followers have been examined on the spot ; surely the very calling upon the settlers, in any way,

to identify my claim upon Government, (so well defined as it is in itself) was in effect inviting these persons to tergiversation, their own immediate interests would naturally suggest it : my only reason for engaging the Clergyman, whose tergiversation is quoted by your Lordship, was to check, and not to sanction falsehood, and to ensure if possible, moral decorum, rectitude and stability among the Settlers, and a moral obligation on his part to represent me in my absence, and to assist in promoting my Interests upon every occasion. How far he has been actuated by that obligation or by feelings of rectitude on his part towards me, is a question which I am sorry to say cannot be to his advantage to discuss. It is unhappily to me another appalling instance of man's ingratitude ! but God forbid that in addition I should at last have to complain of ill treatment and a breach of faith on the part of Government as well ! I had carefully studied at the outset the several difficulties which might naturally arise from such an undertaking, in order to fence against them, and a good providence enabled me so to do ; but I deemed it treason to anticipate any breach of faith on the part of His Majesty's Government ! the fountain of honor, whence truth and justice should flow a pure source, and when they cease so to flow, nothing is sacred, nothing is holy, life itself not worth possessing within its influence.

Still I remain anxious to ascertain the certainty, if so many days, months, and years as I have consumed in the very prime of my life, have been usefully employed for the future benefit of my children, or if I have criminally robbed my family of those years which ought to have been devoted to their service and preferment ? or whether by a woful fatality I have embraced the fiction of courtly promise, and still pursue a shadow merely, or whether I am at length to have the boon of my labour, the lawful reward of my enterprise ? a reward which your Lordship must be quite sensible of, cannot be withheld from me without deeply wounding the honor, integrity and dignity of His Majesty's Government.

I have not thought it requisite to apply to your Lordship through any other medium or influence than by Letter, from a due sense that the merit of my case needs no other influence than that of your own dispassionate reason ; of this I feel conscious, by whatever test your Lordship may be pleased to

try the justice of my claims, I shall not be found deficient in having lawfully and truly fulfilled my utmost promise and engagement, hence notwithstanding any slanderous insinuations, I cannot be, and assuredly am not in any way unworthy of your high protection, liberal consideration, and a just reward.

I have &c.

(Signed) THOS. WILLSON.

[Copy.]

*Letter from the* SECRETARY OF WORCESTER *to* JOHN GREGORY, ESQRE.

SECRETARY'S OFFICE, WORCESTER, 22nd March 1825.

SIR,—In reply to your Letter of the 11th Instant I have the Honor to acquaint you, for the information of His Majesty's Commissioners of Inquiry, that Landdrost and Heemraden of this District levied the Sums of Two Rix Dollars per head for each Male above the age of 14 and One Rix Dollar for each Female above that age, and four Skillings for each Slave under that age, being in conformity to the suggestion of the Board conveyed to Government in their Letter of the 11th October 1822. I have &c.

(Signed) P. POGGENPOEL.

[Original.]

*Letter from the* REVEREND WM. GEARY *to* R. WILMOT HORTON, ESQRE.

26 KING STREET, WESTMINSTER, 22nd March 1825.

SIR,—Agreeably to the intention expressed in my letter of the 15th Instant, containing papers which I had the honor of submitting to you, for the inspection of Earl Bathurst, I beg leave to transmit to you the remaining Copies of a Correspondence with the late Landdrost of Albany, on which Lord



Charles Somerset grounds the necessity of his dismissing me from the service of his Government.

This will close my exculpation from *one* of the charges, which I am left to presume His Lordship has preferred against me, namely "Conducting myself with disrespect towards the Landdrost of Albany." Upon the character of that Gentleman, whom His Excellency has complimented with being "The best Civil Servant in the Colony," it is my intention to offer no remarks. I shall only take the liberty of soliciting Earl Bathurst's perusal of the two Pamphlets enclosed, merely adding that the publication of the Second was immediately followed by that Gentleman's Resignation!

I have not judged it expedient to enter into any further Exculpation of my Conduct towards His Excellency's son Major (now Colonel) Somerset, than what is conveyed in the letter which I addressed to him, for which Lord Charles Somerset inserted my name in the Public Orders of the Army, announcing my dismissal from the situation which I held as Chaplain to the Forces, and (as stated in those Orders) "for no other cause whatever."

I have closed my papers with Complaints against His Excellency for the treatment which I have been compelled to endure under His Lordship's Government, followed up by a Libel which appeared in the Cape Town Official *Gazette*, reflecting on my Conduct as a Gentleman and a Clergyman.

In these, and my former Papers, are comprized the whole of the communications with which it is my intention to trouble the Noble Secretary of State to the Colonies, humbly soliciting His Lordship's attention to my present destitute and forlorn circumstances, absolutely deprived by want of means from procuring the small quantity of luggage I brought on my voyage from the East India Docks!

I cannot but hope His Lordship will feel that if my conduct has not been faultless, under those difficult and trying circumstances which necessarily produced much irritation of mind; yet, that it has not deserved so severe a visitation as removal from my situation, followed as it has been, by such distressing calamities to myself and family! I submit to His Lordship, that in England even a temporary suspension from the duties of the Clerical Office never occurs but under conviction of some

scandalous offence! If, however, only the shadow of Immorality can be detected either in my public or private life, (my enemies themselves being Judges) I willingly consent to forfeit every claim, which I humbly presume I have on His Lordship's sympathy and kindness.

May I also be allowed to submit to the Noble Secretary of State, the probable difficulty of finding Clergymen of any respectability of Character and honesty of principle, belonging to the Establishment, to fill Colonial Appointments, if from any peculiarity of feature in the Local Administration of those Governments under which they exist revolting to the feelings and habits of English Divines, they learn that they are to be placed under such cruel circumstances, as to leave them no other alternative than to make a Compromise of their Principles or lose their Situation? Under the views suggested by the contemplation of my own case, I am induced to invite His Lordship's attention to the pecuniary losses which I have sustained by my late Appointments (saying nothing of the fatigue, anxiety, misery and charges of having encountered 4 voyages and 2 Inland Journies over the wilds of Africa, with a wife and a family of young Children), leaving the nature of my future provision to His Lordship's wisdom and humane consideration; requesting that my present distressed and truly alarming situation will form my apology for urgently craving the very early notice of His Lordship to my pitiable case. I have &c.

(Signed) WM. GEARY.

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[Copy.]

*Order in Council.*

At the Court at Carlton House,—23rd March 1825 :

Present, the King's Most Excellent Majesty in Council.

Whereas it has been represented to His Majesty at this Board, by the Lords Commissioners of His Majesty's Treasury, that they have given directions that His Majesty's Troops serving in the several British colonies and possessions abroad,

should in certain cases be paid in British silver and copper money ; and that with a view of securing the circulation of such money in those colonies, it would be expedient that an Order in Council should be issued, declaring, that in all those colonies where the Spanish dollar is now, either by law, fact, or practice, considered as a legal tender for the discharge of debts, or where the duties to the government are rated or collected, or the individuals have a right to pay in that description of coin, that a tender and payment of British silver money to the amount of four shillings and four pence, should be considered as equivalent to the tender or payment of one Spanish dollar, and so in proportion for any greater or less amount of debt : And whereas it has been further represented by the Lords Commissioners of His Majesty's Treasury, that with respect to the Cape of Good Hope, where there are not any Spanish dollars in circulation, but where the circulation consists entirely of paper rix dollars and its proportions ; and with respect to Ceylon, where the circulation consists of silver and paper rix dollars, as well as of a variety of other coins which are generally received and paid with relation to their value as compared with rix dollars, it would be expedient that a tender and payment of 1s. 6d. in British silver money should be considered as equivalent to a tender and payment of one such rix dollar so current at the Cape of Good Hope and Ceylon respectively, and so in proportion for any greater or less sum ; and also that British copper money should be made a legal tender in all the British colonies, for its due and proper proportions of British silver money, as by law established in Great Britain, but that no person should be compelled to take more than 12d. in copper money at any one payment :—His Majesty, having taken the said representation into consideration, is pleased, by and with the advice of His Privy Council, to approve of what is therein proposed ; and the Right honourable the Lords Commissioners of His Majesty's Treasury, and the Right honourable Earl Bathurst, one of His Majesty's principal Secretaries of State, are to give the necessary directions herein, as to them may respectively appertain.

(Signed) C. C. GREVILLE.

[Original.]

*Letter from the COMMISSIONERS OF ENQUIRY to EARL BATHURST.*

CAPE TOWN, 23rd March 1825.

MY LORD,—We have been informed by His Excellency Lord Charles Somerset that your Lordship has expressed a wish to be possessed of further information respecting the nature and contents of the libels for the composition and publication of which William Edwards was tried and convicted by Commissioners of the Court of Justice last year, and having observed that these proceedings have been noticed in the English newspapers, we hasten to transmit to your Lordship the additional evidence and information that we have received since we had the honor of addressing you on the 11th of last October.

We then stated that the doubts we entertained of the legality of Edwards's conviction arose from the nature and effect of the acknowledgements that he was said to have made in Court on pleading his exceptions to its competence and in arguing that the writing of the letters in question constituted no offence.

Upon further consideration of the proceedings we were equally induced to question the legality of the proof upon which the decree of the Court for the arrest of Edwards was issued, and being desirous of receiving explanations upon these and one or two other points arising out of the proceedings, we addressed certain queries to the President and Members of the Court of Justice, a copy of which with their answers we have the honor to enclose.

Your Lordship will observe that the points that are likely to attract notice and excite surprise in England consist of the nature of the proof upon which Edwards was found guilty of writing and publishing the two letters, the nature of the proof upon which the order for his arrest and imprisonment was issued, and the very slender foundation upon which the similarity of the signature to the libels and to other documents was taken as proof.

From a perusal of the enclosed letter signed "Civilis," that was written and delivered to us by Mr. Blair (a gentleman in

the civil Service of the East India Company, and resident in the Colony for the benefit of his health), your Lordship will be enabled to collect the sentiments of a considerable portion of the English Inhabitants on the subject of Edwards's acknowledgement, and the foundation of the alarm that was excited by the adoption of a principle by the Court of Justice that seemed to impart to an hypothetical argument the force and effect of a judicial confession and acknowledgement of guilt. Upon further conversation with Mr. Blair we found that he was not able to afford us any positive testimony of the particular expressions that were imputed to Edwards in the report of the proceedings, though his impression of their general import was that they were invariably hypothetical.

The avowed object of Edwards in making the exception of want of jurisdiction was to prove to the Court that as the letters in question contained no libellous matter, no offence could have been committed in writing them. In entering upon this line of argument previous to the formal denial of having written or published them, we do not find that any of the witnesses whom we examined excepting Mr. Blair recollected that Edwards guarded it with the general caution that it would seem to require, but we find that Mr. Advocate Cloete, a perfectly disinterested witness and well acquainted with the English language and the proceedings of the Colonial Courts, does remember that Edwards frequently repeated "that he never acknowledged himself to be the author of the letters." At the same time Mr. Cloete adds that on several occasions "he expressed himself so unguardedly that he made frequent admissions which if strictly taken might be considered as tantamount to such acknowledgement."

This opinion has received some confirmation from the evidence of the Clerk of the Court who took notes of the proceedings and from that of the judicial Interpreter.

From the answer of the President and Members of the Court of Justice to our fourth query, it appears that "involuntary acknowledgements made in the course of a trial ought not to be taken advantage of against the accused party." But referring to the case of Edwards, the President and Members add "that they should be wanting to their own feelings if they even admitted a belief that he suffered a single word to drop *inad-*

*vertently* in the course of his pleading." Without venturing to impugn the belief thus entertained by the President and Members of the Court in the import and phraseology that not all were able to comprehend (for it was uttered in a very hurried manner in the English language), we feel it our duty to state to your Lordship that the grounds upon which it rested were not in our opinion of such a nature as to justify them in coming to such a conclusion.

One only of the two Commissioners of the Court before whom Edwards first appeared, and by whom he was convicted, understood the English language or was capable of collecting the import of his expressions, and the report of the proceedings upon which alone the full Court afterwards came to the resolution of confirming the sentence of the commissioners was drawn up by one of the witnesses whom we examined and from notes taken at the trial by himself assisted by the judicial Interpreter.

It is admitted that Edwards delivered himself in a hurried manner and under the influence of great excitement, and altho' we have little doubt of the conscientious conviction by which the Members of the Court were guided in pronouncing him guilty of writing and publishing the libellous letters, yet we do not think that the acknowledgement made by him in the course of his pleading was of that unequivocal and deliberate kind that ought to have superseded the necessity of other proof or to have induced the consequences of conviction.

Referring to the second point that we have noticed, we have to observe that the preliminary decree of the Court for the arrest and imprisonment of Edwards rested upon an official communication that had been made to His Majesty's Fiscal by Mr. Brink, the Assistant Secretary to Government, announcing that the two letters which he enclosed had been addressed to His Excellency the Governor by Edwards, and upon the internal evidence that they contained of having been composed by him.

We have not been able to discover that any other evidence documentary or oral was submitted to the Court when they issued their decree for his arrest, and altho' the Fiscal in the course of the trial describes the signature to the two letters as the well known handwriting of Edwards and considers that

point to be so satisfactorily established as to render all other proof nugatory, yet it appears that on the first trial and in the course of his speech he did produce two letters which he said he had received on some other occasion from Edwards, and which without being identified as his handwriting were handed to the two Commissioners of the Court for the purpose of comparison with the signature to the libels. Edwards objected to this mode of proof, and we do not find that is entered in the report of the proceedings.

The President and Members of the Court of Justice, in answer to our first query, declare, that official communications from the Colonial Secretary are considered as public documents, and that "his signature to them carries full credit or gives faith to everything contained therein, without requiring any further proof."

They however state in answer to the second query, that this document in itself could only serve as an official communication of the Governor's wishes to the Fiscal, but could afford no grounds of prosecution to that officer if the contents of the two letters transmitted with it had not justified the commencement of the prosecution. The decree of the Court (it is added) for the arrest was founded on the libellous contents of the two letters signed by the name of Edwards and on the conscientious belief of the Court that both of them had been written by him and in all probability had been sent by himself to His Excellency the Governor.

It is further stated that the name and handwriting of Edwards were by no means unknown to the Court, and that one of the letters was signed by him as a Notary, "in which capacity agreeably to law his notarial documents are fully entitled to credit."

We certainly are aware that allusions were made in the first letter to facts that had judicially come to the knowledge of two Members of the Court in another criminal prosecution in which Edwards was tried and convicted. The President and Members had probably had the means of acquiring a knowledge of his handwriting, or at least had had opportunity of seeing it, but we do not find it anywhere asserted that a comparison of the signatures which were affixed to the letters with that which was to be found in his protocol ever took place at

any period of the trial, and altho' the signature of a Notary is allowed in Courts of civil law to give faith to documents and entitles them to be received without proof of his handwriting, yet the signature of Edwards to the second letter is not accompanied by any official or public designation, and we have the authority of the President of the Court of Justice for stating that a Notary public as such cannot and ought not to act as a Solicitor in law suits or in preparing documents for parties engaged in litigation, and that consequently his signature to such papers ought not to be received without proof.

Upon consideration of these circumstances and with all deference to the conscientious belief entertained by the Court of the guilt of Edwards, we conceive that the evidence upon which he was convicted was in its nature presumptive, and that it did not constitute that legal and conclusive proof which is required by the civil law to establish the guilt of an accused person, and more especially in the Courts of this Colony where the Members who are constituted the judges both of the law and the facts are not in the habit of giving reasons upon which their decisions are founded.

Before we conclude our observations we beg leave to advert to the punishment to which Edwards has been condemned, of transportation to New South Wales for the term of seven years. In the sentence of the Commissioners of the Court of Justice it is stated that the two letters constitute a libel under the most aggravated circumstances, and they add with great truth that the guilt of writing them was much increased by the wilful and public repetition of the most offensive passages in the presence of a crowded court, and in contempt of frequent and serious warning from the Commissioners that such conduct would be considered as an aggravation of his crime and consequently of his punishment.

While we beg leave to express our doubts upon the application of this principle, we cannot but regret that a more effectual interruption had not been given by the Commissioners of the Court to the wilful and contemptuous neglect of their injunctions by committing Edwards to prison, a measure that had been resorted to on a former occasion when a violent attack had been made by him upon the character of the Fiscal. We were informed by one of the Commissioners of the Court that



this forbearance was dictated by the fear of protracting the proceedings and of occasioning a greater degree of excitement than they had already produced in the community.

With every allowance for these aggravations and the circumstances under which they were made, we cannot but consider that the punishment was one of great severity, and taking into consideration the practice of the Court, that it was also of unusual occurrence. We have &c.

(Signed) JOHN THOMAS BIGGE,  
WILLIAM M. G. COLEBROOKE.

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[Original.]

*Letter from ABRAHAM BORRADAILE, ESQRE., to EARL BATHURST.*

25 ROOD LANE, 23rd March 1825.

MY LORD,—I beg most respectfully to call your Lordship's attention to the total inadequacy of the protection proposed to be given to Cape Wine in the Bill now passing through the House of Commons, and to request your Lordship will allow a deputation of the Merchants interested in that Trade to wait upon your Lordship to explain the situation in which they and the Colony will be placed should it pass into a law, and to intreat your Lordship's interference in their behalf.

I have &c.

(Signed) ABRAHAM BORRADAILE,  
Chairman of the Cape of Good Hope Trade Committee.

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[Copy.]

*Letter from MR. MAASDORP to the COMMISSIONERS OF ENQUIRY.*

Mr. Maasdorp returns his compliments to the Commissioners of Enquiry, and has the honor to inform them that President and Directors of the Discount Bank did not receive from the

Colonial Government in the year 1822, any authority for making an advance of Rds. 3,500 to Mr. William Parker, but Mr. Maasdorp perfectly recollects that Mr. Parker had made an application to Government for the Sum in question on Security of Messrs. Brath and Durr, and that His Excellency the Governor having inquired from Mr. Maasdorp whether the Securities offered by Mr. Parker were good, and whether the Bank was not likely to become a loser if the advance was made to Mr. Parker, and being satisfied with his answer His Excellency said that he saw no objection to the advance being made to Mr. Parker accordingly ; Mr. Maasdorp further takes the liberty to inform the Commissioners of Inquiry that Mr. Durr was at that time a man of considerable property, and that he became insolvent a long time afterwards, and that Mr. Brath paid off in part of the Advance, at two Successive periods, the sum of Rds. 1,200, and that the Directors of the Bank subsequently consented to Mr. Brath's taking over the remainder, viz. 2,300 Rds., on his own Account by a Notarial Bond, under security of Slaves, which the Estate of said Mr. Brath is still indebted to the Bank, so that Mr. Parker cannot in any way be considered to be any longer a Debtor to the Bank.

Bank, 23d March 1825.

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[Original.]

*Letter from T. P. COURTENAY, ESQRE., to R. WILMOT HORTON, ESQRE.*

ABINGDON STREET, *March 24, 1825.*

SIR,—Although I am aware that Lord Bathurst, as well as the Chancellor of the Exchequer, has received from Merchants and others connected with the Cape of Good Hope several representations on the subject of the duties on Wine, I think it my duty in consequence of former Instructions from the Governor of the Cape, to address you upon the subject.

Every communication which I have had from the Cape

Government respecting its Trade and Resources represents the Export of Wine as the only ground of that small degree of prosperity which the Colony enjoys, and as furnishing the only means of paying for the considerable quantity of British manufactures now consumed therein. It is the only return for the Imports upon which an annual duty of £70,000 or £80,000 is supplied to the Colonial Treasury.

The Interests of the Merchants have doubtless been urged by the Merchants themselves, more forcibly than I can state them; but I would humbly represent that the permanent welfare of the Colony at large is not less intimately concerned in the preservation of the Wine Trade than the Interests of the Merchants.

Of this, Lord Bathurst and the Lords of the Committee for Trade were formerly sensible, as will particularly appear from Mr. Goulburn's letter to me of the 9th of February 1816, enclosing one from Mr. Lack of the 6th of that month.

The reduction in the duty now proposed, namely *6d.* per gallon upon *2s. 6d.* will afford a protection totally inadequate. Even were the duty to retain its former proportion to the duty upon Foreign Wines, with which view it ought to be reduced to *1s. 4d.*, the difference in price would be diminished by more than one half.

The rate proposed by the Chancellor of the Exchequer will reduce that difference by about four-fifths.

Under these circumstances I venture, on the part of the Cape Government, humbly to solicit Lord Bathurst's interference with a view to a reduction of the duty to *1s. 4d.* (being one-third of the new duty upon Foreign wines), at least until the bearing of the proposed measure upon the Interests of the Settlement can be considered in communication with the Government there and the Commissioners of Enquiry.

I have &c.

(Signed) THOS. PER. COURTENAY.

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[Copy.]

*Letter from MR. S. E. SHAWE to JOHN GREGORY, ESQRE.*

KLEINE VALLEY, 24th March 1825.

SIR,—Owing to indisposition I am sorry I have not been able to return your paper sooner, however I have now the Honor to transmit it, and as I think documentary Testimony most satisfactory, I enclose some papers that appear to me to give the best answers to some of the questions proposed, and I beg to state that I have not only laid out the entire of the 2500 Rix Dollars in the purchase of Land in the Valley, but that I have actually expended 1000 Rds. of my own for the same purpose,

The place seems to me to be adapted for the breeding and rearing of Cattle, altho' an epidemic prevailed last year which carried off 16 of my best young Cattle. Should I have mistaken the true purport of any of the questions I will be most happy to give any further information in my power. I have &c.

(Signed) S. E. SHAWE.

P.S. I beg to remark in 1821 the Crops entirely failed, and also in 1822.

[Original.]

*Letter from the COMMISSIONERS OF ENQUIRY to EARL BATHURST.*

CAPE TOWN, 25th March 1825.

MY LORD,—From the interval that has elapsed since the receipt of your Lordship's instructions to report upon the grant of land that was conferred by Sir Rufane Donkin upon Mr. Henry Nourse in the Albany District, we had been led to consider that as the result of the personal inspection which we made of the Estate did not induce us to regard the grant of that tract to Mr. Nourse as involving any material objection at the time it was made, and that on the other hand with the views entertained by Mr. Nourse in the acquirement of it and the objects that he had exerted himself to promote, conceiving

that it might prove in his possession an eventual benefit to the new Settlements, we did not consider that it would be of importance to make it a subject of special report to your Lordship.

Under the recent arrangements that have been made by the direction of His Excellency the Governor for the navigation of the River Kowie and for the establishment of a port at its mouth that has received the name of "Port Frances," we have the honor to report to your Lordship that the land in question was granted to Mr. Nourse on the 20th November 1821 by the Acting Governor Sir Rufane Donkin, after having been partially occupied by some Settlers belonging to Sephton's party who were established on a tract of land from which they were afterwards removed to make way for Major General Campbell and a party of Highlanders who were expected, but never did arrive. The land granted to Mr. Nourse is situated on the right bank and near the mouth of the Kowie River, and consists of 1884 morgen and 400 square roods, but immediately on the bank of the River, and between Mr. Nourse's land and the sea shore land for a fishing village has been reserved. The Port Office and Custom House are situated on the left bank of the River and immediately opposite to the estate of Mr. Nourse.

The inconsiderable supply of fresh water in the Summer Season and the obstacles to any attempt to irrigate the land from the River rendered it but ill adapted for the separate location of any party of Settlers, and the principal object of Mr. Nourse in possessing a tract of pasturage in that situation was to enable him to form an establishment for curing and exporting beef or pork, in which he had so far succeeded as to have obtained for his samples the approval of a naval board of survey that was appointed by the late Commodore Nourse to report upon it.

In a correspondence that we held with Mr. Nourse on this subject during our residence in the Albany District we were induced to state to him that altho' we were not sanguine in our expectations that the beef of Albany could readily be prepared of a quality that would admit of its substitution for Irish beef in the supply of His Majesty's ships, yet we did conceive that it might be made an available export for the Eastern Markets,

and especially for that of Mauritius, now chiefly supplied with beef of an inferior quality from Madagascar, and that the establishment of a direct trade from the Ports of Albany, should your Lordship be disposed to accede to it, would not only obviate in future the delays and heavy expenses of transshipment occasioned to the impoverished Settler by the trade being confined to the circuitous channel of Cape Town, but would at the same time facilitate the attainment of his views in an undertaking calculated to promote the general interests of the Settlements at large, being satisfied that the existence of such an Establishment where the Settlers would find a ready and convenient market for their produce could not fail to stimulate their exertions and to relieve them from the most pressing of the difficulties and privations incidental to their situation.

Mr. Nourse however represented to us that the expenses which he had already incurred under circumstances of much discouragement had exhausted his resources, and having a large family dependent upon him he conceived that he would not be justified in prosecuting further speculation upon credit without some prospect of relief from the impediments that were opposed to the success of his undertaking, and altho' he has continued to maintain a small establishment at Bathurst he has abstained from augmenting it or of conducting the speculation upon a scale that could hold out any prospect of realising his views for the eventual benefit of the new Settlement.

By Mr. Nourse himself, as well as by Lieutenant-Colonel Bird, we have been informed that he came to this Colony with recommendations to the special favor of the Colonial Government in consequence of his having afforded information in England that materially assisted its views, and it is known to us that he contributed by his personal exertions to the discovery of the entrance of the Kowie River, which though in our opinion not susceptible of such improvement as to render it either safe or accessible to vessels of larger draft than 50 tons burthen, is still capable of giving facility to the export of the products of the District and to the importation of articles of consumption, the carriage of which by land from Algoa Bay is very expensive.

Mr. Nourse has not hitherto applied himself to the cultivation of the Soil, to which it was the object of His Majesty's Government that the labour of the Emigrants should be more especially directed, but as he obtained this grant for the avowed purpose of carrying on a speculation that was understood at the time and may certainly contribute to the advantage of the District if pursued, we can only recommend that he should receive all the encouragement that it may be consistent with the views of His Majesty's Government to give to such an undertaking, and that on the other hand as the land is of a good quality and would form a very desirable addition to the lands of many neighbouring Settlers whose locations are too confined for the support of their cattle, we further recommend that in case Mr. Nourse should not find it expedient to continue the speculation in consideration of which the grant was made to him, after two years notice it should be resumable by the Crown. We have &c.

(Signed)      JOHN THOMAS BIGGE,  
                    WILLIAM M. G. COLEBROOKE.

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[Copy.]

*Letter from the CHIEF JUSTICE and MEMBERS OF THE COURT to  
LORD CHARLES SOMERSET.*

CAPE TOWN, 25th March 1825.

MY LORD!—The Court of Justice stands in too close a connection with the public Government of this Colony, and has too fully experienced your Excellency's protection during the period of Your Lordship's administration, not to consider it one of its first and most sacred duties frankly to acquaint Your Excellency of the critical circumstances under which the Colony at present labours, for as far as they have come to the knowledge of the Court in the course of the proceedings held before it.

It has appeared to the Court from the lately terminated trial of Galant, formerly a Slave of the late W. N. van der Merwe, C.s., and from subsequent informations received in the Fiscal's Office, that an idea and expectation of a general

emancipation has spread itself among the Slaves in different parts of the Country, connected with Cape Town itself ; from which, besides the Victims that have been already sacrificed by Galant and his gang, the terrible prospect of a general disturbance of tranquillity and good order is with reason to be apprehended.

The Slaves, misled by evil designing persons, as if a general emancipation was intended by Government, consider themselves as having already actually acquired a just claim thereto and look upon their Masters as the obstacles in the way of their freedom. This naturally engenders an animosity against them, whereof the consequences are incalculable, as leading to insubordination, dissoluteness and actual resistance. The Inhabitants, My Lord, have already learned too much from former occurrences and from what has lately happened, not to prepare themselves in their turn against the consequences. But such a state of things can produce no other effect than enmity between Master and Slave ; and as this enmity is cherished and nourished under one roof, they the more readily take up against one another the most trifling thing that occurs, which under other circumstances would not have been noticed.

This, My Lord, we must not conceal, is the general spirit which at present prevails, unknown during the many years that this Colony has been under the benevolent Government of His Majesty, but which has now risen to such a height that without the immediate and most efficacious Interference of Your Excellency the whole Colony is in danger of being involved in confusion and calamity.

To prevent such a dreadful state of things it is highly necessary that the Slaves should be brought back by the Government itself from the error, if they really are in good faith of their being hereafter free, which they have been led into by so called Philanthropists and evil minded persons hoping to gain something in the general confusion.

This measure alone, My Lord, and which cannot be too speedily adopted before the flame bursts forth, will be able to bring back those misled people and their followers, who are so amply protected by the laws of the Colony and the inclinations of the Inhabitants, to a sense of their duty to satisfy the Slave again with his Master, and in this manner to restore the



general tranquillity and contentment, which has hitherto constituted the steadfast object of all Classes of the Inhabitants under Your Excellency's paternal care and administration.

We confidently trust, that we do not need any apology for stepping forward on this occasion, as it concerns the dearest Interests of the whole Colony and consequently must be considered to constitute one of our most sacred duties. The well thinking Inhabitants look up to Your Excellency at this momentous crisis, and they expect from Your Fatherly care such wise and prompt measures as will be found best adapted to put a stop to, and avert the dreaded evil.

We trust, My Lord, that you will appreciate what we have said as proceeding from the purest motives, and that you will continue to consider us as we trust we have always shewn ourselves to be, My Lord, &c.

The Chief Justice and Members of the Court.

(Signed) J. A. TRUTER.

By order of the Court,

(Signed) D. F. BERRANGÉ, Secretary.

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[Original.]

*Letter from T. P. COURTENAY, ESQRE., to R. WILMOT HORTON, ESQRE.*

ABINGDON STREET, *March 25th* 1825.

SIR,—I have formerly had the honor, by direction of the Governor of the Cape of Good Hope, to represent to Lord Bathurst the claims of that settlement to be placed on the same footing with the North American Colonies, in respect of the importation of Corn into the United Kingdom. As it is now in contemplation to give entire freedom to the importation of corn from those Colonies, I trust that I may be pardoned for suggesting, that if the same principle be not extended to the Cape, that settlement may at least be placed upon the footing upon which the Canadas now stand; namely, that

importations from the Cape may be subjected to an intermediate scale of duty, between that which is applicable to Foreign Countries, and the perfect freedom which is to be allowed to other Colonies. I have &c.

(Signed) T. P. COURTENAY.

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[Original.]

*Letter from MR. P. G. BRINK to JOHN GREGORY, ESQRE.*

COLONIAL OFFICE, 25th March 1825.

SIR,—I have the honor to acknowledge the receipt of your letter dated the 23rd Instant, and, in reply thereto, to acquaint you, for the information of His Majesty's Commissioners of Inquiry, that, upon reference to the books kept in this Office, it does not appear that any Instructions were ever issued to the President and Directors of the Discount Bank directing them to pay into the hands of His Majesty's Receiver General the Sum of Rds. 36,277 2 2 being, as stated by you, the nett amount of Discounts for the year 1813. I have &c.

(Signed) P. G. BRINK.

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[Copy.]

*Letter from MR. J. W. STOLL to the COMMISSIONERS OF ENQUIRY.*

RECEIVER GENERAL'S OFFICE, March 25, 1825.

GENTLEMEN,—I have the honor to inform you, in answer to your letter of the 16th Inst., that on finding that no credit was given to Government in the Books of this Office, for discounts received at the Bank between the 1st of January and 31st December 1813, I made the necessary inquiry at the Bank and learnt that a sum equal to the discounts for the above period according to the Bank Books, amounting to Rds. 36,277 2sks. 2sts. was paid into the hands of Mr. Bresler, then Deputy Receiver General, for which sum Mr. Bresler granted a receipt on the 17th of January 1814, and which payment of

Rds. 36,277 2sks. 2sts. has been regularly entered in the several Books kept in the Discount Bank. I am however at a loss to state the reason why no credit for said amount has been given to His Majesty's Government. I have &c.

(Signed) J. W. STOLL.

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[Office Copy.]

*Letter from* EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 26th March 1825.

MY LORD,—I transmit to you enclosed copies of several representations which have been addressed to my Under Secretary of State by Mr. Bishop Burnett, complaining of various grievances which he alleges to have sustained by the Acts of the Civil and Judicial Authorities of your Excellency's Government.

I also enclose for your Excellency's information a copy of a communication which I have directed my Under Secretary of State to address to that Individual.

These Papers being extremely voluminous, I have to desire that your Excellency will after you shall have perused them, deliver them over to the Commissioners of Enquiry with the accompanying Instruction in which I have desired them to report to me upon those points which it appears that Mr. Burnett has already submitted to their consideration.

The subjects of complaint to which I have to call your Excellency's more immediate attention are comprehended under the following heads ; viz :

- 1.—The suppression by the Colonial Authorities of Mr. Burnett's communications with this Department.
- 2.—The non-liquidation of his claim for the value of forage supplied to the Cape Cavalry.
- 3.—The prosecution for libel which terminated in Mr. Burnett's banishment.

Upon the first topic, your Excellency will observe that although Mr. Burnett was called upon to produce what proofs he had to offer in support of his general charge against the

Colonial Government, yet that he has stated only one solitary circumstance which could give a colour to his complaint. You will have no difficulty, therefore, in instituting such enquiries as will fully enable you to appreciate any irregularity which may have marked the proceedings of the Officers of the Colonial Post Office on the occasion pointed out by Mr. Burnett.

With respect to Mr. Burnett's claim for the value of his forage, your Excellency will call upon Lieutenant Colonel Somerset to answer the imputation of voluntary neglect in having omitted to furnish Mr. Burnett with a certificate of the quantity of forage supplied by him for the use of the Cape Cavalry, and you will transmit to me that Officer's report in replication to Mr. Burnett's statements upon this head. And you will submit to the consideration of the Council of your Government all the Papers which you may deem necessary to enable that Board to assist you with their opinion as to the validity of Mr. Burnett's claim, and the measures which it may be proper to adopt for its immediate liquidation.

With regard to Mr. Burnett's Banishment from the Colony I have only to express my desire that you will transmit to me :

1. A Copy of the Memorial which is stated to have been the ground of his prosecution.

2. Copies of the Judicial Proceedings and of the sentence in which they terminated, together with such explanation as you may consider due to the Law Officers of your Government of the incidental circumstances which Mr. Burnett represents to have taken place previously to his embarkation, and which will strike your Excellency as deserving of enquiry.

I have &c.

(Signed) BATHURST.

[Copy.]

*Letter from* EARL BATHURST *to the* COMMISSIONERS OF ENQUIRY.

DOWNING STREET, LONDON, 26th March 1825.

GENTLEMEN,—I transmit enclosed for your consideration copies of representations which have been addressed to my

Under Secretary of State by Mr. Bishop Burnett, who emigrated to the Cape of Good Hope in the year 1819, complaining of various grievances which he alleges to have sustained by the acts of the Colonial Tribunals; and I also enclose for your information a copy of a communication which I have directed my Under Secretary of State to address to that individual.

Mr. Burnett having stated that he had already represented his grievances to you on your arrival at Graham's Town, I should have thought it unnecessary to call your special attention to the statements which have been received from him, if it did not appear to me that that part of his narrative which relates to his controversy with an individual named Hart, and to the judicial proceedings which arose out of it, rendered it desirable that I should receive from you an early intimation of the result of the inquiries which you will have instituted into the merits of Mr. Burnett's case.

Unless, therefore, you shall, before the receipt of this instruction, have transmitted to me a full report upon the case, I have to desire that you will lose no time in completing such observations upon the subject as you may have intended for my consideration, to which you will add any further information which the perusal of the enclosed papers may appear to you to render desirable and necessary. I have &c.

(Signed) BATHURST.

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[Original.]

*Letter from* LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, *March* 26, 1825.

MY LORD,—I have the honor to transmit to Your Lordship a memorial from Mr. H. E. Faure (who will have the honor to present this to Your Lordship). He is a member of a Family of great influence and respectability here. He has a brother a minister of the Dutch Reformed Church in Cape Town, much looked up to by his countrymen, and I have very strong reasons for soliciting your Lordship's acquiescence in Mr.

Faure's request, "that Your Lordship will afford the same pecuniary assistance to him to obtain ordination in Holland, as Your Lordship authorizes to be made to the members of the Calvinistic Church of Scotland for the purpose of defraying their expenses to Holland in order to acquire the Dutch language." The fact is that members of the Scottish clergy have of late years poured into the Colony so abundantly that a feeling has been excited amongst the colonists which I lament to see arise, and which Your Lordship's acquiescence in Mr. H. E. Faure's request will tend greatly to allay. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

To His Excellency the Right Honorable General Lord Charles Henry Somerset, Governor and Commander in Chief of the Cape of Good Hope, &c., &c., &c.

The Memorial of Hendrik Emanuel Faure humbly sheweth That Memorialist being on the point of proceeding to Holland to receive ordination in the Dutch Reformed Church, would with pleasure return to this Colony, as a Minister of the Reformed Church, if Memorialist may enjoy, as a Native of this Colony, the same privileges which are granted to the clergy of the Church of Scotland, who have been, and are appointed, as Ministers of the Reformed church for this Colony; and most humbly solicits that Your Excellency may be pleased to recommend Memorialist's case to His Majesty's Secretary of State for the Colonial Department, assured that a recommendation from Your Excellency can not fail procuring for him the desired effect.

Memorialist as in duty bound shall ever pray &c., &c., &c.

(Signed) H. E. FAURE.

CAPE TOWN, CAPE OF GOOD HOPE,  
23rd March 1825.

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[Original.]

*Letter from* GEORGE HARRISON, ESQRE., *to* R. W. HORTON, ESQRE.

TREASURY CHAMBERS, *26th March* 1825.

SIR,—I am commanded by the Lords Commissioners of His Majesty's Treasury to transmit to you the Copy of a Letter from Mr. Ebden dated 21st Inst. stating the intention of a certain number of Individuals to establish a Bank at the Cape of Good Hope, and I am to acquaint you for the information of Earl Bathurst that my Lords propose to return the following answer to Mr. Ebden, but before they do so, they request to be favoured with His Lordship's opinion thereon, viz. :

With respect to the first query contained in his letter of 21st instant "What in future is to be the legal currency of the Colony? Whether Rix Dollars as heretofore, or the Currency of Great Britain, and whether gold or silver?"

That my Lords have recently shipped for the Cape of Good Hope a quantity of British silver and copper money, and an order in Council has been issued declaring that the tender and payment of 1s. 6d. of that money shall be equivalent to the payment of one Rix Dollar of the present currency, and with a view of preventing any future depreciation either of the Rix Dollar or Silver money, My Lords have sent Instructions to the Commissary to grant his Bills upon this Board at any times and for any amount (not less than £100) of Rix Dollars or British silver money which may be tendered to him, at the rate of a Bill for £100 for every £103 of British silver money or Rix Dollars which may be tendered to him, computing the latter at 1s. 6d. each.

With respect to the second Query :

"Whether upon sufficient security being given His Majesty's Government would be pleased to issue an Order to the Executive Government at the Cape and to their Commissaries and Collectors resident there, directing the notes of the Bank to be received in payment of the Colonial Revenues &c., such notes being at all times convertible, if required, either into the currency of the Colony, or into Sterling Money for Bills of Exchange upon the Company in London?"

That My Lords cannot give any assurance upon this point, nor determine hypothetically, and beforehand, what course they should adopt with respect to the paper of any private Bank, not yet actually established, the degree in which they might find it expedient for the Public Service to facilitate the circulation of the paper of such an Establishment by receiving it in payment of the Public Contributions must depend upon the nature of its transactions and the circumstances of the time ; but my Lords could probably under no circumstances so far adopt the notes of any such private Bank as to reissue them in payments of its own.

In answer to the third question : “ Whether the Executive Government of the Cape has been restrained from any further issue of paper money ? ”

That the Government cannot give any distinct pledge upon this subject. They certainly have no present intention of *increasing* the quantity of paper money in circulation at the Cape of Good Hope, and the orders which they have given for sending British silver money to the Cape of Good Hope, and for making that silver money as well as the paper money exchangeable at the wish of the Holder for Bills upon this Board at a fixed rate, must have a tendency to reduce the amount of Paper Money now in circulation. I am &c.

(Signed)      GEO. HARRISON.

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[Copy.]

*Letter from R. WILMOT HORTON, ESQRE., to MR. BISHOP BURNETT.*

DOWNING STREET, 26th March, 1825.

SIR,—Having laid before Earl Bathurst the papers which you delivered to me in explanation of the grievances which you represent yourself to have suffered by the acts of certain civil and judicial authorities of the government of the Cape of Good Hope ; and having also submitted to his Lordship your letter of the 12th instant, I have been directed to convey to you the following reply :—



His Lordship collects that your complaints may be comprehended under the following heads ; viz.

1st. The suppression by the colonial authorities, of the communications which you state that you addressed to this department :

2nd. The neglect of the late colonial secretary, Lieutenant Colonel Bird, and of the magisterial officers of the district of Albany, to fulfil the intentions and orders of His Majesty's Government with respect to the settlers :

3rd. The non-liquidation of your claim upon the colonial government for forage supplied to the Cape Cavalry, which you attribute to the neglect of Lieutenant Colonel Somerset :

4th. The proceedings at law adopted against you, at the suit of a person named Hart, by the judicial authorities of Cape Town, but principally by the commissioners of circuit, Messrs. Borchers and Truter :

5th. Your judicial banishment from the Cape of Good Hope.

Upon the first point Earl Bathurst reserves to himself to adopt such measures as the case may require, so soon as he shall have obtained the result of the inquiries which he proposes to institute into the particulars of the solitary circumstance which you have adduced in support of your charge against the colonial government.

With respect to the second, third and fourth points, as it appears from your own statement that you have had an opportunity of submitting an explanation of your grievances to the Commissioners of Inquiry at Graham's Town, where they had every means of access to persons and documents to enable them to appreciate the merits of your case, as bearing both upon the conduct of the local authorities and upon the administration of justice, topics which form leading features of their general inquiry, every thing would seem to have been already accomplished in the nature of inquiry that you yourself could wish, or that His Majesty's Government could, under any circumstances, direct ; and his Lordship cannot doubt but that the Commissioners will fully report to him on all these points, both as they relate to your grievances, and affect the conduct of other persons. Nevertheless, and although you appear to have declined the proposed reference to a board of officers, of your claim for the value of forage supplied to the

Cape Cavalry, his Lordship will immediately call the attention of the Governor in Council to the subject ; and if you should judge it essential to offer any documents in explanation of that claim, which may not be easily obtained in the colony, his Lordship will readily forward it with his instructions upon this subject.

Upon the last point, his Lordship has directed me to acquaint you, that under no circumstances could His Majesty be advised to remit the final sentence of a court of justice without any previous consideration of the nature of the offence with which the party convicted was charged, and of the judicial proceedings to which the prosecution of such offence had given rise ; and although, from the circumstances under which you left the colony, you may not have found it either convenient or practicable to provide yourself with copies of these proceedings, yet you must be sensible that without being informed of the nature of the offence, or of the proceedings upon which you have been sentenced to be banished from the colony, it would be impossible for his Lordship to decide whether you are entitled to any or what degree of redress.

I am, however, directed to add, that although (as I have already explained to you) the report of the commissioners on your case may be expected at an early period, Lord Bathurst has directed the Governor of the Cape of Good Hope to transmit to his Lordship copies of the whole proceedings which have occurred in your recent trial at Cape Town, that his Lordship may be enabled to exercise his judgment on the merits of the case under which you consider yourself entitled to his interference and redress. I am &c.

(Signed) R. W. HORTON.

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[Office Copy.]

*Letter from* EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 27 *March* 1825.

MY LORD,—Since I had the honor of addressing your Excellency on the 14th ultimo some further correspondence has taken place between my Under Secretary of State and Mr. George Greig in explanation of the conditions upon which

he is to receive your Excellency's licence to publish a public journal; and I now beg leave to enclose copies of that correspondence for your Excellency's information and guidance.

I have &c.

(Signed) BATHURST.

[Copy.]

*Return of the number of Erven in the Town of Worcester on which Houses or Cottages have been built, and which are at present occupied by the Proprietors or their Tenants.*

Erven.	Proprietors' Names.	By whom Occupied.
1	J. Meiring . . . .	By Proprietor
1	J. du Toit . . . .	By Tenant
1	W. de Wet . . . .	By Proprietor
1	do. . . . .	By Tenant
1	J. G. Aspeling . . . .	By Proprietor
1	{ S. Hemming . . . .	By Tenant
	{ J. Herbert . . . .	By Proprietor
1	H. H. Gird . . . .	Do.
1	J. B. Qulch . . . .	Do.
1	{ W. Ruthven . . . .	Do.
	{ W. Brogden and Littlefield . . . .	By Tenants
1	W. Viljoen . . . .	By Proprietor
1	J. Meiring . . . .	By Tenant
1	H. Combrinck . . . .	By Proprietor
1	J. Swaarveld . . . .	Do.
1	R. Meiring . . . .	By Tenant
1	Church Property . . . .	By Sexton
1	Do. . . . .	By Tenant
1	{ J. Turner . . . .	By Proprietor
	{ W. de Jongh . . . .	Do.
	{ B. de Vries . . . .	By Tenant
1	G. Parker . . . .	By Proprietor
18		

(Signed) C. TRAPPES.

[Original.]

*Letter from MR. THOMAS WILLSON to R. WILMOT  
HORTON, ESQRE.*

STOCKWELL, 30 *March* 1825.

SIR,—I have this morning been summoned by the enclosed letter to attend my Solicitor in Town to take his advice upon the subject of my correspondence with the Right Honorable the Secretary of State ! a subject that I had never yet thought it requisite to advise with my Solicitor upon at all. It must be obvious that such advice and communications through the medium of a Solicitor must encrease the Item of Law Expences, if continued, to a fearful amount, which already is an Item of considerable extent and grievance ; therefore I trust that it will not be deemed requisite in future.

With respect to Mr. Croft's oral communication, of which I retain but a very feeble impression, there is nothing I would regret so much as personally " to harass and pester his Lordship Earl Bathurst." God only knows how little I am disposed to trespass upon a Nobleman situated as the Noble Earl is in a public capacity and responsibility. No man can have a greater respect for the virtues of Earl Bathurst than myself ; but with every respect and admiration of Earl Bathurst, that Nobleman must doubtless have the feelings that would become a man, his Lordship must be very sensible that I have great cause of grief, I will not say complaint, because that is a matter that I would by no means intrude upon his Lordship if I can avoid it. My griefs, my abortive expedition, my credulity, the miseries which my family have so long endured, the waste of expence, the loss of so much time at the very best part of my life, and the folly which must ever attach to myself for confiding in the Court Circular issued by his Lordship in the year 1819 ! these are what I would hope to reach his Lordship upon ! trusting to the feelings and generosity of his Lordship to afford me that relief or alleviation which is within his power. It is not to offend his Lordship that I have written so earnestly, but to solicit a due attention to these griefs ; in doing this I trust that I have shewn a liberal and a grateful

disposition to meet any proposal that might emanate from his Lordship; wherefore then am I advised "to bring the affair before Parliament that you may reply to it in your proper place!"

Sir, much as I have reason to feel aggrieved, I am perhaps the last man in the world disposed to intrude myself upon public notice, much more to become an accuser, to impeach the Government with a perfidious design to betray me into the labyrinths of misery which I have toiled through; however painful it is to me to see you disposed rather to communicate your censure than to afford me your protection, preferring to attach more importance to the *ipse dixit* of my followers than searching for truths from the official papers which would confirm the accuracy of my statements. Such acts are indeed most galling and afflicting to me, they are painfully calculated to destroy the best energies of the mind, and but too frequently destroy the best principles of the heart! Yet Sir, such is my attachment and devotion to His Majesty's Government that even this oppression will not betray me into that wretched intemperance which you would find it to be your duty to be the first to execrate.

After a correspondence of upwards of five years Earl Bathurst must surely know enough of me to judge how very painful it is to my feelings to write such letters to his Lordship, to become at this period a supplicant for my right, when I ought to be in the full enjoyment of it! What can be more distressing to a man of mind than to have to impeach the good faith of the Crown? I am quite aware of the Public Interest which my Narrative would excite, there are parts of the Tale, yet untold, that would harrow up the feelings of the public and create the utmost indignation and disgust: all of which I have been repeatedly urged by the disaffected "to publish," but I little expected to be tauntingly advised so to do by any person officially attached to the affairs of State! I who have always been one of the most devoted and zealous of His Majesty's subjects, I who passed the best, the juvenile days of my life in the service of the Crown, with honor and eclat for my early studies, that I feel it a kind of fratricide to be now ejected from the bosom of its protection, much more to be cited as opposed to its wishes! I must pray Sir to be spared this awful alter-

native, and that a merciful decision upon my case may restore me to that peace of heart which ought to be the interest of all parties to cultivate. I have &c.

(Signed) THOS. WILLSON.

[Original.]

*Letter from LORD CHARLES SOMERSET to EARL BATHURST.*

CAPE OF GOOD HOPE, 31st March 1825.

MY LORD,—In a Despatch which I addressed to your Lordship No. 147, under date the 18th of January last, I had the honor to inform you of my intention to visit the District of Albany.

I arrived at Graham's Town on the 6th of February and was received by the Community there with every mark of attention and respect. After having visited the chief part of the Locations and taken into consideration the Several Reports of Mr. Commissioner Hayward on the petitions for Land, I made, under the authority of Your Lordship's Despatch No. 61 of the 31st of March 1823, such Extensions of Grants to the British Settlers as I conceived most equitable, and as the Industry evinced by the Grantees entitled them to. Some Individuals who had petitioned for Lands which are reserved for public purposes, were excepted from this general Extension ; but they have since applied for other places and their Memorials will meet with due attention.

The principal drawback to the prosperity of the British Settlers is the want of Labourers, a want that is indispensable and should be supplied as soon as possible.

With this view I have the honor to enclose to your Lordship two proposals for attaining this desirable object, one of which was drawn up by Mr. Currie, a Settler, the other by myself and which I trust may be found practicable, or at all events may serve for a ground work for effecting this very necessary measure.

Without some assistance of this kind it is quite impracticable that the Settlers can succeed. The want of Labour and the

high wages which, from its scarcity, are demanded in the Albany District (and indeed all over the Colony) put a stop to every undertaking, whether agricultural or of any other nature. The lowest price at which a very indifferent Labourer can be obtained is Two Rixdollars (three Shillings Sterling) per diem, with food and a bottle of wine, for a Mechanic five and even Six Rixdollars (from 7s. 6d. to 9s. Sterling per diem) with the same allowance of food. Your Lordship will easily perceive that nothing which the Earth can be made to produce will repay such an expence in cultivation, exclusive of which it places the labouring class out of its proper sphere and demoralizes it, almost all the Artificers and many of the Labourers devoting two or three days of each week to drinking, and working only the remaining ones.

Connected with the Subject of a Supply of Labour, I have also to acquaint Your Lordship that while at Graham's Town, the Settlers expressed the utmost solicitude that I should submit to Your Lordship their earnest request that Government would take upon itself to send out free of Expence their Wives and Families. I have required a List to be sent of the Numbers thereof with their respective places of Residence in Great Britain and Ireland which I shall forward to your Lordship as soon as I receive it.

One of the first anxieties of the population of Albany is the Establishment of a Port at the mouth of the Kowie. Concurring entirely with them relative to the advantages that must necessarily accrue therefrom, I have taken upon myself to promote it, by affording every aid in my power, the expences arising from it will, I trust, therefore receive Your Lordship's confirmation.

Your Lordship will perceive by the enclosed Address which was presented to me on the Spot, that a wish is expressed for the Establishment of a Magistrate at that Place, and also at Bathurst, and further that I would authorize the erection of a Pier at the Kowie (now called Port Frances), and allow a *direct* Trade to be carried on between that Port and Foreign Countries.

To the first request (the Establishment of a Magistrate at Port Frances) I readily acceded, as it must be of infinite benefit to the whole of the Southern part of the District, by enabling the Inhabitants to refer petty cases for adjustment

on the spot, exclusive of the frequent necessity of the interference of a Police at a Sea Port. For this office I have selected Mr. Donald Moodie, one of the most respectable of the Settlers, possessing the advantages of a good education and who, from being a Half Pay Lieutenant in the Royal Navy, is peculiarly fitted to preside at a Sea Port. I have fixed his Salary for the present at the moderate rate of Twelve Hundred Rixdollars per annum, and as it is necessary, according to the Forms of the Dutch Law, that there should be a public prosecutor in all criminal cases brought before the Constituted Courts, I have appointed a Secretary at Six Hundred Rixdollars and a Messenger to the Court at Three Hundred Rixdollars per annum.

I have deemed it necessary also to constitute a Similar Court of Magistracy at Algoa Bay, where an English population is rapidly increasing, and have appointed the Government Resident and Commandant, Capt. Evatt, to preside therein, with a Secretary and Messenger at the same rates of Salary as at Port Frances. There will however be no increase of Salary to the Commandant, which was fixed at Twelve Hundred Rixdollars per annum in the year 1820.

The Establishment of a Magistrate at Bathurst will also be desirable, but I have done nothing at present on that Head as there are not more than four or five families resident there. I have however given encouragement to extend that place by establishing a Grammar School there and by having notified my intention of granting Lots of Ground (*gratis*) upon an obligation to build to a specified extent, and with stable Materials.

In regard to the second request contained in the address, namely the erection of a Pier at the Kowie, I should not venture to recommend any undertaking of that nature unless Your Lordship should deem it advisable to send out a Civil Engineer for the purpose of ascertaining the capabilities of this Port, as well as of the other Ports in this Colony, and of forming an Estimate of the Expence of any work which might be projected for the permanent improvement thereof, an object which I think of very great importance, and which it appears to me would be well worth the expence attendant upon such an appointment. I have also to solicit Your Lordship's



sanction for incurring an expence of Seven Thousand Eight Hundred and Twenty Rixdollars (£560 Sterling) in the erection of three Houses for the authorities at Port Frances.

With respect to the permission to trade direct with Foreign Countries and for which I received a Similar Application from the Inhabitants of Algoa Bay, I have answered them by assenting to grant a Licence to any particular Vessel to trade direct with any Specific Foreign Port ; but have rejected the general permission so to do, until the Commerce of these Ports should encrease so as to warrant the Establishment of a regular Customs Department.

I have also to inform Your Lordship that I have considered that a Town of considerable Importance might be formed where the Government Farm (called the Somerset Farm) has hitherto been established. It is a beautiful Spot, and the Land of a most fertile description and so situated that the whole can be irrigated.

I have therefore had the plan of a Town made out, and nearly three hundred Erven (or building Lots) consisting of 150 feet in front and 450 in depth have already been measured. Ninety-four of these are to be offered for sale on the 13th and 14th of next month, and it is expected they will fetch on an average Five Hundred Rixdollars each. They will be sold under an obligation to erect dwellings of certain dimensions within a given time, and composed of burnt brick or Stone. The other Erven will be put up for Sale from time to time, in such proportions as the demand for them may dictate.

In order to give encouragement to this new Town, I have removed the Establishment of the Deputy Drostdy of Cradock (a miserable place which never could advance) including also a portion of the Northern Side of the Albany District, which was inconveniently extensive, to Somerset which I have established as a Drostdy. It is not intended at the present moment to go to any but a very inconsiderable Expence in converting the Buildings of the Farm to the purposes of a Seat of Magistracy. With a very slight alteration a large Store may be converted into a very commodious temporary Church, a Tan House into a very good School, and a strong built Waggon House into a Prison. Other Dwellings will accommodate the officers attached to a Drostdy.

I have the honor to enclose to your Lordship a statement of comparative Expence of the arrangements I have lately made in the Albany and Somerset Districts and that which has hitherto existed, by which your Lordship will perceive that a Saving of Eight Thousand Eight Hundred and four Rixdollars per annum is made exclusive of the annual interest that will arise from the Sale of Erven, which will encrease as the place flourishes and as fresh demands for Erven are made. In this Estimate Your Lordship will perceive that I have given credit for the expences of the Albany Levy, which I have ventured to abolish, considering that the happy state of Security in which Lieut. Colonel Somerset's able system of defence of the Frontier has placed the Settlers with regard to the Kaffers, has rendered it no longer necessary.

I have great pleasure in announcing to your Lordship the unprecedented Success of the weekly Fairs held with the Kaffers at Fort Willshire. The Articles received in barter from them, consisting of 40,000 lbs. of Ivory, a like quantity of Gum, &c. within 5 months amount in value to Ninety Six thousand Rixdollars.

For originating as well as carrying into execution this most advantageous measure I am entirely indebted to Lieut. Colonel Somerset, whose intimate acquaintance with the disposition of the Kaffers and their respective Chiefs has enabled him to induce them to enter warmly into the measure; and I consider it as the greatest boon that His Majesty's Government could have bestowed on the Kaffer Nation. In proof of this there never has existed anything but the most complete good order, regularity and strict observance to the conditions on the part of the Kaffers since its first establishment in June last. I project establishing another Fair more to the Southward, as Fort Willshire is rather too distant from the best affected Kaffer Tribes.

I have further the honor to report to your Lordship that having received many pressing applications from Mr. Rivers to be employed in any other Department under Government, I removed him from Albany to the Landdrostship of Swellendam, and have appointed W. B. Dundas Esqre. Captain of the Royal Artillery and Brevet Major in the Army, an Officer who has been highly recommended to me, and who I learn with

pleasure is much respected and has been cordially received by the English population in the District.

Before I conclude my Report on the District of Albany, I feel it my duty to report to your Lordship that the expence of all the Establishments within that District must for a long time be a dead burthen upon the Revenue of the Colony, as the District Chest will be unable for many years to come to provide for the necessary Disbursements.

Your Lordship is aware that no Tax on the Lands granted to the Settlers is payable until the year 1830 nor have they yet been called upon for the payment of the usual Taxes on their Families, Cattle, &c.

They are at present in debt to Government for the amount of the Rations issued to them by the Commissariat Department, and should it not be the intention of His Majesty's Government to enforce the payment of this debt, which without a single exception I may say they possess not the means to discharge, I shall, with your Lordship's Authority, take the opportunity of making known to them the beneficial intentions of Government on that Head, and direct that at the commencement of the year 1826 they be called upon to pay their Quota of the established Taxes annually at the Opgaaf.

I have much pleasure in assuring Your Lordship, that all my Communications with the Settlers during my Stay in Albany led me to the gratifying conclusion that they retained the best feeling towards His Majesty's Government and towards myself, and that should they shortly be supplied with that indispensable Requisite, Labour, they will ultimately succeed beyond the Expectation even of the Projectors of the measure of Emigration.

I have only one more subject to add to this long Recital, which is, that about a year since an immense Tribe called Mantatees were impelled by Famine into the Territories of the Inhabitants North or North East of this Colony, the Gricquas. Being defeated by the latter, they retreated, but left numbers of their women and children in a state bordering on Starvation behind them. Many of these have since wandered into the Graaff Reinnet District, and it became a question how to dispose of them. I have therefore taken upon me to direct that they should be apprenticed to the English Settlers in Albany for

Terms (none exceeding Seven years) according to their ages, under very strict conditions as to good treatment &c.

I have decided upon this measure as the best means of disposing of these unfortunate beings, because the British Settlers are prohibited from employing Slaves, which renders it impossible that any of them can merge into that state or be substituted for them.

I have directed a Register of these persons to be kept, and will not allow any transfer without the authority of the Magistrate, and a previous Enregisterment thereof; and I trust your Lordship will approve of this measure. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

*Comparative Statement of the expense of the Arrangements lately made in the Albany and Somerset Districts and that which has hitherto existed.*

INCREASE:	<i>Rds.</i>	DECREASE:	<i>Rds.</i>
Establishment at Port Frances	2,100	Reduction of Albany Levy	5,950
Do. at Algoa Bay . . . . .	900	Do. of Government Officers and Labourers on the Somerset Farm, and Agent to the Farm	11,854
Pension to Mr. Hart, late Superintendent of the Government farm called Somerset .	1,000	Total Decrease . . . . .	17,804
Difference of Expence between a Full Drostdy and a Sub Drostdy . . . . .	5,000	Total Increase . . . . .	9,000
Total Encrease . . . . .	9,000	Difference . . . . .	8,804

CAPE OF GOOD HOPE, 31st March 1825.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

*Letter from the SECRETARY TO GOVERNMENT to R. WILMOT HORTON, ESQRE.*

CAPE TOWN, 31st March 1825.

MY DEAR SIR,—You will in all probability hear exaggerated accounts of the horrible Murders which were committed about

a month since by the Slaves of a Barend van der Merwe and his Brother, in the Worcester District, on their Master and Family. This intelligence was received by Lord Charles in Albany while I was with him, accompanied by letters from two or three persons in Cape Town in his confidence, (the Chief Justice among the rest) all begging and praying him to take immediate steps for putting a stop to what they called a conspiracy on the part of the Slaves to murder the whole of the White Population in the Colony, and attributing their object to the ideas the Slaves entertained that Government had the intention of making them free, but were prevented by their Masters.

Lord Charles, who I think rather lends too willing an ear to these kind of representations, and who has expressed his conviction that nothing more should ever be done for the Slaves beyond what is granted to them under the Proclamation, was inclined to take active measures, and to call out the Burgher Militia, but I persuaded him not to act until at all events he had some facts to go upon, instead of the opinions of persons who being all Slave holders must be interested in the subject, and he waited until the arrival of the next week's post, and as that brought nothing new, he entirely agreed with me that the Law should be allowed to take its course in the instance of these Murders, and that Government should remain quiet. This was done,—the greater part of the Culprits were taken immediately, and the two principal Ringleaders in a few days afterwards (which would not have been the case had there been any general feeling in the District). They have all been tried and found guilty. Three have been sentenced to be hanged, and the remaining five or six to be branded and imprisoned in Irons, some for life, others for shorter periods. And this sentence will immediately be carried into execution. Some of the Culprits were Hottentots, and the two Ringleaders (one of whom was a Hottentot) were taken by Hottentots.

The Chief Justice in the name of himself and the Members of the Court of Justice has, however, since written a strong representation to the Governor relative to the state of the Slaves generally, in Cape Town as well as in the Country, a state which they say endangers in the highest degree the Peace and tranquillity of the Country; and they ground their asser-

tion upon the examinations which were taken on the trial. These examinations I have not yet seen, as they are not yet translated, but I have requested Lord Charles not to act without some positive facts to bear him out in adopting a measure which cannot fail to create a great sensation in England, and I really believe without any foundation. He has desired me to see the Chief Justice, and to enquire more closely into the grounds of the apprehensions of the Court, which I shall do this day or to-morrow.

It is not above a week since I passed thro' the district in which these Murders took place, and within a few hours ride of the spot; and I made a point of conversing on the subject with the Dutch Local Authorities and the principal Inhabitants I met with. They all concurred in stating that they had no fear of any similar rising among the Slaves in their parts of the District. At the same time they all acknowledged that within the last two years there had been an evident change in the conduct and behaviour of their Slaves, which shewed itself in dissatisfaction and in a greater degree of insolence when found fault with or punished. They attributed it to some ideas that had been instilled into the minds of the Slaves by evil disposed Persons and by bad characters among the Slaves themselves; and the general wish they expressed was that whatever regulations were made by Government should be carefully and fully explained to the Slaves by the Chief Magistrate of the District instead of by the Field Cornets as at present practised, who themselves do not perhaps understand the Intentions of Government, or if they do, being interested as Slave-holders, do not wish to explain them properly, and that the Chief Magistrate should fully explain before Masters and Slaves the relative duties of both. The Order for prohibiting the punishment of female Slaves was what they laid most stress upon. It has certainly created a great sensation among the Slave-holders. It is understood to mean that the Masters or Mistresses are not allowed to make use of the smallest domestic correction, however trivial. They state invariably that it will be quite impossible to keep their slaves in any order should such a Decree be enforced. You are perhaps aware that this Order has been hitherto made public only to the Court of Justice and to the Courts of Landdrost and Heemraden. We

stand therefore in this peculiar situation, that the Courts of Justice are prohibited from punishing Females by flogging for crimes of a higher nature, while the Proprietors are allowed to do so in their own houses for idleness &c.

In the District of Worcester when the Landdrost Captain Trappes received the official order from Government enclosing Lord Bathurst's circular, he conceived it was meant to be published to both Inhabitants and Slaves; and he sent orders to the several Field Cornets so to do. Captain Trappes was so far wrong that he had misinterpreted the intentions of Government, but the consequences of what he did shew the feeling existing among the Field Cornets. All of them with one exception kept back the communication from the Slaves, because they thought it would create a great sensation among them. One of them, however, at Tulbagh published it to both Proprietors and Slaves. When this was made known to Government Captain Trappes was reprimanded; and he then did what was worse than publishing the order; for he recalled it, and it was recalled in the presence of the Proprietors only, whereas it had been published in presence of both Proprietors and Slaves.

This publication of the Circular letter by Captain Trappes is now held out by some Individuals as the cause or one of the causes of the late Murders, but in my opinion without the smallest foundation. For my own part I cannot understand why it should not have been published at once and explained to all parties concerned. It appears hard that a decree made expressly for the advantage of the Slaves should be kept from their knowledge. And certainly it never could have been the intention of Government to prohibit the flogging of females in the Courts of Justice, and to allow it to go on in private houses.

As to the Order itself I do not know whether under the term flogging or whipping, it is meant that female Slaves should never be punished at all, even with a cane or rather on the shoulders. If this be the case and no other punishment substituted beyond confinement, which they like, and which deprives the Owners of their Services, I really do think it will be extremely difficult, if not impossible, to manage them, that is the refractory part of them. The Proprietors of Slaves in the Interior of this Colony live generally at a distance of from

five to ten Miles of each other, and fifty or a hundred from the Seat of Magistracy. They must have some controul over their Slaves, so long as Slavery is suffered to exist. And the Slaves are now so much accustomed to seek redress in case of excess of punishment, that I really think the Proprietors ought to possess the power of slight domestic correction over the females, otherwise they will find some other mode of annoying them which may prove more prejudicial to their health.

The worst of the business here is that the Judges to whom the Slaves apply for redress are, as Slave holders, prejudiced against them. This I trust will not last long. And one of my greatest objections to the common practice here of giving all the Landdrosts great Farms is that it tends to prevent the only remedy we should naturally look to for this abuse, viz. the appointment of Englishmen to those situations, by making their Interests as farmers lead them to the same illiberal feelings as are imbibed by the Dutch with regard to the Slave and Hottentot labour. I have &c.

(Signed) RICHARD PLASKETT.

*3rd April 1825.*

Lord Charles has been very unwell for the last three days with a cold and Fever. He will write officially upon this subject when the Examinations have been translated. I have seen the Chief Justice, and have impressed upon him the propriety of not publishing any Proclamation on the occasion, but merely to print an abstract of the present Laws and Regulations relative to the Slaves, to be distributed for general information thro' the interior Districts. The Chief Justice has at last made his remarks on the proposed order in Council, which I drew up while on board Ship, similar to that published in Trinidad, but adapted to local circumstances. This will be sent to you by Lord Charles as soon as he is well enough to transact business. The Chief Justice told me that a Memorial to His Majesty on the subject of the Slaves was drawing up among the Inhabitants of Cape Town, but we have as yet seen nothing of it.

R. P.

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[Original.]

*Letter from LORD CHARLES SOMERSET to EARL BATHURST.*

CAPE OF GOOD HOPE, *2nd April 1825.* ¶

MY LORD,—I have the honor to enclose to Your Lordship three Memorials which have been transmitted to me for the purpose of being forwarded to your Lordship.

The very near connection between the Officer to whom they relate and myself will, I trust, excuse me to Your Lordship for not entering fully into this subject. I feel it however my duty to state that during my late visit to the Frontier I was pressed with the most earnest Solicitations on this subject by the whole Community upon the Border both Dutch and English.

I have to observe also that the Persons whose signatures are attached to the Dutch Memorial (a translation of which I have had made and enclose with it) are the most wealthy and powerful in the Country, and many of them are or belong to the Families of Persons who were connected with the Insurrection in 1814, but who have subsequently evinced their Loyalty and attachment to His Majesty's Government by having accompanied Lieut. Colonel Somerset in almost all his Expeditions against the Kaffers, on which occasions they have armed, mounted and fed themselves, and have suffered the severest privations with the greatest cheerfulness. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

To His Excellency Lord Charles Henry Somerset, Governor and Commander in Chief of the Cape of Good Hope, &c., &c., &c.

We the undersigned Settlers residing on our locations in the District of Albany do beg leave with all due respect to approach Your Excellency on the following Subject, viz.—Having heard with deep concern and regret that Lieut. Col. Somerset is about to retire from the command of the Frontier we feel it a duty due to Candor and Honesty to state our entire approbation of His conduct during His Command. Active, zealous and persevering, Having a perfect knowledge of the manners

and customs of the Caffers from long experience and also a thoro' knowledge of the very intricate passes on this Frontier, We fear much it will be long (if ever) another Commg. Officer will be found so efficient to the duty. We therefore with the most profound respect entreat Your Excellency to Continue Lieut. Col. Somerset in the Command of the Frontier, which we are fully convinced will give general Satisfaction to both Civil and Military.

Signed at our several Locations the 28th day of January 1825.

(Signed) THOS. BUTLER, for self and party  
 EDWARD GARDNER  
 T. DUGMORE  
 MURTAGHY BYRNE  
 JOHN BYRNE  
 ROBERT DICKASON  
 FREDERICK DICKASON  
 ALFRED DICKASON  
 HENRY DICKASON  
 JONATHAN SHELVERS  
 WILLIAM NORMAN  
 WILLIAM MAGEOR  
 THOMAS MAGEOR  
 SAMUEL SMITH  
 JAS. DEVINE  
 CHAS. HILL  
 JAMES HILL  
 WM. DEVINE  
 T. L. BUTLER

[Enclosure 2 in the above.]

DEPUTY LANDDROST'S OFFICE,  
 CRADOCK, 14th February 1825.

His Excellency the Right Honorable General Lord Charles Henry Somerset, Governor and Commander in Chief, &c., &c., &c.

May it please Your Excellency.

We the Deputy Landdrost and Heemraden of Cradock having learned with the utmost regret that we are likely to be

deprived of the support and protection of our present Military Commandant Lieut. Colonel Somerset, and actuated by a sense of duty to the Inhabitants of the division over which we preside, we take the liberty to enclose a Memorial addressed by us to the Right Honorable Earl Bathurst, His Majesty's Principal Secretary of State for the Colonies, and which we humbly request Your Excellency may be pleased to transmit with such recommendation as may appear to Your Excellency best calculated to strengthen and support the anxious wish of His Majesty's Subjects within this Division. We have &c.

(Signed) W. McDONALD MACKAY, Deputy Landdrost.  
C. HATTINGH, Heemraad.  
A. G. VAN BRATH, Secretary.

[Enclosure 3 in the above.]

To the Right Honorable Earl Bathurst, One of the Principal Secretaries of State.

MY LORD,—With all due respect, we have the Honor to acquaint your Lordship, that we have been informed that we will lose Lt. Colonel Somerset, and as we have during his Commandantship on the Frontier lived peacefully, and through his activity and perseverance, been prevented from depredations of Caffres, and as he is acquainted with the Dutch language, which gives us an opportunity of speaking with him, and also as he is well acquainted with the position of the Caffres ;

It is in consequence of the above that we beg leave of you to represent to His Britannic Majesty our benevolent King the loss which we would sustain by the removal of such a brave, respectable and active Commandant, as we are convinced that we not only now do live in tranquillity, but for the future entirely without any depredations of Caffres.

Being persuaded that this our request will not be refused, We have the Honor to be, My Lord, &c.

(Signed) J. J. DURAND, Veld Commandant  
W. A. DE KLERK, Veld Cornet  
P. W. BOUWER, Veld Cornet  
W. C. BOUWER de oude

F. H. C. VAN DER VYVER  
 PIETER TOUSSAIN  
 W. DURAND, J. J. zoon  
 J. J. DURAND, J. J. zoon  
 JEREMIAS J. BOUWER  
 PETRUS CHRISTIAAN MASSYN  
 JAN RYNIER PETRUS VAN ROOYEN  
 G. J. VIKTOR  
 GIDEON ROUX  
 BAREND JACOBUS DE KLERK, oud Heemraad  
 WILLEM ABRAHAM DE KLERK  
 JAN DE KLERK  
 BAREND JACOBUS DE KLERK, Barend zoon  
 FRANS JOHANNES DE KLERK  
 THEUNIS CHRISTIAN DE KLERK  
 WILLEM CHRISTIAAN ABRAHAM DE KLERK  
 W. A. DE KLERK, W. zoon  
 THEUNIS CHRISTIAAN DE KLERK  
 CAROLUS JONANNES VAN AARDT  
 FRANS JOHANNES DURAND  
 HENDRIK FREDRIK PRINSLOO, W.z.  
 BAREND JACOBUS BESTER  
 BAREND DANIEL BOUWER  
 L. S. VAN DER VYVER  
 JAN CHRISTOFFEL BUYS  
 R. J. DE WAAL  
 JOHANNES LODEWYK BOUWER  
 ISAAK SERK BOUWER  
 WILLEM CHRISTIAAN BOUWER  
 CORNELIS ENGELBREGT de oude  
 GERT ENGELBREGT  
 JOHANNES ENGELBREGT  
 L. J. NEL, oud Veld Cornet  
 P. R. NEL, L. zoon  
 J. P. NEL, L. zoon  
 S. P. BUYS, J. zoon  
 DORIS BOTHA  
 MARTINUS VAN DER MERWE  
 CORNELIS JOHANNES VAN DER MERWE  
 GYSBERT VAN IOO (?)

A. C. LOMBARD  
DIRK BOUWER  
H. PETRUS LOMBARD  
JACOBUS DELPORT  
PETRUS STEPHANUS ERASMUS  
W. F. BOUWER  
P. BARENDSE BOUWER  
CHRISTOFFEL BOUWER, P. ZOOH  
JOHANNES LODEWYK BOUWER  
J. J. BOUWER

His [Enclosure 4 in the above.]

Co

Excclency Lord Charles Henry Somerset, Governor and  
Mamander in Chief of the Cape of Good Hope, &c., &c., &c.  
Alba

langr LORD,—We the Undersigned Dutch Inhabitants of  
Wny, take the liberty to address your Lordship in the Dutch  
Comage, relative to a case of the utmost importance to us.

situat have been informed with deep regret, that our worthy  
relucnandant Lt. Col. Somerset will be soon relieved from his  
livedtion, a case which all of us have learnt with the greatest

Wtance, as we know by experience that we never have  
man in such tranquillity, and which increases daily.

thcoue therefore beg your Lordship to retain the said Com-  
ir tndant permanently amongst us, as we are all convinced

o d we never shall obtain another more suitable for such an  
Lc 3rtant situation, and with whom we can converse in our

Caffi language; we also consider it our duty to assure your  
immship, if we either by day or night lodge our Complaint of

We depredations, he never spared his own Person, and  
termmediately sent to our assistance his cavalry.

We conclude by praying your Lordship in the most serious  
estec s to keep amongst us such an excellent Protector.

e have the honor to subscribe ourselves with the greatest  
em.

(Signed) C. MEYER, Veld Cornet  
A. J. ESPACH  
J. P. DREYER  
S. VAN DYK

S. v. D. MERWE  
 FRANS J. VAN DYK  
 W. A. BESTER  
 L. J. MEYER  
 J. C. GREYLING  
 B. W. BOUWER  
 GYSBERT VAN ROOYEN  
 J. P. NEL  
 C. A. BOTMA  
 J. NEL  
 J. MYNHART  
 JAN NEL  
 MICHEL DE LANGE  
 J. J. DURAND, Commandant  
 W. J. DURAND  
 J. J. DURAND, J. zoon  
 JAN DE KLERK  
 JAN RYNIER PETRUS VAN ROOYEN  
 JAN NEL, Jan z.  
 C. J. DREYER  
 L. J. KLOPPER  
 J. H. POTGIETER  
 L. R. BOTHA  
 A. J. NEL  
 P. H. S. VAN DER MERWE  
 W. VAN DER MERWE  
 JOHANNES HENDRIK BOTHA  
 PIETER BAREND BOTHA  
 D. H. VAN ROOYEN  
 HERMANUS LOMBARD  
 BAREND JACOBUS DE LANGE  
 W. A. DE KLERK, Heemraad  
 P. W. BOUWER, Veld Cornet.

# INDEX.

VOL. XVI, MAY 1823 TO JANUARY 1824; VOL. XVII, JANUARY TO JUNE 1824; VOL. XVIII, JUNE TO OCTOBER 1824; VOL. XIX, OCTOBER 1824 TO FEBRUARY 1825; VOL. XX, FEBRUARY TO APRIL 1825.

- van Aarde, Mr. : opinion of, on land at Clanwilliam, *xvi* 4 and 315, *xviii* 275
- Abel, slave of B. van der Merwe : trial of, for joining in conspiracy to murder masters, *xx* 188 *et seq.* ; active part taken by, *xx* 191, 195, and 202 ; seizes a gun and fires at his master, *xx* 192, 202, 206, 218, 227, 232, 235, 262, and 310 ; shoots at W. N. van der Merwe, *xx* 196, 202, 207, 219, 223, 228, 236, and 307 ; also at J. van Rensburg and J. M. Verlee, *xx* 197, 202, 207, 219, 228, 237, 241, and 307 ; fires at the commando and is captured by the slave Carel, *xx* 200, 202, 257, and 306 ; charges made against, *xx* 202 ; examination and statement of, *xx* 217 to 222 and 307 ; complains of ill-treatment, *xx* 221 and 264 ; sentence of death is passed upon, *xx* 340 ; further mention of, *xx* 260, 266, 269, 291, 301, 319, and 332
- Abercrombie, James, surgeon : *xvii* 241, *xix* 336
- Accounts : of Groote Post government farm, showing a deficit, *xvi* 43 and 44 ; to be kept by burgher senators, *xvi* 248 ; between the commissariat department and Mr. Willson's party, *xvi* 335, *xvii* 213 ; with settlers, *xvi* 378 ; of Tulbagh district, showing a surplus, *xvii* 337 ; of church funds, *xix* 231
- Accounts, public : for 1822, are transmitted by the *Menai*, *xvi* 108 and 109 ; for 1823, by the *Neptune*, *xvii* 311 ; abstracts of, for 1823, *xvi* 485 to 487 ; for 1824, *xix* 382 to 385 ; further particulars concerning, *xvi* 231, *xviii* 327, *xx* 341
- Achilles, slave of W. N. van der Merwe : trial of, *xx* 188 *et seq.* ; charges made against, *xx* 203 ; examination and statement of, *xx* 241 to 243 ; sentence passed upon, *xx* 340 ; further mention of, *xx* 259, 273, 282, 287, 302, 308, 321, 324, and 337
- Acts of Parliament : concerning the tonnage of vessels trading between Great Britain and the limits of the East India Company, repeal of, *xvi* 135 ; for the abolition of the slave trade, *xvi* 142 ; for the registering of vessels, *xvii* 452

- Adams, Thomas Priece, settler : distress of people of, *xvi* 284 ; money advanced to, by the government, *xvii* 88, *xviii* 235 and 396
- Addy, Doctor, settler of Mr. Parker's party : *xix* 27
- Adelaide, a government slave : sale of, *xvi* 396
- Admiral Slinger, a Hottentot : part taken by, in slaves' attack on their masters, *xx* 207, 220, 224, 229, 233, and 237 ; deposition of, *xx* 299
- Adonis, slave of J. A. du Plessis : trial of, *xx* 188 *et seq.* ; charges against, *xx* 204 ; examination and statement of, *xx* 249 ; acquittal of, *xx* 340 ; further mention of, *xx* 259, 328, and 333
- Advertisements : in Mr. Greig's paper, duty levied on, *xvi* 490
- Agriculture : implements of, *xvi* 248 ; difficulties of, in Albany, *xvii* 120 ; state of, in the George district, *xix* 350 *et seq.* ; machinery is required for, *xix* 355 ; prosecution of, is proposed by the South African Company, *xx* 95
- Aitchison, Captain R. S., of the Cape Corps Infantry : describes the system of defence on the frontier, *xvii* 152 to 154 ; purchase of premises of, *xix* 175 and 176
- Alacrity, the : Mr. Burnett embarks on, *xx* 178
- Albany, district of : successive failures of harvests in, *xvi* 11 ; address from settlers in, expressing their appreciation of Lord Charles Somerset's government, *xvi* 11 to 13 and 95, *xviii* 300 ; return of settlers in May 1823, *xvi* 37 to 40 ; in February 1824, *xvii* 94 ; lands granted and occupied in, *xvi* 113, 329, 331, 414, and 421, *xix* 96, 97, 137, 138, and 155 ; is to be cultivated by free labour only, *xvi* 326, *xix* 161 ; was the only settlement offered in England to emigrants, *xvi* 350 and 357 ; visit of the commissioners of enquiry to, *xvi* 429, *xviii* 150 ; depredations in, owing to breaches of regulations, *xvi* 449 ; introduction of the English language into the courts of, *xvii* 24 and 482 ; sufferings and complaints of settlers in, *xvii* 79, *xviii* 150 and 301 to 310 ; description of state of, in 1824, *xvii* 103 and 119 ; claims of settlers in, are to be investigated by a commission, *xvii* 340 ; removal of settlers to, from Clanwilliam, *xvii* 347 ; public buildings in, *xvii* 484, *xix* 164 ; appointment of magistrates in, by Sir Rufane Donkin, *xviii* 27 ; proposed emigration of labourers to, *xviii* 43 and 194 ; inhabitants of, desire Major Somerset's permanent appointment as commandant, *xviii* 209, 211, and 330 ; visits of the governor to, *xviii* 303, *xx* 400 ; wages and prices in, *xix* 6 ; list of perpetual quitrent and freehold grants made in, by Sir Rufane Donkin, in 1821, *xix* 35 ; by Lord Charles Somerset, from 1821 to 1824, *xix* 37 to 39 ; list of officers in, with salaries, *xix* 71 ; in October 1820 is separated from Uitenhage, *xix* 161 and 167 ; annual expense of, *xix* 345 ; map showing boundaries of, is sent to the commissioners, *xix* 393 ; sums advanced to settlers in, suffering from storms, *xix* 462 ; inhabitants of, address the governor, *xx* 54 and 55 ; no longer requires the services of the Albany levy, *xx* 254 ; beef of, *xx* 383
- Albany Levy : advantages of, *xvi* 12 ; establishment of, and allowances to, *xvi* 49, 396, and 440 ; *xix* 127 ; oath prescribed for, *xvi* 62, 102, 318, and 320, *xviii* 308 ; information is requested concerning, *xvii* 486 ; grievances



- of the settlers in connection with, *xviii* 155 and 308 ; in March 1825 is disbanded as no longer required, *xx* 354, 404, and 406
- Alberti, Brigadier General : *xx* 44
- Albertyn, Casparus : loan place of, is purchased by Mr. Buissinne for the location of settlers, *xviii* 53, 54, 55, and 129, *xix* 257 and 308
- Albrecht, Johan Christiaan, late Moravian missionary : estate of, *xviii* 282, 283, and 311, *xix* 87
- Albrecht, Magdalena Susannah, niece of the above : sum left to, *xix* 87
- Aldermen of wards : appointment of, *xvi* 249
- Alexander, Henry, colonial secretary : death of, *xviii* 14 : grants of land made to, *xviii* 24, *xix* 101 ; recommends the establishment of a joint stock banking company at the Cape, *xx* 61
- Algoa Bay : settlers land and obtain stores at, *xvi* 351 and 357 ; court of magistracy is appointed at, *xx* 402. See Port Elizabeth
- Alldrige, Anthony, apprentice : evidence of, *xviii* 84
- America : colonization of, *xvi* 272
- Amsterdam*, Dutch ship : value of, *xvii* 487
- Anderson, George : complains against a sentence of the court of justice, *xvi* 27 and 34
- Anderson, Reverend John, of Fochabers : letter from, concerning Mr. Rannie, *xviii* 412
- Anderson, W., settler : land granted to, *xvii* 84
- Andrews, Captain Cœsar, settler : relief granted to, from government loan, *xviii* 253
- Andries Wildschut, a Hottentot : part taken by, in the slaves' attack on their masters, *xx* 207, 220, 224, 229, and 237 ; deposition of, *xx* 300
- van Andringa, Mr., landdrost of Stellenbosch : *xix* 437
- Andromache*, His Majesty's ship : salt beef is prepared for, *xvii* 33
- Antony, slave of W. N. van der Merwe : trial of, *xx* 188 *et seq.* ; charges against, *xx* 203 ; examination and statement of, *xx* 243 to 246 ; sentence passed upon, *xx* 340 ; further mention of, *xx* 273, 287, 303, 308, 321, 324, and 337
- Appeals : of Mr. Whiskin, *xvi* 113 ; from the action of a vestry in the Dutch Reformed church to the district direction, *xix* 204 : to the general assembly, *xix* 208 ; of Jacobus Theron, *xx* 85 and 89 ; of Mr. Burnett, from the decisions of the commission of circuit, *xx* 162 ; from his sentence for libel, *xx* 171. See Courts
- Appraisement : of the territorial possessions of the Dutch East India Company at the time of the capitulation, *xx* 100 *et seq.*
- Apprentices : Mantatees placed as, with English settlers, *xvi* 223, *xx* 405 ; boy and girl, scheme for transport of, and regulations for, *xx* 50 to 53, 58, and 59 ; of Mr. Ingram, treatment of, *xx* 73
- Apprentices, negro : neglect and desertion of, by Mr. Corbitt, *xvi* 141 and 142 ; treatment of, by Mr. Blair, *xvii* 74, *xix* 273 *et seq.*, and 493 ; laws concerning, *xvii* 109, 167 to 169, and 188, *xix* 272 ; condition of, is inquired into by Mr. Denyssen, *xvii* 157 *et seq.* ; successive disappearances of, *xvii* 158, 159, 160, and 162 ; are hired out and sold as slaves, *xvii* 160 and 161 ; are rescued by Mr. Denyssen, *xvii* 161 and 162 ; little progress is made

- by, in Christianity, *xvii* 166; frequently embrace Mohamedanism, *xvii* 167; condition of, is to be investigated by the commissioners of enquiry, *xix* 493
- Arcthusa*, coasting vessel: *xvii* 104
- Ariadne*, the: intelligence concerning loan is sent by, *xviii* 60
- Arms and ammunition: barter in, with Kaffirs, is prohibited, *xviii* 180; purchase of, for personal defence, *xx* 354
- Armstrong, Catherine: land granted to, *xvi* 35
- Armstrong, J., settler: land granted to, *xvii* 84
- Artificers: building lots at Grahamstown are granted to, *xvii* 85
- Artillery: buildings are erected for, at Grahamstown, *xvi* 450, *xvii* 231
- Assagai: use of, by Kaffirs, *xvi* 128
- Assagai Bush: location of settlers at, *xvi* 1 and 456; arrival of Mr. Francis at, *xvi* 150
- Atherstone, J., Fellow of the Royal College of Surgeons: *xvii* 241
- Atkins, Ann: applies for marriage, *xviii* 316
- Atwell, Richard, settler; land granted to, *xvi* 476
- Auction, public: sale of slaves by, *xvi* 65; of Mr. Ingram's property, amount realised by, *xviii* 194; credit given at, *xix* 6; disposal of building allotments by, *xix* 341; return of sales by, from 1808 to 1824, *xix* 390; purchase of Paarden Island at, *xix* 398
- Auditors, Colonial: remark on the governor's unauthorised expenditure, *xvi* 50; are to report concerning the securities to be required from civil officers, *xvii* 479; statement sent by, *xix* 160
- Auditor General: detects Mr. Buisinne's embezzlement of public money, *xvi* 445
- Auditor General's Department: list of officers of, with dates of appointment and salaries, *xix* 49
- Auret, P., chief clerk in the fiscal's office: attack made upon, by Mr. Edwards, *xvii* 269, 270, and 389; is named by him as a witness, *xvii* 376
- Aurora*, transport conveying settlers: *xvii* 88
- Austin, William, heemraad of Albany: reports Mr. Geary's conduct, *xviii* 316; testifies to Mr. Rivers' attention to settlers, *xviii* 383
- Auteniqualand: productions of, *xix* 350
- Bagot, Robert Wood, captain of the 47th regiment: testifies to the relief afforded by Mr. Rivers to suffering settlers, *xviii* 387
- Bailey, Samuel, surgeon royal navy: mention of, *xvi* 270, *xvii* 241; objects to Mr. Liesching as a chemist and druggist, *xviii* 320; evidence given by, to the commissioners of enquiry, *xviii* 470
- Bailie, Ann, mother of John Bailie: presents his memorial, *xvii* 298 and 321
- Bailie, John: idleness and distress of party under, *xvi* 37 and 284; additional grant made to, *xvi* 477, *xvii* 84; requests a further extension of grant, *xvii* 298; advances money to distressed settlers, *xviii* 374; testifies to the relief afforded by Mr. Rivers to suffering settlers, *xviii* 396; further mention of, *xvi* 409 and 422
- Baird, Sir David: action of, regarding the colonial currency, *xix* 395, 401, 402, and 441

- Baird, General : *xix* 436 and 437
- Baird, J., deputy landdrost of Beaufort : *xx* 84
- Baker, George, settler : remains at Kleine Valley, *xviii* 203
- Bakwena tribe : is reported to have joined the Mantatees, *xvi* 503
- Banberger, Nicolaas, first undersheriff : evidence given by, *xvii* 148, *xviii* 112, *xx* 143
- Bankruptcy : forced, of Mr. Burnett, *xvi* 188, *xx* 156
- Banks : proposal of Mr. Ebdon to establish a joint stock company at the Cape, *xix* 492 and 504, *xx* 366 and 393. See Discount and Lombard
- Baptism : of slaves and slave children, *xvi* 181, *xvii* 38 ; of negro apprentices, *xvii* 168 ; fees for, *xix* 216 and 232 ; registration of, *xix* 230 ; of natives, *xix* 472 and 475
- Barclay, Reverend Archibald : pamphlet by, concerning Dr. Philip, *xviii* 346 and 402 ; is admitted as a candidate for the pastorate of the Scotch church, London Wall, *xviii* 405 ; letter from, to Dr. Nicol, *xviii* 433
- Barker, Arthur, settler : little cultivation accomplished by, *xvi* 37 ; loss of cattle by, *xvi* 287 ; grant of location to, *xvi* 424 and 475, *xvii* 3
- Barker, J. : *xviii* 81
- Barnard, Mr., colonial secretary : death of, *xviii* 14 ; land granted to, *xviii* 24
- Barrack : necessity of erecting at Grahamstown, for the officers of the Cape Corps ; probable cost of, *xix* 174 to 177
- Barrosa, the : survey of, *xvi* 64 ; conveys Mr. Ingram's party from Cork to the Cape, *xvi* 64, 69, and 296, *xviii* 186, 198, and 217
- Barrow, John, secretary of the Admiralty : selects books for the public library at Capetown, *xviii* 164 ; testimony of, to natives, *xix* 392 ; recommends Mr. Pringle, *xix* 443
- Barry, Dr. James, colonial medical inspector : question of authority of, over Mr. Leitner, *xvi* 69 and 106 ; visits the prison, and complains of neglect of the prisoners, *xvii* 245 and 280 ; powers entrusted to, *xvii* 331 and 357 ; allows lower fees than the regulations impose, *xvii* 382 ; on patent medicines, *xvii* 475 ; libel is published against, *xviii* 83, 86, and 103 ; proposes queries to be put to Messrs. Greig and Edwards, *xviii* 71 ; objects to Mr. Liesching's admission as a chemist and druggist, and declines to examine him, *xviii* 214, 215, 228, 230, and 320, *xix* 131, 312, and 381 ; further mention of, *xvii* 238 and 281, *xviii* 65 and 79
- Barter with Kaffirs : for ivory, *xvi* 72 and 73 ; is prohibited, *xvi* 449 ; regulations for, *xviii* 179 to 181. See Commerce
- Bathurst, Earl : admirable instructions of, for the colonization of South Africa, *xvi* 131 ; is requested to preside at a meeting on behalf of distressed settlers, *xvii* 79
- Bathurst, town of : destruction of, by Lord Charles Somerset, *xvi* 165, *xvii* 32 ; losses and inconvenience occasioned by the removal of the seat of magistracy from, to Grahamstown, *xvi* 178, 206, and 332, *xvii* 16 and 34, *xviii* 152 ; grazing land is taken away from, *xvii* 17 ; list of inhabitants of, *xvii* 18 ; promising condition of, in 1821, *xvii* 29 and 31 ; return of settlers at, residing on their locations in February 1824, *xvii* 98 ; Captain Trappes is appointed provisional magistrate at, *xviii* 27 ; alleged unfitness

- of, as a seat of magistracy, *xviii* 302, 304, and 306; allotments sold at, in 1821, *xix* 94; grammar school is established at, *xx* 402
- Baulcomb, W. H., director of the government slave lodge: *xix* 268
- Baumgardt, G. D., clerk: leave of absence is granted to, in order to return to Europe, *xvi* 146
- Baviaan's River: condition of the Scotch settlers on, *xvi* 287, *xviii* 334; hostility of the Kaffirs at, *xvi* 312; return of settlers on, *xvi* 321; tranquillity of, *xviii* 328 and 329; further mention of, *xix* 162 and 166
- Beads: are used in illicit traffic with Kaffirs, *xvi* 73, *xx* 91 and 93; price of, *xx* 182
- Beaufort, district of: list of officers in, with salaries, *xix* 66; annual fair is to be held at, *xx* 84
- Beaufort, duchess of: private letter from, to Mr. Geary, *xvii* 54 to 58; recommends him for the Cape, *xvii* 248
- Bechuanas: assemble at Latakoo and discuss the expected attack by the Mantatees, *xvi* 497 *et seq.*
- Beck, Reinier, notary: acts as agent of Mr. De Sousa, *xvii* 160 and 161; further mention of, *xviii* 204 and 205
- Beef: is supplied to Mr. Ingram at Cork for his party, *xvi* 202; is salted by Mr. Nourse for His Majesty's service, *xvii* 33, *xx* 383
- Bell, Lieutenant-Colonel: is appointed a member of the council, *xx* 8
- Bell, Reverend Dr.: educational system of, *xvi* 12, *xvii* 289
- Bendall, Mr.: evidence of, *xvii* 187
- Bengal wheat: issue of, to settlers, for sowing purposes, *xvi* 265
- Bennie, John, missionary of the Glasgow Society: is at the Chumie institution, *xvi* 200
- Bentinck, Walter, LL.D., auditor general and commissioner of the court of justice: commits Mr. Edwards to prison, *xvii* 145; appearance of the fiscal and Mr. Pringle before, *xvii* 480; evidence taken before, concerning the libel against the governor and Dr. Barry, *xviii* 72, 83, 88, 95, 100, and 108; is appointed a member of the council, *xx* 8
- Bentley, James, A.M., professor of oriental languages, King's College, Aberdeen: recommends Mr. Morgan, *xvi* 449, 458, and 494; further mention of, *xvii* 298
- Bentley, Sergeant, of the 6th regiment: is market master, *xx* 181
- Beresford, General: *xix* 436 and 437
- Berg River: is well suited for the breeding of horses, *xvii* 488
- Bergeon, Jacques Zacharias, soldier: death of, *xvii* 2
- Bergh, A. V., director of the Lombard bank: age and infirmities of, *xix* 428
- Bergh, E., clerk of the court of justice: assists in the search for defamatory papers, *xviii* 100
- Bergh, Olof Martinus, deputy landdrost of Clanwilliam: opinion of, on the locations of settlers, *xvi* 4, 98, 148, and 315, *xviii* 274; Colonel Bird's letter to, *xvi* 36 and 99, *xviii* 19; decides the dispute between Messrs. Parker and Woodcock, *xviii* 20 and 206, *xix* 134; reports on Mr. Redelinghuys's memorial, *xviii* 451; further mention of, *xviii* 463, 466, 487, and 490
- Berrangé, D. F., LL.D., secretary of the court of justice: signature of, *xvi* 395

- and 447 ; part taken by, in the trial of Mr. Edwards, *xvii* 411, 413, 414, 415, 416, 423, 424, and 425, *xviii* 116 ; assists in the search for defamatory papers against the governor, *xviii* 80 and 82
- Berrangé, Reverend Jan Christoffel, president of the general assembly : *xix* 188, 209, 212, 215, 216 to 222, and 336
- Bertram, Mr. : is in Mr. Gosling's service, *xvi* 66, *xix* 184
- Bethelsdorp, missionary settlement at : establishment of, *xvi* 215 ; barren situation of, *xviii* 498 and 506, *xix* 286 ; progress made at, *xviii* 499 and 507, *xix* 287 and 289 ; need of extension of land at, *xviii* 500, 502, and 504, *xix* 41, 287, 289, and 362
- Betje, a Hottentot, wife of Galant : intercedes on behalf of her mistress, Mrs. Van der Merwe, *xx* 198 and 311 ; deposition of, *xx* 270 : further mention of, *xx* 209, 212, 216, 242, 244, 247, 251, 290, 316, and 338
- Bible and School Commission : see Commissions
- Bibles : distribution and sale of, *xviii* 165, *xix* 85
- Bible Union Society : formation and work of, *xviii* 20 and 165, *xix* 85
- Biehner, R., fieldcornet : *xviii* 504
- Biddulph, Lieutenant Edward, royal navy : complains of injuries inflicted on his father, *xvi* 209 and 292
- Biddulph, Mr., settler : heavy charge made upon, for poundage of strayed cattle ; trial of, and imprisonment for contempt of court, *xvi* 210 and 292 to 295 ; alleged defiant conduct of, *xvi* 327 ; grant of land made to, *xvii* 84 ; offers to convey the mail from Uitenhage to Grahamstown, *xix* 357
- Biggar, Alexander, settler : work done by, *xvi* 37 ; loss of cattle by, *xvi* 287 ; land granted to, *xvi* 423 and 441, *xvii* 78 and 83 ; was paymaster in the 85th regiment, and cashiered by a court martial for malversation ; emigrates to the Cape, *xviii* 131 ; is arrested and charged with insulting Major Somerset, *xviii* 132, 135, and 137 ; complains of slander and injustice, *xviii* 133 and 137 : offers a reward for the conviction of the author, *xviii* 140 ; further mention of, *xviii* 142 and 143
- Bigge, John Thomas, His Majesty's Commissioner : application to, *xvi* 76 ; cannot advise Mr. Geary, *xvii* 52 ; opinion of, respecting Wathall, *xvii* 255 ; subject of land tenure is pressed upon, by Mr. D'Eseury, *xvii* 457 ; report of, on New South Wales, *xvii* 462 ; is quoted incorrectly by Mr. Geary, *xvii* 499 and 500 ; approves the construction of the road over the Fransche Hoek Kloof, *xix* 252. See Commissioners of Enquiry
- Bird, Lieutenant-Colonel Christopher, colonial secretary : charges made against, by Mr. Parker ; is said to be a Roman Catholic and a Jesuit, and to seek to undermine Protestantism at the Cape, *xvi* 1 to 6, 77, 98 to 101, 296, 397, 399, and 410 to 414, *xvii* 9 and 492, *xviii* 11, 182, and 201, *xix* 23 and 491 ; oaths of office taken and refused by, *xvi* 72, 105, 299, 301, and 405, *xviii* 192 ; is defended by Sir Rufane Donkin, and his high character attested, *xvi* 87, 114, 122 *et seq.*, and 143 ; illness of, *xvi* 145 and 147, *xvii* 59, 296, and 453 ; letter from, to Captain Somerset, *xvi* 171 ; is said to be hostile to settlers, and dominant in the colony, *xvi* 191 ; gives information to the commissioners, *xvi* 206 ; charges against by Mr. Parker, are to be investigated by the commissioners, *xvi* 477 and 478, *xvii* 453, 459, and 460 ; dismissal of, from office, *xvii* 143 and 470, *xix* 399 and 406 ;

- requests a pension ; long and arduous services of, *xvii* 472, *xviii* 13 to 15 ; reply of, to Mr. Parker's charges, *xviii* 12 to 16, 17 to 34, 63, and 129 ; lands granted to, in Hout Bay and Capetown, and advance made to, by the Lombard Bank, on their security, *xviii* 23, 236, 244 to 246, and 247, *xix* 1, 21, 88, 98, 426, and 431 ; establishes a public library in Capetown, *xviii* 31 and 163 ; furthers the proposal to build an English church in Capetown by subscription, *xviii* 33, 144, 147, and 162 ; encourages the religious instruction of slaves, *xviii* 161 ; assertion of, respecting appointments made by the governor, *xviii* 238 ; allowance and pension to be granted to, *xviii* 254, *xix* 406 ; cannot furnish documents respecting Mr. Parker's location, *xix* 26 ; attitude of, towards Bible societies, *xix* 86 ; alleged persecution of, by Lord Charles Somerset, *xix* 100 ; objects to Mr. Morkel's claim, *xix* 257 ; protests against his treatment by the commissioners, *xix* 400, 439, and 475 ; courts every inquiry, *xix* 475 ; answers given by, concerning government slaves, *xx* 350 to 353 ; further mention of, *xvi* 148, 155, 156, 158, 315, 434, and 437, *xviii* 449 and 450, *xix* 135, 159, 165, 179, 303, 306, 317, 339, 340, 341, 356, and 363, *xx* 3, 4, 68, 70, 71, 72, 79, 80, 362, and 395
- Bird, Major E. M., brother of Colonel Bird : solicits aid for five sisters, *xix* 400
- Bird, Reverend John, brother of Colonel Bird : is a Jesuit priest, *xvi* 100 and 405 ; remittances made to, *xvi* 100 and 406
- Bird, Miss, sister of Colonel Bird : *xvi* 100
- Bird, William Wilberforce, comptroller of customs : is a member of the committee for the relief of distressed settlers, *xvi* 264 and 269 ; work published by, *xvii* 295 ; advice of, to Dr. Philip, *xviii* 357 ; resolution is proposed by, for the increase of the sub-committee in Albany, *xviii* 364, 366, 368, 369, and 385 ; evidence given by, to the commissioners, *xix* 20 ; explains his action concerning *La Seine*, *xix* 128 ; obtains a pledge from Dr. Philip to withdraw presses from Mr. Greig, *xix* 466 ; further mention of, *xvii* 183, 189, 190, 234, 383, 389, and 392, *xviii* 56, 350, and 352, *xix* 273 and 279
- Bird Islands : sealing and fishing on, *xix* 105
- Bishops : opinions of, concerning Colonel Bird and Roman Catholicism, *xvi* 411
- Bisset, Alexander, settler : land granted to, *xvii* 84 ; testifies to the relief afforded by Mr. Rivers to distressed settlers, *xviii* 379
- Blackbeard, Constable : *xvii* 500
- Blackstone, W. : citations from, *xvii* 181, 182, 199, 205, and 406
- Blackwood, Sir Henry, commander of His Majesty's ship *Leander* : *xvi* 377
- Blair, Charles, collector of customs : conduct of, towards negro apprentices, *xvi* 141 and 142, *xvii* 109, 192, 212, 214, and 498, *xviii* 216, *xix* 273 *et seq.* ; has not given security, and objects to demand, *xvi* 490 and 491 ; charges made against, by Mr. Cooke, *xvii* 45, 51, 74, 75, 77, 137, 138, 139, 140, 145, 210, and 232, *xviii* 322, *xix* 271 *et seq.*, 331, and 493, *xx* 137, 138, and 141 ; alleged libel on, by Messrs. Cooke and Edwards, proceedings concerning, *xvii* 177 to 209 ; illness of, *xvii* 184 ; is accused of tampering with witnesses, *xvii* 186 ; alleged violence of, towards Mr. Cooke, *xvii* 190 and 194, *xix* 274 ; temporary suspension of, *xix* 272 ; further mention of, *xvii* 10, 20, and 24, *xviii* 56, *xx* 374

- Blair, W. T. : is a member of the committee for the relief of distressed settlers, *xvi* 264 and 269 ; speech of, *xvi* 277, *xviii* 368 ; signs the memorial for a free press, *xviii* 58 ; is chairman at the first meeting of the South African literary society, *xviii* 178 ; consults the acting secretary, *xviii* 286 ; letters from, to the governor, laying papers before him, *xviii* 288 and 291 ; associates himself with Dr. Philip, *xviii* 345
- Blake, Major M. G. : mention of, *xvii* 86 ; conveys Mr. Edwards' apology to the governor, *xviii* 317 and 494
- Blakeman, Captain Richard, of the 54th regiment : reports massacre of natives on the frontier in 1821, *xix* 392
- Bletterman, Mr. : builds the drostdy house and secretary's house at Tulbagh, *xvii* 335
- Blight : re-appearance of, in 1823, *xvii* 142 ; injury to harvests caused by, *xvii* 229, 230, and 338, *xviii* 156, 253, and 327 ; successive visitations of, *xix* 140, 343, 349, 351, and 356
- Blomfield, Archdeacon, D.D. : is requested to select a clergyman as classical schoolmaster for the Cape, *xvi* 415 and 418
- van Blommestein, P. C., secretary at Stellenbosch : *xviii* 149
- Bloomfield, Sir Benjamin : befriends Mr. Parker, *xvi* 98, 397, and 443
- Board of landdrost and heemraden : impose a fine for refusal to take oath, *xvi* 62 ; case of Mr. Biddulph is brought before, *xvi* 293 ; issue of relief by, to distressed settlers, *xviii* 252 ; question of security is submitted to, *xix* 462 ; taxes levied by, on slaves, *xx* 136 and 370
- Board of ordnance : charges borne by, *xvii* 230 and 231
- Board of orphan chamber : report made by, *xvii* 2 ; papers from Switzerland are forwarded to, *xvii* 175 ; money due to, *xvii* 337 ; administers the estate of C. Albrecht, *xviii* 282 and 283 ; list of officers of, with dates of appointment and salaries, *xix* 55 ; regulations of, respecting foreign heirs, *xix* 87 ; work of, *xix* 95 and 184 ; widows' fund is placed in charge of, *xix* 213 and 501
- Boardman, Reverend William, chaplain to Mr. Willson's party : is left to represent Mr. Willson on his location, *xvi* 9 ; question of agency of, is disputed, *xvi* 16, *xviii* 213, *xix* 24, 121, 122, and 124, *xx* 40, 43, and 122 ; services of, in locating settlers, and various duties of, *xvi* 338, 347, 359, 360, and 363, *xix* 117 and 125 ; stipend of, *xvi* 347 and 358 ; glebe set apart for, *xvi* 359 ; is appointed head of the party, *xvi* 373, *xix* 79 and 80 ; land granted to, *xvi* 409 and 422, *xvii* 85 ; testifies to the relief given by Mr. Rivers to distressed settlers, and rebuts calumny, *xviii* 378 and 394 ; defends himself from Mr. Willson's charges, *xix* 82 and 119 ; has repaid money advanced, and exhibits receipt, *xx* 41 ; further mention of, *xvi* 334 and 335
- Boats : construction of, for service at the Kowie river, *xvii* 482
- Boers : extent of farms of, *xvi* 430 ; houses of, *xvii* 122 ; animosity of, towards Kaffirs, *xvii* 222 ; incursion of, into Kaffir territory, to recover stolen cattle, *xviii* 41 and 158 ; on Baviaans River, petition for the retention of Major Somerset as commandant, *xviii* 305 and 329
- Böhmer, J. W., elder of the Roman Catholic church in Capetown : *xix* 141

- Bokkeveld, the: grievances of the inhabitants of, regarding the removal of the drostdy, *xviii* 51
- Bond, W., settler: land granted to, *xvii* 84
- Bonds: to be given for registered vessels, *xvii* 452; entered into by Mr. Ingram with the government, *xviii* 185, *xix* 256, *xx* 94; given by settlers for the repayment of sums advanced in relief, *xviii* 235, *xix* 462
- Bonteberg Farm: grant of, to Mr. Proctor, and rent asked for, *xvi* 169, *xvi* i 369, *xviii* 248
- Books: selection of, for the public library in Capetown, *xviii* 164 and 172; lending and return of, *xviii* 174; required for the public classical school, *xix* 142 and 330
- Borcherds, P. B., member of the court of justice: trial of Mr. Edwards is held before, *xvii* 373 and 387; visits him in prison, *xvii* 415; further mention of, *xvii* 394, 411, and 423
- Borcherds, Reverend M., minister at Stellenbosch: sermon preached by, *xvii* 50; age and infirmity of, *xviii* 328; is secretary to the general assembly, *xix* 188, 209, 212, and 215; further mention of, *xix* 213
- Borcherds and Truter, Messrs., commissioners of circuit: *xx* 170 and 395
- Borodino, transport: is to take men from the Royal African Corps to Sierra Leone, *xvi* 180
- Borradaile, Abraham, chairman of the committee of Cape trade: requests reduction of duty on Cape wine, *xx* 114, 116 *et seq.*, 151, and 379
- Bosch, I. Jacob: *xviii* 282 and 283
- Boshoff, A.: application of, for land, *xvi* 507
- Bosjesmen: returns of expeditions against, with numbers killed, wounded, and taken prisoners, in the district of Worcester, *xvi* 484; in Graaff-Reinet, *xvii* 507; in Stellenbosch, *xviii* 148; at the Cape since 1797, *xix* 19; taken prisoners, live with farmers as servants, *xvii* 508; grants of land made to, *xix* 18 and 75; treatment of, *xix* 484
- Bosman, Maria Elizabeth: *xviii* 54
- Botha, Philip Rudolph, farmer: *xix* 128
- Botumane, Xosa chief: gives up a Kaffir who has murdered an English boy, *xix* 477
- Boundaries of locations: disputes concerning, *xvii* 148 and 344
- Bourne, Sturges, president of the committee on the poor laws: *xvii* 28
- Bouvin, S.: land solicited by, *xix* 116
- Bower, B. D., settler: removal of, is ordered, *xvii* 90
- Bowker, Miles: industry of, *xvi* 37; grants of land made to, *xvi* 423 and 441, *xvii* 78 and 83; reports the flourishing state of his settlement at Olivetown, *xvii* 102; is senior heemraad of Albany, *xvii* 103, *xviii* 316
- Boys: value of labour of, *xx* 51; wages of, *xx* 59
- Braddon, W.: is one of the committee for the relief of distressed settlers, *xvi* 264, 269, and 270
- Bradford, Mr.: land granted to, *xvii* 84
- Bradshaw, Richard: land granted to, *xvi* 179, *xvii* 83
- Bradshaw, Samuel: industry of party of, *xvi* 37; distress of party of, *xvi* 288; is to have his location confirmed, *xvi* 423
- Brand, C. T., advocate: is nominated to act for Mr. Edwards, *xvii* 187; argu-



- ment of, *xvii* 188 ; speeches of, *xvii* 201 and 427 ; acts for Mr. Edwards on appeal, in forma pauperis, *xvii* 424 and 425 ; letter to, from Mr. Edwards, *xvii* 426 and 432
- Brand, Joseph H. : *xix* 158
- Brandy : manufacture of, at the Cape. *xvii* 130 ; imported into the Cape, duty levied on, *xvii* 144, *xviii* 56
- Brath, Mr. : becomes security for an advance to Mr. Parker, *xx* 380
- Bread : high price of, *xvii* 250
- van Breda, M., president of the burgher senate : sheep breeding by, *xix* 353 ; further mention of, *xx* 3, 17, and 30
- Breede River : is the boundary of the district of Tulbagh, *xvii* 355
- Breeze, Charles, settler : loss of cattle by, *xvii* 156 ; asks for an additional grant, *xvii* 157
- Brenton, Sir Jahleel : opinion of, on the value of the lighthouse at Sea Point, *xvi* 61, 63, and 103 ; recommends the erection of one at Cape Point, *xvi* 61 ; returns Mr. Parker's papers, *xvi* 121 ; opinion of, on the extension of the wharf at Simonstown, *xvi* 291 and 298, *xvii* 105 ; recommends the establishment of a joint stock banking company at the Cape, *xx* 46 ; further mention of, *xvi* 270 and 401
- Brereton, Colonel : establishes a system of defence on the frontier, *xvii* 153
- Bresler, F. R., member of the court of justice : inquest held by, *xvi* 380 ; trial of Mr. Edwards is held before, *xvii* 373 and 387 ; visits him in prison, *xvii* 415 ; was deputy receiver general, *xx* 346 and 388 ; further mention of, *xvi* 382, 384, 388, 390, 392, 395, and 447, *xvii* 376, 377, 394, 411, and 423
- Briant, Widow : *xviii* 380
- Bridekirk, William : information given by, *xviii* 85 and 86 ; evidence of, *xviii* 100 and 101
- Brink, Cornelis : *xvi* 386
- Brink, Johannes Matthias : is master of Hester, *xvi* 380 ; evidence of, *xvi* 388 ; is appointed secretary to committee, *xvii* 139
- Brink, P. G., assistant secretary : defends Mr. Denyssen, *xvii* 75 ; acts as colonial secretary, *xvii* 330, 374, 470, and 471, *xviii* 207, 229, 244, 286, 289, 295, 315, 348, 358, 361, 362, 364, 371, 394, and 401, *xix* 36, 39, 101, 132, 138, 141, 160, and 305, *xx* 349 ; increase of salary is recommended for, *xix* 140, 160, 240, 303, and 306 ; is granted to, *xx* 114 ; high qualifications of, *xix* 304 ; gives evidence before the commissioners, *xx* 78 and 80 ; further mention of, *xvi* 154 and 440, *xvii* 275, *xviii* 80, *xx* 32, 69, 79, 80, 89, 101, 107, 113, 141, 142, 376, and 388
- Brisbane, Sir Thomas, governor of New South Wales : *xviii* 442 and 494
- British and Indian Observer*, the : paragraph from, concerning the condition of settlers, *xix* 4, 5, and 9
- Brits, Willem and Gert, farmers : *xx* 81
- Bromella, brother-in-law of Mateebe : speech of, *xvi* 501
- Brooks, Frederick : introduction of, *xvi* 492
- Brooks, Henry, settler : land to be granted to, *xvi* 477, *xvii* 3
- Brouwerstraat : return of erven and population in, in 1824, *xvii* 334
- Brown, Reverend Principle : testifies to Mr. Rannie's character and ability, *xviii* 433

- Brown, Thomas, settler : no cultivation done by, *xvi* 37 ; land to be granted to, *xvi* 424 and 475 ; is engaged in illieit traffic with Kaffirs, *xx* 93
- Brownlee, Reverend John, late missionary of the London Society : is enjoined to prevent traffic in slaves, *xvi* 207 ; settlement of, at the Chumie institution, *xix* 471
- Brownrigg, Captain, of the *Cumbrian* : *xvi* 23
- de Bruin, Jacob : complains of the removal of the drostdy from Tulbagh to Worcester, *xvii* 351 ; further mention of, *xvi* 226 and 228
- Brumfield, John, clerk : deposition of, *xviii* 87 ; examination of, *xviii* 109 to 111 ; visits Mr. Edwards in prison, *xviii* 112
- Buchenroder, W. L. : supports the request for more land at Bethelsdorp, *xix* 289 and 290
- Buckbay Farm : list of officers at, *xix* 62
- Buckbay Packet*, government schooner : wreck of, *xix* 139, *xx* 72
- Buekton, Mr. : *xviii* 366
- Buffaloes : herds of, in the Zuurveld, *xvii* 119
- Buildings : are constructed of wood under Mr. Willson's direction, *xvi* 366 ; advantage of, in towns, *xviii* 25 : on Robben Island, repair of, *xx* 359 to 361
- Buildings, public : necessary repairs of, are undertaken by the governor, *xvi* 50, 51, 332, and 495, *xvii* 175 and 488, *xix* 348 ; at Tulbagh, list of, *xvi* 227 ; repair of, *xvi* 229, *xx* 67 ; sale of, *xvi* 230 ; damage done to, by storms, *xvi* 229, *xvii* 313 and 319, *xviii* 127, *xix* 346 and 348 ; construction of, by the commissaries of the court of justice, *xvi* 234 ; by burgher senators, *xvi* 243 ; on the frontier and in Albany, expense of, *xvi* 207, *xvii* 484, *xix* 164 ; for the commissariat department, erection and repair of, *xviii* 184, *xix* 328, *xx* 4 ; in the Worcester district, erection of, *xviii* 256, *xix* 239, *xx* 15 and 66 ; funds are required for the erection of, *xx* 364
- Buissinne, Petrus Stephanus, receiver of land revenue : report of, on lands at Clanwilliam, *xvi* 4, 98, 119, 121, 315, and 317, *xviii* 18, 128, 129, 146, and 274, *xix* 96 ; is a brother-in-law of Colonel Bird, *xvi* 119 and 413 ; embezzlement of public money by, *xvi* 445 ; offices held by ; trial and sentence of, *xvi* 446 ; purchases the Wolvegat on account of government, *xviii* 53 to 55 ; confidence reposed in, by the governor and Sir Rufane Donkin ; has betrayed his trust, *xix* 113 ; further mention of, *xvi* 148, 395, and 429
- Buissinne and Bentinck, Messrs., commissioners : vindicate Mr. Burnett's conduct, *xx* 158 and 162
- Burehell, W. J. : gives information to the committee on the poor laws respecting the Cape, *xvii* 28
- Burder, Reverend George, secretary of the London Missionary Society : *xvi* 223
- Burger, B. F., fieldcornet : complains of the removal of the drostdy from Tulbagh, and of the increase of taxes, *xvii* 353 and 354
- Burghers of Cape Colony : military spirit shown by, *xvi* 462 and 463 ; claim of soldiers of Dutch garrison to become, *xvi* 483 and 508 ; terms of admission of foreigners to rights of, *xvi* 508, *xvii* 8 and 23
- Burgher Senate : taxes levied by, *xvi* 194

- Burgher Senators : instruction for ; board of, is to take over the duties of the commissioners of the court of justice, *xvi* 242 ; duties of, *xvi* 243 *et seq.* ; respect and obedience to be paid to, *xvi* 250 ; oath to be taken by, *xvi* 251
- Burke, Captain Edmond, of the 38th regiment : reports cruel treatment of Kaffirs, *xvi* 47 and 403
- Burnett, Bishop, settler : complaints and grievances of, against the colonial government, *xvi* 182 *et seq.*, *xx* 154 to 181, and 356 ; claim of, for forage supplied to the Cape Corps, *xvi* 262, *xx* 163 ; claims and grievances of, are to be investigated, *xvi* 262, *xx* 389, 391, and 395 ; money is advanced to, by the government, *xvii* 88 ; signs the memorial for a free press, *xviii* 58 ; is suspected of taking part in the libel against the governor, *xviii* 66, 89 *et seq.*, and 117 ; dwelling of, is searched for defamatory papers, *xviii* 80 to 82 ; a decree of apprehension of, is applied for, *xviii* 118 ; is refused, *xviii* 119 ; gives an account of the disturbance in Grahamstown, *xviii* 140 to 143 ; is sentenced to five years' banishment from the Cape, *xx* 133, 395, and 396 ; trial of, for libel against Messrs. Borchers and Truter, *xx* 170 ; escapes in disguise, *xx* 175 and 178 ; embarks on the *Alacrity*, *xx* 178 ; offences of, in the eyes of the governor, *xx* 179 ; political opinions of ; documents in the possession of, *xx* 180
- Burnett, Mrs. : assists her husband to escape, *xx* 175
- Bush : beating of, is ordered, to drive out Kaffirs, *xvi* 311
- Bushman's River : *xix* 162
- Butler, Charles : *xviii* 22
- Butler, Captain Thomas, settler : industry of, *xvi* 37 ; land granted to, *xvi* 423, *xvii* 84 ; is located at Clanwilliam, but removes thence to Albany, *xviii* 45, 144, and 145 ; testifies to the attention and humanity of Mr. Rivers, *xviii* 382
- Buyskes, Egbert Andries ; is appointed commissary of vendues, *xvii* 267
- Byng, Mr., colonial paymaster : *xix* 442
- Cadle, Widow : sum advanced to, *xviii* 235
- Cadogan, George : *xvi* 270
- Caledon, earl of : mention of, *xvii* 238, *xviii* 14
- Caledon : list of officers in, with salaries, *xix* 64
- Callahan, Daniel, and Co. : *xvi* 202
- Cambrian*, transport : *xvi* 366
- Campbell, Major-General C. C. : no cultivation done by, *xvi* 37 ; land to be granted to and reserved for, *xvi* 424 and 475, *xvii* 89 and 90
- Campbell, Captain Duncan, heemraad of Albany : land is granted to, at Grahamstown, *xvi* 177, *xvii* 84 ; is removed from the magistracy, *xvi* 191 ; asks an explanation of Major Somerset's words to Mr. Biggar, *xviii* 134 ; is offered a location at the Zonder End, but prefers going to Albany, *xix* 112, 309, and 310 ; decides the dispute between Messrs. Fournier and Shaw, *xix* 319 ; letter from, to Mr. Parker, remains unanswered, *xx* 345
- Campbell, Reverend Dr. John : work of, in selecting ministers for the Cape, *xvi* 214, 458, and 494 ; visits of, to South Africa, *xvi* 215 and 216
- Campbell, Peter, district surgeon in Albany : testifies to the relief afforded by Mr. Rivers to suffering settlers, *xviii* 380

- de Campher, Petrus Josephus : trial of, for aiding in the conspiracy of slaves and Hottentots to murder masters, *xx* 188 *et seq.* : charges made against, *xx* 204 ; examination of, *xx* 253 to 255 ; denies the charge, *xx* 255 ; is released, *xx* 312 ; further mention of, *xx* 215, 220, 229, 242, 274, 296, 302, and 317
- Campkin, Thomas, settler : grant of land made to, *xvi* 477, *xvii* 3
- Cape Corps : see Garrison
- Cape District : list of officers in, with salaries, *xix* 62
- Cape Point : a lighthouse on, is desirable, *xvi* 61
- Capetown : trade at, *xvi* 208 ; proposed erection of a Scottish Presbyterian church in, *xix* 331, 332, and 334 ; need of an English episcopal church in, *xix* 480
- Capetown Gazette : alleged libel in, against Mr. Geary, *xvii* 111, 112, 124, 134, and 259, *xviii* 207, 215, and 242, *xx* 132 and 371 ; letter published in, concerning the disturbance in Grahamstown, *xviii* 135 and 140 ; extra attendance is required for the printing of, *xviii* 199 ; is said to have published a libel against Mr. Theron, *xx* 83 ; publication of Mr. Burnett's insolvency in, *xx* 156 and 160
- Capital sentences : reference of, to the home government, *xix* 84
- Capitulation : articles of, *xvi* 508
- Carbines : are requested for the Albany levy, *xvi* 49
- Cardon, Thomas : *xvii* 60
- Carel, a slave of G. Muller : captures the murderer Abel, *xx* 200 and 306 ; deposition of, *xx* 301
- Carlisle, Frederick : industry of party of, *xvi* 37 ; correspondence with, *xvi* 330 ; is to have his location confirmed, *xvi* 423 ; proposes a scheme for bringing labourers to Albany, *xviii* 43
- Carlisle, John : is to have his location confirmed, *xvi* 441
- Carnall, Captain John : visits Mr. Edwards in prison, *xviii* 112 ; assists him to escape, *xix* 299 to 302 ; sentence passed upon, of transportation, is commuted to banishment, *xix* 302
- Carolina, a government slave : sale of, *xvi* 396
- Carolina, a slave of Mr. Van der Riet : purchase of, for emancipation, *xx* 184, 186, and 187
- Carwardine, Reverend J. : is brother-in-law to Mr. D. P. Francis, *xvi* 53
- Cassey, Reverend Mr. : is ready to go to Holland with a view to proceeding to the Cape, *xvii* 209
- Catechism, Heidelberg : translation of, is requested to be printed, for use in schools, *xix* 187 and 498 ; instruction in, *xix* 193
- Caterpillar : ravages of, on crops, *xvi* 282, 283, and 286
- Cats, Petrus Johannes : sum advanced to, for losses sustained by fire, *xviii* 298
- Cattle : stolen by Kaffirs, recapture and restoration of, *xvi* 128, 324, 462, and 463, *xvii* 156 and 218, *xviii* 38, 45, 152, 158, 159, and 209, *xix* 112, 128, 324, and 476, *xx* 91 ; proposed loan of, by the government, to distressed settlers in the Zuurveld, *xvi* 59 ; breeding of, by settlers, *xvi* 431, *xvii* 17 and 491, *xviii* 156, *xix* 353, *xx* 382 ; grazing of, land required for, *xvi* 431, *xvii* 348, *xx* 95 ; return of, in the Cape Colony, for 1823, *xvi* 488 and 489 ; for 1824, *xix* 386 and 387 ; as a circulating medium, *xvii* 29 ; supply of,

- for St. Helena, *xvii* 32 ; loss of, by Messrs. Wilmot, *xvii* 278 ; barter for, with Kaffirs, *xviii* 42, 159, and 181, *xx* 93 and 94
- Cavalry, Cape : augmentation of a squadron of, expense of, *xvi* 419 ; services of, against the Kaffirs, *xvi* 462, *xviii* 42 ; duties of, on the frontier, *xvii* 218 ; proposed strength of troops of, *xvii* 219
- Ceres*, the : is wrecked in Table Bay for want of a light, *xvi* 61
- Certificate : of leave of absence, *xix* 479
- Ceylon : intended visit of the commissioners to, *xvi* 495 ; regulations concerning the currency at, *xx* 28 and 373
- Chabaud, J. A. : is appointed treasurer for the subscriptions for a church at Port Elizabeth, *xvii* 360
- Chaplain, colonial : house appropriated for, *xix* 396
- Chapman*, transport conveying settlers to the Cape : sails in 1819, *xvii* 12
- Chapman, Captain : in 1823 commands His Majesty's Ship *Espiegle*, *xvi* 420 ; in 1819 conveys the governor from Algoa Bay in His Majesty's ship *Nautilus*, *xix* 455
- Charles Mills*, ship : *xviii* 314
- Charter : is requested for a joint stock banking company at the Cape, *xx* 42 ; is requested for the South African Company, *xx* 96
- Chase, John Centlivres, settler : additional land is granted to, *xvii* 83
- Cheeka, Kaffir chief : drives the Mantatees from Hambona, *xvi* 503 \*
- Chemists and Druggists : regulations for practising as, and certificates required by, *xviii* 121, 249, and 320, *xix* 183 and 312
- Chiappini, Antonio : applies for a loan from the bank, *xix* 141
- Children : employment and wages of, *xviii* 256 ; number of, in the colony, *xviii* 333
- Christian, Mr., brother-in-law of Mr. Nourse : *xvii* 26
- Christopher, Captain, of the ship *Charles Mills* : horses purchased from, *xvii* 490, *xviii* 314
- Chumie River : a detachment is sent to, in order to seize Gaika, *xviii* 39 ; a conference is held at, on the 2nd August 1823, which restores confidence in Gaika ; fair is promised at, *xviii* 40
- Chumie settlement : Kaffir depredations upon, *xvii* 154, *xviii* 158 ; list of officers in, with salaries, *xix* 72 ; is situated in neutral territory, *xix* 171 ; population of, *xix* 471 ; work carried on at, *xix* 472 to 474
- Church : for slaves and slave children, is opened at Stellenbosch, *xvii* 50 ; at Tulbagh, losses of, from the removal of the drostdy, *xvii* 355 ; is required at Port Elizabeth, *xvii* 359 ; meeting is held to further the erection of, *xvii* 360 ; subscriptions are received for, *xvii* 361 ; in Albany, expense of, *xvii* 484 ; at Simonstown, is destroyed by storms ; rebuilding of, *xviii* 340, *xix* 348 ; erection of, in Capetown, for members of the established church of Scotland, *xix* 331, 332, and 334 ; raising of funds for, *xix* 337 ; need of English episcopal, in Capetown, *xix* 480

\*Hambona is a corruption of Embo, that is the Bantu name of the country of the Abambo, which we call Natal. Very few of the inhabitants of Natal were in the horde under Ma Ntati and others, which was set in motion by tribes fleeing from Tshaka (Cheeka as given here).—G. M. T.

- Church Missionary Society : aid is granted by, for the erection of a church in Albany, *xvii* 484
- Church Ordinance : establishment and authority of, *xix* 495 to 497
- Circuit Court : declines to hear Mr. Wilmot's case, *xvii* 62, 65, 273, and 274 ; judgment given by, against Mr. Burnett, *xx* 160
- Civil Establishment at the Cape : contingencies of, *xvii* 144
- Civil Officers : vacancies for, and provisional appointments of, are to be notified to the secretary of state immediately, *xvi* 480 ; security required from, in positions of trust, *xvi* 490, 491, and 492, *xvii* 479 ; increase in salaries of, *xvii* 14 and 210 ; new appointments of, *xvii* 485 ; grants of land made to, *xviii* 24
- Clancarty, earl of : *xvii* 231
- Clanwilliam : land at, is allotted to Mr. Parker, *xvi* 98, *xviii* 17 and 18 ; is inspected by Messrs. Parker and Francis, and found to be inadequate and unsuitable, *xvi* 148, and 315 to 317 ; Mr. Francis is located at, and removes from, *xvii* 467 ; limited resources and unfavourable climate of ; settlers withdraw from, *xvii* 4 and 347, *xviii* 145 and 274 to 279 ; cultivation of grain at, *xix* 34 ; list of officers in, with salaries, *xix* 69 ; expense of settlement at, *xix* 345
- Clarke, Captain : visits distressed settlers, *xviii* 396
- Clarke, Dr. : purchase of premises of, *xix* 175 and 176
- Clarke, Mrs., widow of W. Clarke : land to be granted to, *xvi* 477, *xvii* 3
- Clarke, William, settler : industry of party of, *xvi* 37 ; location of, is to be divided, *xvi* 409, 422, and 477, *xvii* 3 ; further mention of, *xix* 14
- Clay : use of, for mortar or cement, *xvii* 122
- de Clerck, J. : complains of the removal of the drostdy from Tulbagh, *xvii* 353 and 354
- Clergymen : need of a third, in Capetown, *xvi* 110 ; land to be reserved for the support of, *xvi* 213 ; as master of the public grammar school, salary of, *xviii* 183 ; number of, required in the colony, *xviii* 333
- Clerical Establishment : list of officers of, with dates of appointment and salaries, *xix* 58
- Clerk of the Council : salary of, *xx* 5 ; duties of, *xx* 10 and 14
- Climate : of Clanwilliam, great heat of, *xviii* 277 and 278
- Cloete, Major A. J. : mention of, *xvi* 358 ; obtains a loan from England, to relieve distressed settlers, *xviii* 60, *xix* 346 ; in May 1823 returns to the colony, *xviii* 61
- Cloete, Daniel J., secretary of the district of Albany : is brother-in-law to Mr. Rivers, *xvii* 263 ; farm granted to, *xvii* 283 ; salary of, *xvii* 284 and 291 ; is secretary of the matrimonial court, and gives information of fees charged, *xvii* 302
- Cloete, Hendrik, advocate : memoranda required for, *xvi* 428 ; acts for Mr. Cooke, *xvii* 181 ; reads his memorial to the court, *xvii* 188 ; speech of, *xvii* 194 ; complains of the fiscal's irregular proceedings, *xvii* 207 ; solicits the governor's sanction and patronage of the literary society, *xviii* 286, *xix* 447 ; testifies to Mr. Edwards' declarations, *xx* 375
- Cloete, Laurence : horse purchased from, *xvii* 489 ; grants of land made to, *xviii* 312

- Clothing : want of, by settlers, *xvi* 284 to 286
- Cock, William, settler : has not resided on his location ; industry of party of, *xvi* 38 ; distress of party of, *xvi* 285 and 288 ; location of, is to be divided, *xvi* 409, 422, and 477, *xvii* 3 ; further mention of, *xx* 82
- Cockburn, His Majesty's schooner : loss of, *xvii* 33
- Colebrooke, H. P. : bids against Mr. Parker for land on Saldanha Bay, *xvi* 145, 473, and 474 ; solicits a reduction of rent for his unproductive lands, *xvi* 474
- Colebrooke, Major William M. G. : interview of, with Mr. Francis, *xvii* 467 ; with Mr. Pringle, *xix* 452 ; letter from, to the fiscal, is shown to Mr. Edwards in prison, *xviii* 68. See Commissioners of Enquiry
- Collector of Tithes' Office : list of officers of, with dates of appointment and salaries, *xix* 52
- Collis, James, settler : owns a mill, *xvi* 289 ; money is advanced to, by the government, *xvii* 88 ; testifies to the relief afforded by Mr. Rivers to distressed settlers, *xviii* 383
- Collison, Francis, member of the committee of the commercial exchange : *xviii* 497
- Collison, Reverend Henry : is appointed military chaplain at Capetown, *xix* 44
- Colonial chest : payments from, by commissaries, *xvi* 237
- Colonial Office : list of officers of, with dates of appointment and salaries, *xix* 46
- Colonization of the Cape : plans for, are said to be overturned, *xvi* 131 ; suffering is inseparable from, *xvi* 272 ; to be successful, requires capital and free government, *xvii* 229 and 466
- Colthurst, Sir Nicholas Conway, M.P. for Cork : is referred to by Mr. Parker to corroborate his statements, *xvi* 46, 78, 296, 402, and 404, *xvii* 74, *xviii* 183
- Commerce : between Great Britain and France, *xix* 130 ; with the East Indies, protection of vessels engaged in, *xix* 159
- Commerce of the Cape Colony : regulations concerning, *xvi* 136, *xvii* 26 ; with the island of Mauritius, *xvi* 208 and 457, *xx* 115 ; restriction on, by limiting the size of vessels, is removed, *xvii* 91 to 93 ; in wine, importance of, to the colony, *xvii* 116, 129, and 131, *xx* 114 and 115 to 121 ; difficulties in the establishment of, *xvii* 132 ; in medicines, restrictions on, *xvii* 238, 331, and 358 ; with the natives of the south-eastern coast, Mr. Farewell's scheme for, *xvii* 281, 292, and 305 ; from the ports of Albany, should be encouraged, *xviii* 157, *xx* 384 ; restrictions on, impede agriculture, *xviii* 263 ; is injured by local restrictions, and free trade in foreign imports *xviii* 495 ; statement of imports and exports of the Cape from 1816 to 1824, *xix* 389 ; condition of, in the colony, *xix* 411 to 413 ; with natives, at the annual fair at Beaufort, *xx* 84 ; illicit, with Kaffirs, *xx* 91 to 94 ; extension of, is proposed by the South African Company, *xx* 95 ; direct with foreign countries, is solicited by colonial ports, *xx* 401 and 403
- Commercial Exchange : memorial from the committee of, *xviii* 495
- Commissariat Department : expenses of, *xvii* 277 ; occupancy of public buildings by, *xviii* 184 ; buildings to be erected for, *xix* 328, *xx* 5 ; premises are ordered to be given up to, without compensation, though required for grammar school, *xix* 359 and 360

- Commissions: for investigating the claims of the settlers in Albany, appointment of, *xvii* 340 and 356, *xviii* 319; of inquiry, appointment of in the Dutch Reformed church, *xix* 205; to examine the route for projected roads, institution of, in 1822, *xix* 250
- Commission, Bible and School: work of, *xviii* 165 and 166, *xix* 85
- Commissioners of the Court of Justice: instructions for, *xvi* 232; duties of, *xvi* 233 *et seq.*; respect due to, *xvi* 238; in case of grievance, may address themselves to the governor, to the administration, and to the council of XVII, *xvi* 241; board of, is dissolved in January 1796, and duties of, are entrusted to the burgher senators, *xvi* 242
- Commissioners of Enquiry: on the 12th of July 1823 arrive at Simonstown, *xvi* 126; take oaths of office, and open their commission, *xvi* 145 and 147; request the attendance of Colonel Bird, and receive from him information and opinions, *xvi* 206; investigations of: into Mr. Parker's charges against Colonel Bird, and his case generally, *xvi* 77, 477, 478, and 479, *xvii* 453, 459, and 460; into the proposed increase of salary of the assistant-secretary and other civil officers, *xvi* 93, *xix* 303, *xx* 114; into the complaints and distresses of settlers in Albany, and the measures taken for their relief, *xvi* 95, *xvii* 35 and 36, *xviii* 150; into Mr. D'Escury's charge of corruption against the governor, respecting the grant of land made to Mr. Redelinghuys, and the sale of a horse, *xvi* 139 and 140, *xvii* 459, *xviii* 342, 442, and 489 to 493, *xix* 15 and 103; into the state of the land reserved for the English church establishment, *xvi* 175; into the grievances at Bethelsdorp, *xvi* 222, *xviii* 502 and 508; into Mr. Geary's character and conduct, *xvii* 54, 72, and 134; into Mr. Ingram's emigration scheme, *xvii* 73, *xviii* 217 and 222; into the locations at Clanwilliam, *xviii* 144, 203, and 274; into Colonel Bird's religious attitude in the colony, *xviii* 160; into the case and character of William Edwards, and his trial for libel, *xviii* 239 and 440, *xx* 374 and 379; into the value of the land in Hout Bay Valley, *xviii* 241; into the condition of labourers, *xviii* 255, 259, and 264; into the grants of land made to Colonel Bird, *xix* 88 and 109; into the location of Lieutenant Griffith at Zonder End, and Mr. Morkel's claim, *xix* 257; into the granting of allotments at Port Elizabeth, *xix* 339; into the appropriation of the land between the Fish River and the Keiskama, *xix* 341; into the state of the colonial currency, *xix* 395, 400, and 406; into Wesleyan mission work in Kaffraria, *xix* 457; into Dr. Philip's assertions, *xix* 485 and 489; into the appointment of Captain Trappes and other Roman Catholic officers, *xix* 491; into the granting of land to Roman Catholics for a chapel and school, *xx* 3, 17, and 30; into the appropriation of money advanced for the relief of settlers suffering from storms, *xx* 15; into the conduct of the Lombard and Discount banks, *xx* 32 to 37; into Mr. Ingram's treatment of his apprentices, *xx* 73; into the condition of government slaves, *xx* 349; into the case of Mr. Burnett, *xx* 389, 391, and 395; documents are sent to, *xvi* 231; conveyance of baggage of, to Capetown, *xvi* 328; visit the Albany district, to inquire into the condition of the settlers, *xvi* 420 and 452; postpone their voyage to Mauritius and Ceylon, *xvi* 420, 452, and 495; visit the drostdy house in Tulbagh, *xvii* 327; complete their investigations in



- Albany ; agree to the appointment of a commissioner to examine the claims of the settlers, *xvii* 339 ; illuminations and rejoicings at the arrival of, in Grahamstown, *xvii* 125, *xviii* 132 ; recommend the permanent appointment of Major Somerset as commandant, *xviii* 331 ; evidence given to : by Mr. W. Bird, *xix* 20 ; by Mr. D. J. van Ryneveld, *xix* 32 ; by Major Rogers, *xix* 75 ; by the reverend Mr. Kauffman, *xix* 84 ; by Mr. Woodcock, *xix* 132 ; by Lieutenant Rutherford, *xix* 312 ; by Mr. Dashwood, *xx* 32 ; vindicate their conduct towards Colonel Bird, *xix* 407 and 470 ; practice of, with regard to personal claims, *xix* 452
- Commissioner, political, for church affairs : duties of, *xx* 4
- Committee : on the employment of the poor in Ireland, evidence given before, *xvii* 73 ; on behalf of the distressed settlers at the Cape, is formed in London, *xvii* 108 ; for protecting the interests of the wine trade at the Cape, appointment of, *xvii* 117 ; memorial drawn up by, *xvii* 128 ; to investigate Mr. Cooke's charges against Mr. Blair, appointment of, *xvii* 138 and 232, *xviii* 216 ; meeting of, *xvii* 210 ; report of, *xvii* 214 ; cannot agree to Mr. Cooke's conditions, *xvii* 215 ; Mr. Cooke's refusal to attend, is justified, *xviii* 323 ; to promote the erection of a church at Port Elizabeth, appointment of, *xvii* 361 ; appointed to draw up regulations for the South African literary society, report of, *xviii* 169 ; of management of the literary society, duties of, *xviii* 175 ; of the commercial exchange, memorial of, *xviii* 495 ; for the erection of a Scottish presbyterian church in Capetown, formation of, *xix* 336
- Committee of Cape Trade : memorial of, concerning Cape wine, *xx* 115 and 151
- Compositors : extra attendance of, to publish the *Capetown Gazette*, *xviii* 199 ; payment of, *xviii* 200
- Conference : held by Lord Charles Somerset with Kaffir chiefs in 1819, result arrived at, *xix* 341, 357, and 394
- Congo : see *Cungwa*
- Constantia*, Portuguese slave-ship : *xvii* 158
- Cooke, Lancelot : charges brought by, against Mr. Blair, *xvii* 10, 21, 45, 51, 74, 75, 77, 110, 137, 138 to 140, 145, 210, and 232, *xviii* 322, *xix* 271 *et seq.*, and 493, *xx* 137 and 141 ; prosecution of, by His Majesty's fiscal, for an alleged libel on Mr. Blair, *xvii* 21, 24, 46, 48, 51, 110, 137, 177 *et seq.*, 269, and 434, *xviii* 323, *xix* 281 ; desires to go to England, but is denied a passport, *xvii* 45, 51, 66, and 195 ; conduct of, in hiring negro apprentice, *xvii* 109 ; takes exception to the incompetency of the court, *xvii* 179 ; examination of, *xvii* 181 ; memorials of, *xvii* 188 and 195, *xix* 272, 278, 281, and 331 ; defence of, *xvii* 195 ; is condemned in costs, *xvii* 206 ; is acquitted, *xvii* 208, *xix* 282 ; refuses to give information before the committee, *xvii* 212, 214, and 232, *xviii* 217 ; is justified in his refusal, *xviii* 323 ; solicits redress, *xix* 282
- Cooper, Mr., tutor of St. John's College, Cambridge : is recommended as master of a public grammar school in Capetown, *xviii* 346
- Copper money : coinage of, is proposed for the Cape, *xvi* 224 ; payment for, *xvi* 225 ; is made a legal tender in British colonies, *xx* 373 ; shipment of, to the Cape, *xx* 393
- Corbitt, William : neglect of negro apprentices by, *xvi* 141 and 142

- Cork : emigrants from, to the Cape, *xvi* 136
- Corn : cultivation of, *xviii* 327, *xix* 350, *xx* 95 ; importation of, for food, in 1821 and 1822, *xix* 344 ; mills are required for, in the George district, *xix* 351 ; price of, *xix* 352 ; freedom of importation of, into Great Britain, *xx* 387
- Corney, James : land granted to, *xvii* 85
- Cornwallis*, the : passage taken in by Mr. Fraser, *xviii* 239
- Correspondence : of the governor with the colonial office, directions for, *xvi* 252 and 314
- Corvell, Mrs. George, of Fitzroy Square : *xvi* 377
- Council : creation of, for the assistance of the governor, *xx* 5 ; suspension of members of, *xx* 6 and 9 ; constitution of, *xx* 7 ; functions of, *xx* 8 to 11, and 13
- Court of Appeals : is held in public by Sir Rufane Donkin, *xvi* 83 ; practice of, in cases of poverty, *xvi* 114 ; rejects the case of the fiscal *versus* Messrs. Cooke and Edwards, *xvii* 206 ; case of Mr. Stone before, *xvii* 276 ; proceedings of, in the case of Mr. Edwards, *xvii* 424 and 494 ; confirms his sentence, *xvii* 451 ; Mr. Cooke reserves evidence for, *xviii* 323 ; list of officers of, with dates of appointment and salaries, *xix* 47
- Court of Justice : action brought before, for confiscation of the *Nostra Senhora da Guia* and cargo ; inquiry held by, into the cause of Mr. Macfarlane's death, *xvi* 19 ; report of, on the complaint of Mr. Anderson, *xvi* 27 ; explains and defends decision, *xvi* 28 to 30 ; statement of, is satisfactory, *xvi* 34 ; instructions for commissioners of, *xvi* 232 ; trial of Mr. Buisinne before, and sentence passed by, *xvi* 446 ; directions given to, concerning the punishment of slaves, *xvi* 493 ; is the only court in Capetown, *xvii* 43 ; proceedings held before, in the case of the fiscal *versus* Messrs. Cooke, Edwards, and Hoffman, *xvii* 177 to 209 ; proceedings of, in Mr. Edwards' case, *xvii* 351, 493, and 494, *xx* 374 ; resolution passed by, granting a decree of apprehension against Mr. Edwards, and suspending him from office, *xvii* 374, *xviii* 269 ; question of the competency of, *xvii* 378 *et seq.*, 386, and 399, *xviii* 240 ; further resolutions passed by, *xvii* 417, *xviii* 118 and 119 ; approves of the commitment of Benjamin Wilmot, *xviii* 114 ; is convened to consider the cases of Messrs. Edwards and Wilmot, *xviii* 115 ; justifies its procedure in the case of Mr. Edwards, *xviii* 267 ; list of officers of, with dates of appointment and salaries, *xix* 47 ; sentence passed by, on John Carnall, *xix* 299 ; trial of Mr. Theron's case before, *xx* 83 and 87 ; proceedings held before, in the trial of slaves and Hottentots for conspiracy and murder of their masters, *xx* 188 *et seq.* ; sentences passed by, *xx* 339 ; acquaint the governor with the widespread disaffection among slaves, and fear of a general rising, *xx* 385 and 407
- Court of Justice (petty) : is established at Simonstown, *xix* 262
- Courts of Landdrost and Heemraden : defiant conduct of Mr. Biddulph towards, *xvi* 327 ; are the only courts in the country districts, *xvii* 43 ; unfitness of, to try Mr. Wilmot's case, *xvii* 63 and 64 ; question of competency of, to try cases of defamation, *xvii* 256 and 290
- Court Martial : dismissal of Mr. Biggar from office by, *xviii* 131 ; execution of sentences of, *xix* 181

- Courtenay, Thomas Peregrine, agent for the Cape : requests an advance from government, on account of the governor's draft, *xvi* 496 ; zeal of, in furthering beneficial trade laws, *xvii* 27 ; requests a reduction of duties upon Cape wine and corn, *xx* 380 and 387
- Cousins, William, a negro apprentice : treatment of, by Mr. Blair, *xvii* 110, 178, and 193
- Cowie, Alexander, district surgeon of Albany : testifies to the relief afforded by Mr. Rivers to suffering settlers, *xviii* 383
- Cradock, Sir John : measures adopted by, respecting the tenure of land, *xviii* 455 and 476
- Cradock, town of : list of officers at, with salaries, *xix* 67 ; drostdy is removed from, to Somerset, *xx* 403
- Craig, General Sir James Henry : instructions given by, *xvi* 241 ; further mention of, *xix* 436
- Craig, Mr., assistant commissary general at Port Elizabeth : certificate from, to Mr. Willson, *xvi* 24 and 45 ; further mention of, *xvi* 367, 368, and 371
- Crause, Lieutenant Charles : additional land is granted to, *xvii* 84 ; money is advanced to, by the government, *xvii* 88 ; testifies to the relief afforded to distressed settlers, by Mr. Rivers, *xviii* 379
- Crause, Captain Henry : additional land is granted to, *xvii* 83 ; testimony of, to Mr. Rivers, *xviii* 389
- Crause, Lieutenant John : additional land is granted to, *xvii* 83 ; testimony of, to Mr. Rivers, *xviii* 389
- Criminals : proceedings at trials of, to be sent home, when commutation of sentence is desired, *xvi* 68
- Croft, Faithful : acts as solicitor to Mr. Willson, *xix* 178, *xx* 398
- Crowcher, William : wages of, *xvi* 51
- Crowley, Malachy, Irish emigrant : *xviii* 225
- Crozier, R., postmaster : is treasurer of the society for the relief of distressed settlers, *xvi* 264 and 269 ; denies the receipt of Mr. Burnett's letter, *xx* 356 and 357
- Cruden, David, D.D., minister of Nigg : *xvi* 449
- Cumbrian*, the : brings timber to Algoa Bay, *xvi* 23
- Cungwa, Gunukwebe chief : *xvi* 199 and 200. See Pato
- Cupido Cobus, sergeant of the Cape Infantry : captures Hottentot and articles employed in illicit traffic with Kaffirs, *xx* 90 to 94
- Currency, colonial : questions of, and rate of exchange, *xviii* 453, *xix* 344, 395, 401 to 403, 408 to 412, 459, 460, 470, and 492, *xx* 18 to 23, 75 to 77, 123, 367, and 393 ; regulations for, in various colonies, *xx* 23 to 30 ; at the Cape and Ceylon, *xx* 373. See Paper Money
- Currie, Mrs. : *xvi* 286
- Currie, Walter : additional land is granted to, *xvii* 83 ; is fieldcornet of Bathurst, *xvii* 98 ; testifies to the relief afforded by Mr. Rivers to distressed settlers, *xviii* 380 ; replies to calumny on female settlers, *xix* 4 and 5 ; proposes a scheme for introducing boy and girl apprentices from England, *xx* 49 ; proposal of, for the supply of labourers in Albany, *xx* 400
- Custom House : will be requisite in Albany, *xviii* 157 ; position and removal of, *xix* 20 ; question of additional land required by, for storehouses, *xix*

- 21, 22, 88, and 99; list of officers of, with dates of appointment and salaries, *xix* 50; authority of, over prize negroes, *xix* 271 and 275
- Customs Duties: proposal to make them reciprocal, between the Cape and Mauritius, *xvi* 457
- Customs, officers of: appointment of, at the Knysna, *xvii* 485; security required from, *xvii* 486
- Cuyler, Lieutenant-Colonel Jacob Glen, landdrost of Uitenhage: location of settlers by, *xvii* 19 and 88, *xviii* 339; attitude of, towards the missionary institution at Bethelsdorp, *xviii* 506; land granted to, *xix* 162 and 166; exemption from fines granted by, *xix* 339 and 340; recommends the case of Mr. Lange, *xx* 44; further mention of, *xviii* 501 and 503, *xix* 135, 288, 289, 291, and 292
- Dakins, Reverend William, assistant chaplain general: receives Mr. Geary's complaint, *xvii* 282
- Dalgairns, Charles, settler: industry of party of, *xvi* 38; location is confirmed to, *xvi* 423 and 441
- Dalree, Johannes: slaves of, join in a conspiracy against their masters, *xx* 191; deposition of, *xx* 295; further mention of, *xx* 206, 220, 229, 238, 252, 254, 284, and 292
- Damant, Edward, settler: resigns his location at Waay Plaats, *xix* 115
- Damant, John: part taken by, in the erection of a church at Port Elizabeth, *xvii* 360 and 361
- Dammes, Joseph, constable: deposition of, *xvi* 381
- Daniels, Lieutenant Joseph, royal navy: industry of party of, *xvi* 38; additional land is granted to, *xvi* 409 and 422; location is confirmed to, *xvi* 424; has paid his passage expenses, *xvii* 347
- Daniels, Richard, settler: additional land is granted to, *xvii* 83
- Dashwood, Francis, collector of customs at Simon's Bay: recommends a wharfage duty, *xvii* 234; leave of absence is granted to, *xx* 3; gives evidence before the commissioners, *xx* 32 to 37
- Deane, Thomas Kift: evidence given by, *xviii* 72; further mention of, *xvii* 229
- Delbet, J. A., translator: *xvii* 376
- Dell, W.: land granted to, *xvii* 84
- Deneys, Miss: marriage of, *xvii* 124
- Dennis, Reverend N. R., chaplain to the forces: assertions of, regarding Colonel Bird's Roman Catholicism, *xvi* 99 and 398, *xvii* 9, *xviii* 20, 21, and 193
- Denysen, Daniel, His Majesty's fiscal: prosecutes the slave Hester, for the murder of her children, *xvi* 380; speech of, on the case, *xvi* 393; prosecutes Mr. Buisinne for embezzlement, *xvi* 446; prosecutes Messrs. Cooke, Edwards, and Hoffman, for libel against Mr. Blair, *xvii* 46, 48, 51, 115, 145, and 177 to 209, *xix* 281; refuses passports to Messrs. Cooke and Edwards, *xvii* 75, 77, and 203; charges made against, by Mr. Edwards, *xvii* 76, 77, 145, and 178; defends himself against Mr. Edwards' imputations, *xvii* 113 and 182, *xx* 142; requests an extension of the charge against Mr. Edwards, *xvii* 184; application of, is refused; gives a list o

his witnesses, *xvii* 185; replies to Mr. Cloete, *xvii* 200; to Mr. Brand, *xvii* 205; alleged irregular proceedings of, *xvii* 207; desires to call witnesses to prove publication, *xvii* 207; application of, is rejected, *xvii* 208; inquires into the condition of negroes indentured to Mr. Tennant, and rescues some from slavery, *xvii* 159 to 162; refuses relief to sick prisoners, *xvii* 246; is instructed respecting the care of sick prisoners, *xvii* 280; cautions Mr. Greig regarding the conduct of his paper, and demands security, *xvii* 293; disclaims expressions attributed to him by Mr. Greig, *xvii* 296; suppresses the publication of Mr. Greig's paper by the governor's order, and seals up his presses, *xvii* 301, 305, and 306, *xix* 146 and 148; warns Mr. Pringle concerning passages in the *South African Journal*, *xvii* 312 and 461; assumes the right of interference and control, *xvii* 462 and 463; civility of, *xvii* 464; summons Mr. Pringle to appear and state the name of his informer, *xvii* 480; petition against, by Mr. Edwards, *xvii* 350; prosecutes Mr. Edwards on a charge of libel against the governor, *xvii* 350 and 373; answers Mr. Edwards' exception, *xvii* 384; objects to the calling of witnesses for the defence, *xvii* 387; speech of, against the prisoner, *xvii* 395; letter from, to Mr. Berrangé, respecting the translation of his claim, *xvii* 414; appears as respondent on appeal, *xvii* 424 and 425; answer of, to Mr. Brand's plea, *xvii* 447; investigation by, concerning the libellous placard against the governor, *xviii* 65 *et seq.*; appears before Mr. Bentinck, with witnesses, *xviii* 72, 88, 95, and 108; searches the dwellings of Messrs. Burnett and Greig for defamatory papers, *xviii* 80 to 83, *xx* 169 and 173; obtains authority to search Mr. Wilmot's dwelling, *xviii* 99; brings records and documents before the court of justice, *xviii* 117; requests the apprehension of Messrs. Burnett and Greig, *xviii* 118; reports on Mr. Ingram's conduct with regard to settlers, *xviii* 185; declines to prosecute Captain Fitzroy for libel, *xviii*, 215 and 242; solicits land in the Hout Bay valley; offers to pay arrears and quitrent, *xviii* 236, 241, 243, and 247; considers Mr. Liesching's certificate sufficient for his admission as a chemist and druggist, *xix* 183; case of, against John Carnall, *xix* 299; alleged enmity of, towards Mr. Theron, *xx* 84 to 88; prosecutes Mr. Burnett for libel, *xx* 170; friendliness of, towards Mr. Burnett, *xx* 171, 176, and 177; advertises a reward for the discovery of the author of the libellous placard, *xx* 185; certificate given by, *xx* 187; prosecutes slaves and Hottentots for conspiracy to murder their masters, *xx* 188 and 190; claim made by, *xx* 312

Deputies: to be appointed by burgher senators, *xvi* 244

Derry, bishop of: *xvi* 18

D'Escury, Charles, inspector of government lands and woods: memorandum by, concerning losses on Groote Post, *xvi* 41; integrity and industry of: partiality evinced by, *xvi* 89 and 90, *xviii* 492; lays a grave charge of corruption against Lord Charles Somerset, *xvi* 138, 139, 163, 179, 215, and 452, *xix* 2; advises a revision of the distribution of land in Albany before further grants are made, *xvi* 329; submits the claims of the Albany settlers to lands, *xvi* 421; is disappointed of a seat in the court of justice, *xvi* 455, *xviii* 311 and 453; disclaims having made a charge of corruption against the governor, *xvii* 369 *et seq.*, and 502, *xviii* 443, 452,

- and 455; deprecates the charge of personal motives, *xvii* 454; objects to the governor's decisions in granting lands, and urges a check upon his power, *xvii* 457 and 458, *xviii* 454 and 472; is examined before the commissioners of enquiry, *xvii* 503, *xviii* 444; objects to Mr. Whiteford's attendance, *xvii* 503, *xviii* 444; alleged hostility of, to the governor, and mis-statements of, *xviii* 312 to 314; inspects and reports on the land in Hout Bay valley, *xviii* 244; calculation of quitrent by, *xviii* 245 and 250; returns furnished by, *xviii* 326, *xix* 375; reports on the applications of Mr. Redelinghuys for grants of land, *xviii* 449; knows little of the value of horses, *xviii* 461; acts as translator to the colonial office, *xviii* 472; absence of, from the colony, *xviii* 478; impresses his view upon Captain Synnot, *xviii* 485
- Despatches from the Cape: delivery of, *xix* 461
- van Dessin, Mr.: collection of books left by, *xviii* 165
- Devenish, Lieutenant J., settler: relief granted to, from government loan, and security given by, *xviii* 253; is appointed ranger of government woods and forests in Graaff-Reinet, *xix* 478
- Dickson, Mr.: *xix* 336 and 338
- Diddlestone, Mrs.: visits Mr. Edwards in prison, *xx* 144 and 145; evidence of, *xx* 145
- Diets, A. B., heemraad of Albany: mention of, *xvii* 111 and 172
- Diplock, John: petition of, *xx* 1
- Discount Bank: transactions of, *xix* 413 to 433, *xx* 33 to 37; establishment and object of, *xx* 33; temporary loans granted by, *xx* 346; advance made by, to Mr. Parker, *xx* 380; further particulars concerning, *xix* 492, *xx* 388
- Dittlestone, Mr.: *xvii* 148
- Dixon, Daniel: apprehends stagnation of labour, *xx* 357
- Dixon, John Henry, settler: industry of, *xvi* 38; location is confirmed to, *xvi* 424 and 441, *xvii* 78; sum advanced to, *xviii* 235; dispute of, with Mr. Erith, *xviii* 281
- Dixon, W. T., settler: land solicited by, *xix* 116
- Dleeloqua, Betshuana chief: speech of, *xvi* 501
- Dobie, Mr., secretary of the Scots church at London Wall: declines taking part in the inquiries concerning Mr. Rannie, *xviii* 407, 408, and 427; acts as doorkeeper, *xviii* 430
- Dogs, wild: ravages of, on cattle, *xvi* 282
- Doig, Reverend Robert, minister of Aberdeen: *xvi* 448
- Dold, W.: land granted to, *xvii* 85
- Donkin, Sir Rufane Shawe, K.C.B.: complaints against, by Mr. Parker, *xvi* 1, 4, 5, 46, 398, 401, and 402; orders the erection of a lighthouse at Sea Point, *xvi* 63 and 103; authorises the repair of wharf, *xvi* 66; laments the disapproval of Earl Bathurst, and begs to be allowed to explain his conduct, *xvi* 67; is requested to explain more fully his reasons for making grants of land at the Cape, *xvi* 76; is directed to substantiate or withdraw his charges against Lord Charles Somerset, *xvi* 77, 107, 134, and 146; desires to withdraw expressions, and to make no charges against the governor, *xvi* 79, 129, and 130; explains and defends his conduct as acting governor, *xvi* 80 *et seq.*; reduces expenditure, *xvi* 82; puts down espionage and

holds the court of appeal in public, *xvi* 83 ; discontinues fortifications on the frontier for want of funds, *xvi* 84 ; restores the garden to the government house, and forwards the interests of merchants, *xvi* 85 ; takes no part in racing, *xvi* 86 ; addresses are presented to, by the chief justice and the merchants, *xvi* 87 ; lands granted by, for public services, *xvi* 88 and 94 ; alleged appointments by, of Roman Catholics, *xvi* 114 and 115 ; defends Colonel Bird against Mr. Parker's charges, *xvi* 114, 117, 119, and 122 ; dealings of, with Mr. Parker, *xvi* 122, 125, and 126 ; considers himself treated with undue severity by the secretary of state, *xvi* 132 ; promises grant of land to Mr. Francis, *xvi* 154 ; receives papers from Mr. D'Escury, *xvi* 163 ; has never attacked Lord Charles Somerset, *xvi* 164 ; policy of, towards the settlers in Albany, is completely reversed by the governor, *xvi* 165 ; differs from him on agricultural matters, *xvi* 167 ; good feeling of, towards Captain Somerset, *xvi* 173 ; correspondence of, *xvi* 176 ; need make no disclosures respecting Lord Charles Somerset, *xvi* 215 ; action of, regarding the extension of lands in Albany, *xvi* 433, *xviii* 155, *xix* 97 ; fixes the seat of magistracy at Bathurst, and intends to make it the chief frontier town, *xvii* 16 ; offers to attest the government's liberality and care for the settlers at the Cape, *xvii* 22 ; grants land on the Kowie to Mr. Nourse, *xvii* 25 and 30, *xx* 382 ; orders given by, respecting the removal of settlers, *xvii* 88 and 89 ; defends his policy towards the Kaffirs, as humane, *xvii* 149 to 151 ; land granted by, to half-pay officers, *xvii* 349 ; jealousy felt towards, by Lord Charles Somerset, *xviii* 13 ; appointments made by, in Albany, *xviii* 27 ; policy of, towards settlers in Albany, *xviii* 130, 147, 153, and 155 ; list of perpetual quitrent and freehold grants made by, in Albany, in 1821, *xix* 35 ; objections to grants made by, *xix* 98 ; confidence placed by, in Mr. Buisinne, *xix* 113 ; inspects the land at Zonder End, and purchases Wolvegat, *xix* 308 ; allotments made by, at Zonder End and Port Elizabeth, *xix* 309, 339, and 340 ; interview of, with Gaika, *xix* 357 ; further mention of, *xvi* 432, *xviii* 17, 19, 22, 23, 24, 26, 29, and 30, *xix* 21, 23, 27, 29, 34, 75, 88, 95, 96, 109, 135, 162, 307, 363, 393, and 394, *xx* 39, 63, 79, 80, 84, and 164

Donnithorne, J. : *xvi* 270

Donough, Mr., director of the government slave lodge : *xx* 350 and 351

Douglass, Reverend Dr. John, Vicar Apostolic : solicits government support for Roman Catholic clergyman, *xviii* 233

Dreyer, T., farmer : need of labourers by, *xviii* 257

Dukinfield, Captain, of the Madras cavalry : claim of, for bringing despatches, *xix* 461

Duncan, Kenneth, agent of Mr. Nourse : death of, in 1815, and involved affairs of, *xvii* 26 ; further mention of, *xviii* 430

Dundas, Major W. B. : is appointed landdrost of Albany, *xx* 404

Dunn, Mr. : assists Mr. Nourse, *xvii* 29, 30, 32, and 33 ; is custom-master at Algoa Bay, and applies for a loan, *xix* 428

Dupreez, Peter John : sends a memorial for leave to emancipate slaves, *xvi* 451 and 482 ; memorial of, is granted, *xvi* 466

Durr, Mr. : becomes security for an advance to Mr. Parker ; subsequent insolvency of, *xx* 380. *See* Veyll

- Dutch, the : partiality shown to, *xvi* 188 ; in Albany loyalty of, *xx* 411 ; beg Lieutenant Colonel Somerset's retention as commandant, *xx* 415
- Dutch church at the Cape : meeting of synod of, *xix* 186 ; regulations for the direction of, *xix* 189 to 222 ; funds for the support of, *xix* 232 ; is formed on the same model as the Scottish presbyterian, *xix* 333 ; relations of, with the reformed churches in the Netherlands and Scotland, *xix* 495 ; question of supremacy over, *xix* 496 ; government of, *xix* 497
- Dutch colonists in South Africa : condition of, *xvi* 305, *xvii* 225 to 227, and 229
- Dutch colonization of South Africa : expense of, *xvi* 273
- Dutch consistory : request a third permanent minister in Capetown, *xvi* 110
- Dutch East India Company : cost to, of colonization, *xvi* 273 ; monopolizing system of, *xvii* 227 ; territorial possessions of, *xx* 100 *et seq.* ; appraised value of property of, *xx* 108 to 113
- Dutch farmers : capture of Kaffir cattle by, *xvi* 324
- Dutch government : favour shown by, to Catholic mission, *xviii* 233 ; policy of, in granting land, *xviii* 476
- Dutch language : is studied by Scotch clergymen before proceeding to the Cape, *xvi* 7, 133, and 214, *xviii* 11, *xix* 102, *xx* 392 ; is used in the court of justice at Mr. Edwards' trial, *xvii* 493 ; domestic use of ; fear of proscription of, *xix* 500
- Dutch laws : continuance of, at the Cape, *xvii* 399 and 463, *xviii* 305 and 309, *xx* 184 and 186 ; concerning libels, *xvii* 444, 449, and 451 ; imperfect administration of, and want of information concerning, in Albany, *xviii* 160 ; imperfections of, *xx* 172
- Duties : on advertisements in Mr. Greig's paper, *xvi* 490 ; on Cape and foreign wines imported into the United Kingdom, *xvii* 116, *xx* 114, 116 *et seq.*, 357, 380, and 381 ; on foreign brandies imported into the Cape, *xvii* 144, *xviii* 55 and 56 ; wharfage, are imposed at Simonstown, *xvii* 233 ; are not enforced on French goods landed at the Cape, *xviii* 496 ; on corn imported from colonies into England, *xx* 387. *See* Customs
- Dyason, George : great industry of, *xvi* 38 ; is appointed adjutant of the Albany levy, *xvi* 49 ; location is confirmed to, *xvi* 424 and 441, *xvii* 78 ; additional grant is made to, *xvii* 84 ; is fieldcornet of Grahamstown, *xvii* 97 ; is secretary to the settlers' fund, *xviii* 375 ; testifies to the relief afforded by Mr. Rivers to suffering settlers, *xviii* 382 ; further mention of, *xvii* 469, *xix* 319 and 321
- Dyason, Isaac, settler : money advanced to, by the government, *xvii* 88
- Dyball, Thomas : non-performance of contract by, *xvii* 216
- Eaton, R. W., chairman to the commercial committee : is a member of the committee for the relief of distressed settlers, *xvi* 264 and 269 ; letter is written to by Mr. Burnett, *xx* 356 ; further mention of, *xviii* 497, *xix* 130
- Eatwell, W. : land solicited by, *xix* 116
- Ebden, John Bardwell, merchant : proposes to establish a joint stock banking company at the Cape, *xix* 459, 492, and 504, *xx* 41, 46, 56, 57, 60, 74, and 393 ; inquiries of, concerning the currency at the Cape, *xx* 367 ; reply to be given to, *xx* 393



- Ebden and Eaton, Messrs. : mortgage held by, on Mr. Burnett's property, *xx* 156
- Eckard, C. S., member of the bank : death of, *xvii* 267
- Education : of the children in Mr. Ingram's party, provision for, *xvi* 71 ; interest taken in, by Lord Charles Somerset, *xvi* 417
- Edwards, William, notary at Capetown : declares his loyalty to the government, *xvii* 10 ; desires to accompany Mr. Cooke to England, *xvii* 45 and 115 ; is refused permission to leave until the proceedings are terminated, *xvii* 46, 48, 75, 203, and 205 ; petitions of, to the House of Commons, *xvii* 47, 51, 74, and 122 ; is prosecuted by the fiscal for libel against Mr. Blair, *xvii* 115, 177 *et seq.*, and 434 ; is committed to prison for contempt of court, *xvii* 110, 115, 145, 179, 201 *et seq.*, 409, and 434 ; charges made by, against the fiscal, *xvii* 113, 178, 181, 184, and 207 ; complains of his treatment in prison, and solicits redress, *xvii* 136, 146, and 147, *xx* 138, 141, and 143 ; is tried for an attack on Mr. Venables, and condemned in a fine of 300 rixdollars, *xvii* 114, 115, 270, 403, 409, and 434 ; charge imposed on parliamentary letters of, *xvii* 171 ; exceptions taken by, are over-ruled, *xvii* 183 ; examination of, *xvii* 183 ; objects to evidence, *xvii* 185 ; acquittal of, *xvii* 208 ; attacks of, on the governor, *xvii* 268 and 276 ; letters of, are sent to the fiscal, *xvii* 278 ; trial of, is not to be published in Mr. Greig's paper, *xvii* 293 ; is prosecuted by the fiscal for a libel against the governor ; trial of, *xvii* 350, 373 *et seq.*, *xviii* 239 and 267, *xix* 147 and 281, *xx* 137 *et seq.*, and 374 ; act of accusation against, *xvii* 373 ; a decree of apprehension is granted against, *xvii* 375, *xviii* 269 ; is suspended from office ; list of witnesses given in by, *xvii* 375 ; questions for the examination of, *xvii* 377 ; proposes an exception to the competency of the court, *xvii* 377 ; examination of, *xvii* 386 ; denies the authorship of the letters, *xvii* 386 and 405 ; replies to the fiscal's objection to call witnesses, *xvii* 391 ; declines to employ an advocate, *xvii* 395 ; well-known handwriting of, *xvii* 404, *xviii* 269 ; requests and receives a translation of the fiscal's claim, *xvii* 410 and 416 ; complains of close confinement before trial, *xvii* 412, 413, and 415, *xviii* 115 ; complains of the conduct of his case, *xvii* 412, *xviii* 98 ; visitors of, in prison, *xvii* 415, *xviii* 112 ; defence of, *xvii* 418 ; is considered to have acknowledged his crime, *xviii* 270, 271, and 441 ; is found guilty of libel and slander, dismissed as a notary public, and transported for seven years to New South Wales, *xvii* 350 and 423, *xviii* 324 and 440, *xx* 184 and 378 ; appeals to the full court, *xvii* 351 and 423 ; case of, in appeal ; Mr. Brand acts for, *xvii* 424 and 425 ; letter from, to Mr. Brand, *xvii* 426 and 432 ; suspects another of writing the letters, but cannot charge him, *xvii* 428 and 429 ; denies having written them himself, *xvii* 430 ; alleged proofs of his authorship, *xvii* 447 ; sentence on, is confirmed, *xvii* 451 ; petitions of, to the king, *xvii* 493 and 495 ; begs for an impartial rehearing, *xvii* 493 to 495 ; complains of losses through the depreciation of currency, and solicits indemnification, *xvii* 495 to 498, and 499 ; signs the memorial for a free press, *xviii* 58 ; is suspected of taking part in the libellous placard against the governor, *xviii* 65, 77, 89, *et seq.* ; apologises for his attack upon the governor, *xviii* 317 and 495 ; real name and previous history of,

- xviii* 442 and 494; escapes, but is re-taken, *xviii* 494, *xix* 301; attempts to commit suicide, *xviii* 494; report of the trial of, in London papers, *xx* 182; evidence against, is insufficient, *xx* 376 and 378; further mention of, *xviii* 9, 59, 68, 69, 70, 77, 78, 79, 104 to 107, and 190
- Edwards, W., master of His Majesty's ship *Neptune*: *xvii* 311
- van Eerten, Casparus, bookkeeper: *xx* 103 and 107
- Elders, presbyterian: opposition of, to Mr. Rannie, *xviii* 410, 415, 428, 433, and 437; powers of, in the election of a minister, *xviii* 434 to 436
- Elephants: are found in Albany, *xvii* 104; retreat of, to the forests, *xvii* 119
- Elisabeth*, the: petition sent by, *xvii* 46
- Elisabeth*, trading schooner: wreck of, *xvii* 31
- Ellé, Jean, negro apprentice: is taken prisoner on *Le Victor*, *xvii* 20, *xix* 273; good conduct of, *xvii* 191; treatment of, by Mr. Cooke and Mr. Blair, *xvii* 20, 109, 189, 191, and 193, *xix* 273 *et seq.*, 279, and 493; further mention of, *xvii* 185 and 186
- Ellenborough, Lord: judgment of, *xvii* 402
- Elliot, Jacob, a prisoner in the tronk: shocking state of, *xvii* 245
- Ellis, Henry, deputy colonial secretary: advice given by, to Mr. Parker, *xvi* 120 and 123; helps to found the society for the relief of distressed settlers, in 1820, *xvi* 281; grant of the Riet Valley farm to, *xviii* 24 and 238; list of grants made to, *xix* 101; advises the formation of the South African company, *xix* 284; approves of the proposed banking establishment at the Cape, *xix* 504; further mention of, *xvi* 26, *xviii* 18, *xx* 80
- Emigrants: selection of, and proposed regulations for the transport of, *xviii* 46 to 50
- Emigration to the Cape: is best left to individuals, rather than undertaken by government, *xvi* 17; expense of, per head, in 1819, *xvi* 21; from the south of Ireland, project of, by Mr. Ingram, *xvi* 31 and 136, *xvii* 73 and 492; estimated expense of, *xvi* 31; sum voted for, in the House of Commons, *xvi* 136, *xvii* 28; need of, on account of the scarcity of labour, *xvi* 137, *xviii* 43, 46 *et seq.*; further expense of, will not be undertaken by government, *xvi* 138, *xviii* 194; proposals for, by Mr. Nourse, *xvii* 27; evidence on, is sent to the commissioners, with instructions to report on Mr. Ingram's statement, *xvii* 73; discussion of methods pursued, and results, *xvii* 220 *et seq.*; objects aimed at by, *xvii* 222; advantages anticipated from; errors committed in scheme of, *xvii* 223; causes of failure of, *xvii* 229 and 230; original scheme and conditions of, *xvii* 341; is checked by false reports concerning distress, *xix* 7; of whole families, is preferable, *xix* 294; regulations suggested for, *xix* 297; expenses on account of, *xix* 342 to 345; proposal to take young persons from the workhouse, and employ them at Algoa Bay, *xix* 434; of boys and girls as indentured apprentices, scheme for, *xx* 50 to 53, 58, and 59
- Engela, government slave: sale of, *xvi* 396
- Engels, F., apothecary: mention of, *xvii* 241, *xviii* 299 and 321
- English episcopal church: erection of, in Capetown, is hindered by lack of funds, *xvi* 115; lands reserved for, *xvi* 175; great need of, *xvi* 413, *xviii* 144 and 162, *xix* 480, *xx* 364; erection of, by subscription, is advocated by Colonel Bird, *xviii* 33, 144, 147, and 162; is discouraged by the

- governor, *xviii* 33, 147, and 163; is sanctioned by the secretary of state, *xviii* 34; plan for meeting the expense of, *xix* 480
- English language: is to be used in all judicial acts and proceedings in Albany from the 1st March 1824, *xvii* 24, 44, and 482; Mr. Brink's accurate knowledge of, *xix* 304; is the language of the state, *xix* 499; cannot be introduced at present into Dutch churches, *xix* 499
- Ennismore, Lord: mention of, *xvi* 3 and 78, *xvii* 74
- Eno. See Nqeno
- Enon, Moravian missionary institution: attack upon, by Kaffirs, in 1819, *xix* 169
- Erith, James Thomas: dissolution of party of, *xvi* 38; deserts his location, *xvi* 409 and 422, *xix* 115; desires to prosecute Captain Trappes and Mr. Rivers, *xvii* 171, *xviii* 241; affidavit of, *xvii* 172; dispute of, with Mr. Dixon, *xviii* 281, *xix* 115; claim of, for stolen cattle, *xix* 115; charge against, for stores and provisions, *xix* 116
- Erith, Mrs. Jane: memorial of, *xviii* 241, *xix* 114 and 115; distress of, *xviii* 281
- Esbracht, Abraham, farmer: *xix* 136
- Espiegle*, His Majesty's ship: commissioners return in, from Algoa Bay, *xvi* 452
- Espionage: is put down by Sir Rufane Donkin, *xvi* 83
- Estimates: for transporting Irish emigrants to the Cape, *xvi* 25 and 31; for the extension of the wharf and the construction of a reservoir at Simons-town, *xvi* 112, *xvii* 106 and 242; of profits and expenditure of the proposed classical school at the Cape, *xvi* 416; of the expense of augmenting a squadron of colonial cavalry, *xvi* 419; of the cost of erecting officers' barracks at Grahamstown, *xvi* 451, *xix* 176; of the expense of erecting and maintaining schools for slave children, *xvii* 41; of the revenue derivable from the adoption of wharf dues at Simonstown, *xvii* 235; of the expense of constructing a road over the Fransche Hoek Kloof, *xviii* 7 and 8, *xx* 65; of the cost of needful repairs on Government House in Capetown, *xviii* 340; for commissariat buildings, *xix* 328; of the cost of erecting the landdrost's house and offices at Worcester, *xx* 66; of repairs necessary to the buildings on Robben Island, *xx* 360 and 361
- Eva, James, settler: grant recommended to, *xvi* 476
- Evans, Mrs. Dorothy, widow of the Reverend John Evans: memorial of, praying for an increased pension, *xvi* 460 and 461; pension of, cannot be augmented, *xvii* 143
- Evans, Reverend John, minister at Cradock: work of, *xvi* 461
- Evatt, Captain Francis, commandant at Algoa Bay: aid rendered to, by Mr. Willson, *xvi* 23; charges against, by Mr. Willson, *xvi* 342 and 371, *xix* 325 to 327; is appointed magistrate, *xx* 402; further mention of, *xvi* 150, *xvii* 360 and 361, *xviii* 96, 97, and 98
- Evidence: given by slaves, *xvi* 181; law of, *xvii* 435, 438, and 440
- Executioner, public: appointment of, for the Worcester district, *xix* 270
- Expenditure, public: for repairs of public buildings, in 1818, *xvi* 50; in 1823, *xvi* 51; at the Knysna, for naval establishment and mole, *xvi* 51; reduction of, by Sir Rufane Donkin, *xvi* 82; transmission of returns of, *xvi* 108 and 109; is said to be too lavish, *xvi* 207; augmentations and additional

- items of, incurred by Lord Charles Somerset, *xvi* 298, *xvii* 485, *xix* 154, 358, and 479, *xx* 362; returns of, in 1823, *xvi* 485 to 487; in 1824, *xix* 383 to 385; for stationery, and for repair of public offices in Capetown, *xvii* 488; saving in, by payments in coin instead of paper, *xvii* 497; for the erection and maintenance of schools, with expense of teachers, *xix* 376 to 379; of Sir Rufane Donkin, *xx* 341; further particulars concerning, *xvi* 424, *xvii* 144, *xviii* 246 and 331, *xix* 160 and 164, *xx* 62
- Expenses: of extending the wharf at Simonstown, provision for, *xvii* 105 to 107; of lime for house-building, *xvii* 122; of erecting public buildings in Albany, *xvii* 484; of government banks, *xvii* 497; of forming a road over the Fransche Hoek Kloof, statement of, *xviii* 7 and 8; of providing for the religious instruction of the whole population, *xviii* 333; of maintaining government slaves, from 1815 to 1823, *xix* 269; incurred by the colony for British settlers, *xix* 342 to 345; of erecting an English church in Capetown, plan for meeting, *xix* 480; of the establishments in the Albany and Somerset districts, *xx* 406
- Exports: *See* Commerce
- Exter, Messrs.: inquiries concerning, *xvii* 151
- Fagel, Baron: *xviii* 10
- Fairbairn, John: discontinues the publication of the *South African Journal*, *xvii* 312 and 464; alleged disaffection and republican sentiments of, *xviii* 57 and 347; furthers the memorial for a free press, *xviii* 58; assists in establishing the South African Literary Society, *xviii* 285 and 288; is interrogated by the fiscal, *xviii* 290; joins Mr. Pringle in carrying on a school and a journal, *xix* 445; letter from, to Mr. Pringle, *xix* 482 and 488
- Fairs: held for barter with the Kaffirs, near the Chumie, *xviii* 40; at Fort Willshire, *xix* 315, *xx* 404; at Beaufort, *xx* 84; advantages and success of, *xix* 315, *xx* 404
- Farewell, F. G.: project of, for establishing a trade with natives on the south-eastern coast, *xvii* 281, 292, and 305, *xviii* 318
- Farmers: loss of slaves and want of labourers by, *xviii* 256
- Faure, Reverend A.: speech made by, *xvii* 50; assists in publishing the *South African Journal*, *xvii* 307; acts as secretary to the synod of the Dutch Reformed church, *xix* 216 to 222; further mention of, *xix* 336
- Faure, Advocate: defends slaves and Hottentots charged with conspiracy and murder, *xx* 189
- Faure, Hendrik Emanuel: is proceeding to Holland to obtain ordination; requests pecuniary assistance, *xx* 392
- Faure, J. G.: land granted to, *xviii* 238
- Faure, P. H., secretary's clerk at Stellenbosch: increase of salary is solicited for, *xvii* 100 and 101
- Fees: tariff of, for medical practitioners, *xvi* 310, *xvii* 270; of Mr. Geary, reduction of, *xvii* 54 and 57; surplice, allowed to clergymen, *xvii* 248, 249, 254, 260, and 288; for marriages, *xvii* 288, 302, and 303, *xviii* 316, *xix* 213; for religious ordinances, *xix* 216 and 232
- Ferriar, Mr.: is proposed as sub-librarian, *xviii* 32
- Field, Samuel, Chelsea pensioner: in 1821 emigrates to the Cape, *xix* 235; is

- obliged to return home for pension certificates; asks passage out and grant of land, *xix* 236
- Findlay, Captain John, owner of the *Alacrity*: discovers and reports the libellous placard against the governor, *xviii* 72, 73, 84, 87, and 101, *xx* 185; evidence of, *xviii* 74; charges made by, for Mr. Geary's passage, *xix* 260; further mention of, *xix* 336
- Fines: payable by aliens for admission to the rights of burghership, *xvii* 8 and 23; inflicted on a mulatto, *xviii* 325; for allotments, exemption from, *xix* 339 and 340
- Fire: precautions against, *xvi* 249 and 250
- Fiscal's Department: list of officers of, with dates of appointment and salaries, *xix* 48
- Fischer, Johannes Henricus, landdrost of Tulbagh: alleged indebtedness of, to the district treasury, *xvii* 316; land of, *xvii* 327 and 336; is appointed secretary to the district of Tulbagh, and afterwards landdrost, *xvii* 335 and 337; denies indebtedness, *xvii* 337; applications of Mr. Redelinghuys are referred to, *xviii* 449, 473, and 477; report of, *xviii* 474, 477, 481, and 488; age and infirmities of, *xviii* 478; correspondence with, respecting the purchase of places to form a new sub-drostdy at Worcester, *xx* 68 to 72; complaints made to, by slaves, *xx* 213
- Fitzroy, Captain Charles Augustus, military secretary: conveys Mr. Geary's dismissal, *xvii* 87; is appointed commissary of vendues, *xvii* 267; is editor of the *Capetown Gazette*, *xviii* 133 and 143; prosecution of, for libel, is requested by Mr. Geary, *xviii* 207, 214, and 242; liberality of, *xx* 166; further mention of, *xviii* 3 and 9, *xix* 360
- Flax: proposed culture of, *xx* 95
- Fleck, J. C., secretary to the Cape district: mention of, *xvi* 395 and 447, *xvii* 505
- Fleming, Becher, magistrate of the county of Cork: mention of, *xvi* 397, 407, 410, and 414
- Fleming, Mr.: *xviii* 140
- Flight and Robson, Messrs.: case of, against the Reverend Mr. Sturt, *xvii* 141
- Forage: for the supply of cavalry, purchase and expense of, *xvi* 185 and 207; cultivation of, and supply of, by Mr. Burnett, claim for, *xvi* 187, *xx* 389, 390, and 395
- Ford, Edward: industry of party of, *xvi* 38; distress of party of, *xvi* 285; location is confirmed to, and additional land granted to, *xvi* 409, 422, 424, and 441, *xvii* 78 and 84; removal of, is ordered, *xvii* 90
- Forgery: of paper notes, *xix* 432
- Fort Beaufort: erection of, *xvii* 154; Kaffir women visit, for barter, *xvii* 211
- Fort Willshire: building of, *xvii* 153; expedition from, to capture Gaika, *xvii* 154; is the only military post on the frontier, *xvii* 211; fairs are successfully held at, with Kaffirs, *xx* 404
- Fouché, Hermanus Hendrik, farmer: losses and distress of; relief granted to, *xviii* 249, 279, 280, and 319, *xix* 349
- Foulger, John: efforts of, in London, on behalf of the distressed settlers at the Cape, *xvii* 79 and 108
- Fournier, John, settler: grant recommended to, *xvi* 476; dispute of, with Mr.

- Morton and Mr. Shaw, as to location ; decision is given in favour of, *xviii* 258 ; grievances and sufferings of, *xix* 316 to 321 ; further mention of, *xvii* 60
- Fraenkel, S. : *xvii* 241
- de Fraet, Joseph Maria : widow of, *xx* 99
- Francis, David Polley : grant of land is requested by, *xvi* 1 ; has abandoned his location, *xvi* 38 ; is an excellent farmer, but in pecuniary difficulty, *xvi* 53 ; remarks on the settlement in the Zuurveld by, *xvi* 54 ; suggestions by, for improving the condition of the settlers in the Zuurveld, *xvi* 58 to 60 ; statement of losses and disappointments of, *xvi* 147 *et seq.*, 314 *et seq.* ; arrives in 1820 with Mr. Parker's party, *xvi* 148, *xix* 27 ; is located at Clanwilliam, upon inadequate lands, and removes to the Zuurveld, *xvi* 148 and 149, *xvii* 467 and 468 ; proceeds to Assagai Bush to find location, *xvi* 150 ; cannot obtain rations, and appeals to Captain Somerset, *xvi* 151 ; is uncertain of his location, and prepares to leave the colony, *xvi* 152 and 153, *xvii* 469 ; buildings erected by ; presents his case to Sir Rufane Donkin, and applies for waste land, *xvi* 153 ; land is promised to, *xvi* 154 ; cannot obtain grant, and presents memorials to the governor, *xvi* 155, 156, and 157 ; petition of, is refused, *xvi* 156 and 157 ; explains and defends his conduct, *xvi* 160 ; is not entitled to grant, *xvi* 475 ; directions for settlement given to, *xvii* 19 ; additional grant made to, *xvii* 84 ; removes from his location to Capetown, *xvii* 170 ; conversation of, with Major Colebrooke, *xvii* 467 ; liberal treatment of men by, and losses of, *xvii* 468 ; claim of, must be submitted to the commissioner appointed to adjust the claims of settlers, *xvii* 473 ; proposes a plan for the regular supply of free labourers to the Cape, *xviii* 46 *et seq.*, *xix* 40 ; signs the memorial for a free press, *xviii* 58 ; returns to England, *xix* 139 ; further mention of, *xvi* 424, *xviii* 112, *xx* 164 and 166
- Franks, Mr. : *xvi* 297
- Fransche Hoek Kloof : advantages of the road over, *xviii* 1, 6, and 256, *xix* 81, 241, 243, 247, 251, and 253 to 255, *xx* 65 ; expense of constructing and completing the road over, *xix* 252, 253, and 254
- Fraser, Reverend Colin : is ready to go to Holland to acquire the Dutch language before proceeding to the Cape, *xvi* 133 ; is studying at a Dutch university, *xvii* 209 ; has obtained a licence and requests an appointment, *xvii* 297, *xviii* 11 ; accepts appointment in the colony, *xviii* 44 ; sums advanced to, for proceeding to the Cape, *xviii* 214 ; engages a passage on the *Cornwallis*, *xviii* 239 ; arrival of, is expected ; vacancy for, *xviii* 328
- Fraser, Colonel George Sackville : treatment of, by the governor, *xvii* 393 ; death of, in 1823, *xviii* 41 and 304 ; in 1819 obtains leave of absence to return to Europe, *xx* 72
- Fredericksburg : establishment of a military post at, by Sir Rufane Donkin, and subsequent abandonment of, *xvi* 206, *xvii* 150, *xviii* 125 and 126, *xix* 73 and 95 ; unwisdom of the establishment at, *xviii* 159, 302, 304, and 309, *xix* 394 ; illicit traffic is carried on at, with Kaffirs, *xviii* 42
- Freemantle, Mrs. : distress and relief of, *xvi* 266
- French cotton goods : free importation of, *xviii* 496
- Frontier, the : fortifications on, are discontinued by Sir Rufane Donkin, but

recommenced by Lord Charles Somerset, *xvi* 84 ; great cost of defending, *xvi* 207 ; defence of, by military posts and patrolling, *xvii* 152 to 154, 211, 212, 217 *et seq.*, 230, 324, and 466. *xviii* 38, 43, 152, 155, 157, 306. and 308, *xix* 167 and 313 ; tranquillity of, brought about by Lieutenant Colonel Somerset, *xviii* 328, *xx* 404, 413, and 415 ; free labour only is permitted in the cultivation of grants on, *xix* 165 ; inducements to the settlement of, *xix* 168 and 169

Frykenius, Commissary-General : mention of, *xvi* 231, *xx* 100 and 102

Futter, G., settler : land granted to, *xvii* 83

Fynn, F. : sum advanced to, *xviii* 235

Gaika, chief of the Rarabe branch of the Xosa tribe : authority of, *xvi* 102, *xix* 314 and 365 ; is jealous of the colonial influence, *xvi* 199 ; amiable disposition of, *xvi* 207 ; conferences are held with, by Lord Charles Somerset in 1819, and by Sir Rufane Donkin in 1820, concerning the occupation of territory between the Fish and Keiskama rivers, *xvii* 149, 150, and 153, *xix* 342, 356, and 357 ; delays the restoration of stolen cattle, and an attack is made upon, to seize him, *xvii* 154 and 155, *xviii* 39, 158, 305, and 309 ; escape of, *xvii* 156, *xviii* 158 ; is induced to attend a conference with Lieutenant Colonel Scott near the Chumie in 1823, and agrees to abstain from depredations, *xviii* 40 and 158 ; acknowledgment of the supremacy of, by the colonial government, *xix* 361, 362, and 364 ; good faith of, is doubtful, *xix* 365 ; is compelled to execute a Kaffir guilty of the murder of an English boy, *xix* 391, 477, and 478

Galant, slave of W. N. van der Merwe : heads a gang of slaves and Hottentots for the murder of their masters, *xx* 188, 190, 192, 201, 224, 233, and 306 ; trial of, *xx* 188 *et seq.* : seizes a gun and fires at B. van der Merwe, *xx* 192, 206, 218, and 235 ; shoots Mrs. Van der Merwe, *xx* 194, 207, 219, 228, 236, 272, 307, and 310 ; shoots and kills his master, W. N. van der Merwe, *xx* 196, 207, 219, 223, 228, 244, and 307 ; shoots J. M. Verlee, *xx* 197, 207, 219, 237, 244, and 307 ; fires at the commando, *xx* 200, 202, 224, 229, and 257 ; charges made against, *xx* 201 ; examination and statement of, *xx* 205 to 217 ; complains of ill-treatment, *xx* 205, 208, 212 to 217, and 315 ; wounds and marks found upon, *xx* 303 ; sentence of death is passed upon, *xx* 340 ; further mention of, *xx* 259, 269, 270, 275, 280, 282, 285, 291, 297, 302, 316, 331, and 385

Gardeners, Government : list of, *xix* 58

Gardner, Edward, settler : attends to grazing rather than agriculture, *xvi* 38 ; location is confirmed to, *xvi* 424 and 441, *xvii* 78

GARRISON OF THE CAPE COLONY FROM 1823 TO 1825 :

Royal African Corps : two companies formed from, are to be conveyed to Sierra Leone, *xvi* 180 ; defence of Grahamstown by, in 1819 ; reduction of, *xviii* 125 ; service rendered by men of, at Fredericksburg, *xix* 95 ; are employed in constructing the road over the Fransche Hoek while waiting for embarkation, *xix* 251

Cape Corps : is augmented by another troop of cavalry in March 1823, *xvi* 419 ; sums of money due to deceased soldiers of, *xvi* 455, *xviii* 8 ; march to Grahamstown to suppress firing, *xviii* 132, 137, and 141 ;

support Major Somerset, *xviii* 138 ; are commended by the governor and landdrost, *xviii* 139 ; accommodation is required for, on the frontier, *xix* 173 to 177 ; muster rolls and returns of, are to be transmitted monthly, *xx* 98 ; forage is supplied to, by Mr. Burnett, *xx* 163, 389, 390, and 395 ; alleged infamous conduct of, *xx* 167 and 179

Gaugain, Mr., settler : grant recommended to, *xvi* 476

Geary, Mrs. : *xvii* 68

Geary, Reverend William, military chaplain at Grahamstown : is dismissed from office, *xvii* 52, 86, 87, 253, 258, and 368, *xviii* 139, 199, and 347, *xix* 43, *xx* 371 ; complains of Major Somerset's insulting conduct, *xvii* 52, 53, 72, and 258 ; reveals a private letter from the duchess of Beaufort, who recommended him, *xvii* 54 to 58, and 248 ; defends his conduct and complains of his treatment, *xvii* 68, 69, 251, 256, 284 to 291, 303, and 304, *xx* 131 and 152 ; complains of being libelled in the *Capetown Gazette*, *xvii* 111, 112, and 124 ; requires an apology from the editor, and his prosecution for libel, *xvii* 125, *xviii* 207, 214, and 242 ; requests that the reason for his dismissal may be stated in the general orders, *xvii* 126 ; is desired not to make complaints in England, *xvii* 134 ; fees demanded by, *xvii* 244, 249, 260, 261, and 262, *xviii* 316 ; memorial of, with comments by Lord Charles Somerset, *xvii* 247 ; is summoned to Capetown to answer for contempt of court, *xvii* 257 ; want of suitable house for, *xvii* 262 to 264, 285, 286, and 291, *xviii* 284 ; desires to return to England, and solicits a free passage, *xvii* 264, *xix* 93 ; position and privileges of, in the colony, *xvii* 283, 292, and 307 ; mis-statements and reprehensible conduct of, *xviii* 37 ; requests remuneration for expenses incurred, *xix* 172 ; expenses cannot be refunded to, nor passage paid, without authority from home, *xix* 182 and 237 ; solicits a loan to be repaid by instalments ; destitution of, *xix* 238 ; loan of £100 is granted to, on certain conditions, *xix* 259 and 270 ; begs for a larger loan, *xix* 260 and 322 ; accepts the loan offered, *xix* 283 ; on his arrival in England, requests an interview with the secretary of state, *xx* 126 and 153 ; further communication with, is declined, *xx* 134 ; apologises for inadvertent expressions, *xx* 152 ; must communicate in writing, *xx* 342 ; is ignorant of the charges against him, but forwards documents, *xx* 344 ; further mention of, *xvii* 265, 282, 499, and 500, *xviii* 300 and 375, *xx* 180

Gebhardt, J. W. L., son of the Reverend W. Gebhardt : trial of, for excessive punishment of a slave, *xvii* 39 ; sentence of death is inflicted on, *xvii* 44

Gemerkte Carreehoute Boom estate : is sold by Mr. Van Reenen to Mr. Louw, *xviii* 445 ; conversion of tenure to perpetual quitrent is solicited, *xviii* 445, 448, and 473

Genadendal : missionary establishment at, *xix* 306

General Assembly : of the Dutch Reformed church, duties of, *xix* 190, 197, and 208 ; constitution of, *xix* 233. See Synod

GENERAL ORDERS :—

19 February 1824. Concerning the prompt and soldier-like conduct of the officers and men at Grahamstown during a tumult, and the dismissal of the Reverend William Geary, *xvii* 86 ; conveying the dismissal of Mr. Geary, insinuate his implication in a riot, *xvii* 126 and 135



- George, district of: list of officers in, with salaries, *xix* 70; state of agriculture in, *xix* 350 *et seq.*
- George, town of: visit of Lord Charles Somerset to, *xvi* 507; need of market at, *xix* 351 and 352
- Gerard, Reverend Dr. Gilbert, of Aberdeen: inquiries are addressed to, concerning Mr. Rannie, *xviii* 405 and 409; letter from, in reply, *xviii* 416
- Gilbert, author of *Law of Evidence*: references to, *xvii* 435, 438, 440, and 449
- Gilquin, Colonel: report of, *xx* 103 and 106
- Gird, H. H., district surgeon: examines Mrs. Van der Merwe, *xx* 309
- Girls: scarcity of, at the Cape; value of labour of, *xx* 52; wages of, *xx* 59; bush, are placed with Mr. Theron, *xx* 81; are taken from him, *xx* 82
- Glaeser, George, surgeon to the Cape Regiment: recommends Captain Harding for retirement, *xvi* 465
- Glasgow Missionary Society: particulars concerning work of, in South Africa, *xvi* 133 and 199; must act in conjunction with the government, *xvi* 134
- Glebe: land to be reserved for, *xvii* 350
- Glennie, Arthur: is chairman of the meeting of the Scots church at London Wall, *xviii* 402 and 418: requests co-operation in the inquiries concerning Mr. Rannie, *xviii* 406, 407, and 408; letters from, to Dr. Philip, concerning his charge against Mr. Rannie, *xviii* 418 and 419
- Godlonton, R.: obtains relief for the Hardens, suffering settlers, *xviii* 375 and 376; testifies to the assistance given by Mr. Rivers to needy settlers, *xviii* 389
- Goliath, slave of B. van der Merwe: deposition of, *xx* 268; further mention of, *xx* 324
- Gonaquas: are driven out by the Boers, *xix* 171; desire to remain as servants to colonists, *xix* 171; are mixed with other tribes, *xix* 458; at the Chumie institution, *xix* 471 and 474
- Good Intent*, coasting schooner: carries provisions between the Kowie mouth and Table Bay, *xvi* 288 and 464
- Goodwin, F.: is appointed clerk of the court at Simonstown, *xix* 262
- Goodwin, J., settler: meeting of with Mr. Francis, *xvi* 152; additional land is granted to, *xvii* 83
- Gordon, Reverend Abercrombie, of Banff: inquiries are made of, concerning Mr. Rannie, *xviii* 405 and 409; letter from, in reply, *xviii* 415
- Gosling, James, farmer at Hottentots Holland: mention of, *xvi* 66, *xix* 184
- Goulburn, Major: oath taken by, *xvi* 405
- Goulburn, Henry, under-secretary of state: complaints against, by Mr. Parker, *xvi* 443
- GOVERNMENT ADVERTISEMENT:—  
20 February 1824. Publishing the order in council of the 19th September 1823, *xvii* 91
- Government House: in Capetown, dilapidated condition of, *xviii* 339; repairs needed by, *xviii* 340 and 341
- Governor, the: authority of; alleged errors committed by, through lack of information, *xviii* 153; list of offices filled by, *xix* 45, and 46 to 72; household of, *xix* 46; uniform to be worn by, *xix* 153; duties and authority of, in military affairs, *xix* 179 to 181; powers of, in ecclesiastical

- concerns, *xix* 230 ; is to be assisted by a council, *xx* 5 ; may suspend members, if necessary, *xx* 6 and 9 ; incurs the responsibility of his decisions, *xx* 355
- Gower, Mary : free passage home is requested for, *xx* 1
- Gower, Richard, settler : misfortunes and death of, *xx* 1
- van de Graaff, J. F. : charges against, *xvii* 200 ; is appointed landdrost of Tulbagh in 1804, *xvii* 316 and 335 ; lands acquired by, *xvii* 327 and 336
- Graaff Reinets, district of : land tenure in, is irregular, *xvii* 296 ; petitions are filed for land in, *xvii* 297 ; commandos from, against Bosjesmen, *xix* 19 ; list of officers in, with salaries, *xix* 64 ; abstract of returns for, *xix* 249 ; ranger is appointed for woods and forests in ; additional fieldcornetcy in, *xix* 478
- Graham, Mrs., widow of Colonel Graham : needs assistance from government, *xviii* 196
- Grahamstown : repairs to clergyman's house at, *xvi* 51 ; lands granted at, *xvi* 178 ; seat of magistracy is removed to, from Bathurst, *xvi* 178, *xvii* 16, *xviii* 152 ; purchase of a house in, for the secretary of Albany, *xvi* 325, *xvii* 36 ; damage done at, by storms, *xvi* 407 ; erection of barracks at, for artillery, *xvi* 450, *xvii* 231 ; building lots at, are granted to artificers, *xvii* 85 ; disturbance in, on the occasion of the arrival of the commissioners ; Mr. Geary is accused of taking part in, *xvii* 86 and 126, *xviii* 132 *et seq.* ; attack of Kaffirs upon, in 1819, *xvii* 152, *xix* 168 ; is the most eligible military station, *xvii* 153 ; high rate of living at, *xvii* 250 ; regulations for the use of the water in, *xvii* 292 ; object of projected meeting at, in May 1822, *xviii* 154 ; magistracy has been established at, from 1812, *xviii* 302 ; erection of officers' barracks at, is requisite, *xix* 73, and 173 to 177 ; visit of the governor to, in February 1825, *xx* 400
- Grant, P. W. : part taken by, in furthering the proposal to erect a presbyterian church in Capetown, *xix* 334, 336, and 338
- Gray, Lieutenant Governor H. G. : *xvii* 238
- Great Fish River : is the boundary between the colonial territory and Kaffraria, *xvi* 450, *xix* 170 ; lime-stone is found near ; navigation of, *xvii* 122
- Great Partridge Valley : is well watered, *xviii* 129 ; is assigned to Mr. Ingram, *xvii* 274
- Greathead, James Henry, settler : industry of, *xvi* 38 ; location is confirmed to, *xvi* 424 and 441
- Green, Benjamin : is secretary to the committee for erecting a church at Port Elizabeth, *xvii* 361
- Green, Joseph, clerk of Mr. Greig : is suspected of taking part in the libel against the governor, *xviii* 65 ; examination of, *xviii* 76 and 77 ; further mention of, *xviii* 78, 82, 86, 90, and 92
- Greenwell, Mr. : sells his location to Mr. Shaw, *xvi* 318
- Gregory, John, secretary to the commissioners of enquiry ; carries a despatch to Lord Charles Somerset, *xvi* 127 ; signs various documents, *xvii* 220, 330, 333, and 356, *xviii* 199, *xix* 388 and 389
- Greig, George, printer and stationer : desires to establish a printing press in the colony, and to publish a literary and commercial magazine, *xvi* 161 and 469 ; issues prospectus of the *South African Commercial Advertiser*,

*xvi* 470; requests its transmission to the country districts, *xvi* 490; rate of postage is fixed for paper of, *xvii* 19; papers are published by, concerning the trial of William Edwards, *xvii* 177; transmits the *South African Commercial Advertiser* to the secretary of state, and requests a reduction of postage, *xvii* 236 and 237; directions are given to, concerning the conduct of his paper, and security is demanded from, *xvii* 293 and 294; discontinues the publication of his paper, to seek redress, *xvii* 295; proposes to publish a paper containing advertisements only, and facts connected with the press censorship, *xvii* 299; is warned against issuing his notices, but refuses to obey, *xvii* 300; journal of, is suppressed by the governor, and presses sealed up; is ordered to quit the colony within a month, *xvii* 301 and 305, *xviii* 56 and 315, *xix* 42; signs the memorial for a free press, *xviii* 58; has not adhered to conditions imposed, or given security, *xvii* 306; appeals to the secretary of state, *xvii* 310, *xix* 42; desires a speedy valuation of his printing materials, before sailing for England, *xviii* 63; is suspected of taking part in the libel against the governor, *xviii* 65, 66, 89 *et seq.*, and 117; examination of, *xviii* 76; house of, is searched for defamatory papers, *xviii* 82 and 83, *xx* 169: a decree of criminal apprehension of, is requested, but refused, *xviii* 118 and 119; claim laid to presses of, after he has left the colony, *xviii* 345, *xix* 482; is said to have received them from the London Missionary Society, *xviii* 347 and 351; represented them to the governor as his own property, *xviii* 348 and 352, *xix* 365 and 366; receipt given by, for printing presses, *xviii* 354; states his case and appeals for redress, *xix* 144 to 152; explains his claims to printing materials and presses, *xix* 463 *et seq.*; declares himself ruined by Lord Charles Somerset, *xix* 467 and 468; proposes to publish the *South African Times*, and issues prospectus, *xix* 502; receives permission to return to the colony, and to publish a journal under certain conditions, *xx* 38, 40, 125, and 396, must repay sum received for printing materials, *xx* 38; requests time for payment, and advocates some freedom in discussing public questions, *xx* 47 and 345; solicits a free passage, *xx* 49 and 366; may have time for payment, *xx* 124; discusses terms of publication, and submits an amended prospectus, *xx* 127 and 128; amendments submitted by, cannot be accepted; must adhere to his prospectus, *xx* 133 and 355; treatment of, by the government, *xx* 146 *et seq.*; hoped for further redress; intends to return to the colony, *xx* 365; further mention of, *xix* 143 and 405, *xx* 16

Grey, Reverend Henry: *xvi* 214, 458, and 494

Grey, James Borrowmen: evidence of, *xviii* 108 to 111

de Grey, Lord Chief Justice: opinion of, *xviii* 22

Greyling, Abraham Carel: declines relief from government loan, *xviii* 253

Griffen, William: examination of, *xviii* 113

Griffith, Lieutenants Charles and Valentine, settlers: are offered a location at the Zonder End river, but decline it, and return to Capetown, *xix* 112, 257, and 309; Old Post farm is leased by, *xix* 310

Griffiths, Ellen, settler: money advanced to, by the government, *xvii* 88

Griffiths, William: is master of the *Good Intent*, *xvi* 464; land granted to, *xvii* 85

- Griquas : assist the Betschuanas against the Mantatees, and defeat them, *xvi* 497 *et seq.*, 503, and 504, *xx* 405
- Griquatown : Mr. Moffat visits Mr. Melville at, *xvi* 497
- Grobbelaars Kloof : land allotted at, *xvi* 225
- Grocius, H., bookkeeper of Lombard Bank : *xix* 186
- Groenekloof government farm : visit of the commissioners to, *xvi* 453
- de Groot, Hugo, lawyer : references to, *xvii* 400, 401, 402, 406, and 449
- Groote Post, government farm : advisability of breaking up the establishment, *xvi* 41, *xvii* 370 and 502 ; losses in carrying it on ; accounts of, showing deficit, *xvi* 42 to 44 ; further mention of, *xvi* 208, *xviii* 454
- Groote Vlakte estate : sale of, by Mr. Van Reenen to Willem Louw, *xviii* 445, 469, 483, and 489 ; conversion of tenure to perpetual quitrent, is solicited, *xviii* 445, 448, and 473
- Grosvenor, East Indiaman : wreck of, *xvi* 504, *xviii* 123 ; descendants of crew of, are supposed to be among the Mantatees, *xvi* 504
- Gum : collection of, for exportation, *xix* 287 ; is received in barter from Kaffirs, *xx* 404
- Gunning, B. : land granted to, *xvii* 85
- Habana, Xosa chief : mention of, *xvi* 200, *xix* 168
- Hallier, J., printer : *xix* 299
- Halloran, Dr. : case of, *xvii* 379 ; sentence passed upon, *xx* 140
- Hammond, Thomas, compositor : evidence given by, *xviii* 102 ; further mention of, *xviii* 85, 86, and 101
- Hankey, William Alers, treasurer of the London Missionary Society : signs memorials of the directors concerning Bethelsdorp, *xvi* 223, *xix* 290 ; forwards Dr. Philip's memorial to the secretary of state, *xviii* 498 ; requests permission to send a printing press to the Cape, *xx* 342
- HANSARD'S PARLIAMENTARY DEBATES :—
- 11 March 1825. On army extraordinaries at the Cape, and Lord Charles Somerset, *xx* 134
- Hanson, Mr. : appointment of, as sub-librarian, *xviii* 164
- Hantam Mountain : reservation of, for horses suffering from distemper, *xvi* 467, *xvii* 11, *xviii* 445 and 481 ; grant of, to Mr. Redelinghuys and Mrs. Louw, *xvii* 369, *xviii* 208, 342 to 344, and 443, *xix* 106 and 109 ; question of right to exclusive pasturage on, *xviii* 445, 449, 457, 472, and 480 to 490 ; is refused to Mr. Redelinghuys, and ordered to be retained as commonage for all the inhabitants, *xviii* 450, *xix* 2 and 16
- Harbours : lack of, on the south-eastern coast, *xviii* 122 ; spot recommended as, by Mr. King, *xviii* 123
- Harden, W., settler : distress of, and relief afforded to, *xviii* 372, 374 to 377, 396, and 401 ; indifferent character of, *xviii* 375 ; death of, *xviii* 377
- Harding, Captain W. W., deputy landdrost of Cradock : commends Scotch settlers, *xvi* 321 ; ill-health of, *xvi* 464 ; desires to resign his situation with a pension ; military services of, *xvi* 465 ; pension cannot be granted to, *xvii* 143 ; locates Mr. Pringle's party, *xix* 444 ; appointment of, *xx* 72
- Hare, John, settler : belongs to Mr. Parker's party, *xix* 27

- Harker, Captain R. C., of the 15th Foot: desires to emigrate to the Cape, and requests a passage, *xvi* 201
- Harmse, Mr.: appointment of, as sub-librarian, *xviii* 32
- Harrington, Captain: land granted to, in Capetown, for building, *xviii* 25 and 237, *xix* 110
- Harris, Mr.: *xvii* 308 and 309
- Harris, Thomas, clerk to Mr. Ingram: gives evidence to the commissioners. *xviii* 222
- Harrison, Mr., assistant barrack master: appointment of, as sub-librarian, *xviii* 32
- Hart, Robert, superintendent of Somerset Farm: accounts kept by, *xvi* 169; may take Mr. Willson's winnowing machine, *xvi* 372; is to take wheat tendered by Mr. Pringle, *xvii* 91; complaints made against, by Mr. Burnett, *xx* 155 to 161, 391, and 395; pension allowed to, *xx* 406
- Hart, William, settler: losses and distressed condition of, *xvii* 242, 272, and 473; solicits a grant of land and loan of capital, *xvii* 243; military services of, *xvii* 244 and 272; solicits a free passage for his family to the Cape, *xvii* 473; desires to return to England to join his family, *xviii* 62
- Hartley, T.: land granted to, *xvii* 85
- Harvest: successive failures of, from blight and drought, *xvi* 11, 128, 274, 282, 283, 288, 289, 306, 452, and 464, *xvii* 13, 79, 142, 229, 230, and 250, *xviii* 301, *xx* 382
- Hawkins, William, agent of the East India Company: signs the memorial for a free press, *xviii* 58; is a member of the committee of the commercial exchange, *xviii* 497
- Hayhurst, Richard, settler: industry of party of, *xvi* 38; location is confirmed to, *xvi* 424 and 441, *xvii* 78
- Hayman, Mr., settler: removal of, is ordered, *xvii* 90
- Haynes, Robert: can give evidence on behalf of William Edwards, *xvii* 425, 426, and 432
- Hayward, William: is appointed special commissioner to investigate and adjust the claims of settlers in Albany, *xvii* 340 and 356, *xviii* 35 and 97; instructions and correspondence are forwarded to, *xvii* 356; salary of, *xvii* 357; claim of Mr. Francis must be submitted to, *xvii* 473; decides the dispute between Messrs. Fournier and Morton in Mr. Fournier's favour, *xviii* 258, *xix* 318 and 321; will settle the question of boundary between Messrs. Dixon and Erith, *xviii* 281; efforts of, to satisfy the claims of settlers, *xviii* 346 and 362, *xix* 454; testifies to the attention paid by Mr. Rivers to distressed settlers, *xviii* 384; inquiries concerning Mr. Willson and his party, *xix* 77; reports on Mr. Erith's claims, *xix* 115; also on Mr. Willson's, *xix* 117; reports on petitions for land in Albany, *xx* 400
- Head, Mr., deputy assistant commissary general: *xvi* 363
- Heatlie, Thomas: purchases drostdy buildings and estate at Tulbagh, *xvi* 230, *xvii* 318, 320, and 329, *xx* 126; complaints of, concerning the results of his evidence before the commissioners, *xvi* 426; resentment of, against the governor, and charges made by, *xvi* 453; grievances suffered by, and violent language of, *xvi* 454; information given by, *xviii* 469

- Heemraad, Special: appointment of, for Tulbagh, *xvi* 260
- Heemraden. *See* Board
- Hemp: proposed culture of, *xx* 95
- Henderson, Mr.: is appointed to receive subscriptions for a church at Port Elizabeth, *xvii* 360
- Hendrik, a Hottentot: trial of, *xx* 188 *et seq.*; charges made against, *xx* 203; examination and statement of, *xx* 231 to 234; pleads coercion by Galant, *xx* 234; sentence passed upon, *xx* 340; further mention of, *xx* 260, 263, 308, and 336
- Hertzog, Mr.: road traced by, *xviii* 4
- Hesse, Reverend G.: claim of, for expenses in returning to Europe, cannot be granted, *xvii* 476, *xix* 114
- Hester, a female slave of J. M. Brink: ease of, *xvi* 379; trial of, for the murder of her three children, *xvi* 380 *et seq.*; examinations of, *xvi* 384 and 392; sentence of death is pronounced upon, *xvi* 395
- Heurtley, Richard, M.D., surgeon: *xvii* 240
- Hewetson, W., assistant commissary general: statements and correspondence of, *xvii* 277, *xviii* 184; plans and estimates transmitted by, for commissariat buildings, *xix* 327; further mention of, *xvi* 468
- Hewson, Joseph: land granted to, *xvii* 84
- Hex River: road over, to Worcester, *xvi* 425; places on, are purchased by the government, for the new sub-drostdy of Worcester, *xx* 68 to 72
- Hiddingh, W., LL.D.: is a member of the court of justice, *xvi* 395 and 447; *xviii* 82; assists in the search for defamatory papers, *xviii* 80; visits Mr. Edwards in prison, *xx* 144; record held before, *xx* 189
- Hiles, William, settler: land to be granted to, *xvi* 477, *xvii* 3
- Hintsá, Kaffir chief: authority of, *xix* 314
- Hippopotami: are found in Albany, *xvii* 104; abundance of, *xviii* 123
- Hobson, Mr.: *xix* 476
- Hodgkinson, G.: marriage of, *xvii* 289 and 304, *xviii* 316
- Hoffman, John Bernard: is prosecuted by His Majesty's fiscal, for an alleged libel against Mr. Blair, *xvii* 177 *et seq.*, *xix* 281; examination of, *xvii* 183; evidence concerning, *xvii* 187; is acquitted, *xvii* 188; visits Mr. Edwards in prison, *xviii* 112
- Hofmeyr, Hendrik, advocate: refuses to defend Mr. Theron, *xx* 87; defends slaves and Hottentots charged with the murder of their masters, *xx* 189, 263, 297, and 330
- van Hogendorp, Baron G. K.: relinquishes land offered to him at Hout Bay, *xviii* 24, 236, 243, 244, 246, 250, and 251; in 1804 sends out labourers from Holland to the Cape, *xviii* 255
- Hohne, Mr., director of the government slave lodge: *xx* 352
- Holder, William, settler: industry of, *xvi* 38; distress of party of, *xvi* 288; allotment of, is to be divided, *xvi* 409 and 422, *xvii* 3; grant recommended to, *xvi* 477; business conducted by, *xviii* 96
- Holditch, Dr.: belongs to Mr. Parker's party, and has part of his location, *xviii* 276, *xix* 27
- Holloway, Major W. C., of the Royal Engineers: is on the committee for the relief of distressed settlers, *xvi* 264 and 269; is in England in ill health,

- xviii* 2; work of, on the road over the Fransche Hoek mountain, *xviii* 2 and 4, *xix* 81; reports on the roads at the Cape, and recommends their extension, *xix* 241 to 255, *xx* 65; suggests improvements on Mr. Hewetson's plan for commissariat buildings, *xix* 327; further mention of, *xvi* 430, 436, and 438, *xvii* 231
- Holt: on the law of libel, references to and citations from, *xvii* 391, 400, 402, 404, 406, 433, 435, 436, and 437
- Honey, Jeremiah, settler: land to be granted to, *xvi* 477, *xvii* 3
- Honey, wild: is plentiful in Albany, *xvii* 104
- Hooper, James: rebellion fomented by, *xx* 314
- Hope, Captain John, land surveyor in Albany, and inspector of signal posts: conducts the investigation of Mr. Geary's complaint against Wathall, *xvii* 255; sub-divides land among settlers, *xviii* 281; decides the dispute between Messrs. Fournier and Shaw in Mr. Fournier's favour, *xix* 319 and 321
- Horrie, Captain Edward: sum paid to, on account of rations for Mr. Parker, *xx* 347
- Horses: importation and sale of, by Lord Charles Somerset, *xvi* 42, 168, and 170, *xvii* 368, 370, 502, and 505, *xviii* 343, 344, 443, 446, 454, 459, and 460, *xix* 106 and 107; are seen in the possession of Kafirs, *xvi* 200; purchase of, for Cape cavalry and troops on the frontier, *xvi* 419, *xvii* 219, *xix* 107; retreat of, to the Hantam mountain, in times of distemper, *xvi* 467, *xvii* 11, *xviii* 445, 450, 451, 472, 480, 481, 482, 484, and 487; breeding and sale of; prices paid for, *xvii* 488, 489, and 490, *xviii* 313, 314, 460, 461, and 491, *xix* 353; exportation of, to India, *xvii* 491; importation of, into the colony, *xviii* 272
- Horse-sickness: the Hantam mountain is a refuge from, *xvi* 467, *xviii* 445, 450, 451, 472, 480, 481, 482, 484, and 487; prevails only occasionally, *xvii* 11, *xviii* 487
- van der Horst, H.: sale of slave to, *xvi* 396
- van Horstok, Dr. H. B.: *xvii* 240
- Horticulture: pursuit of, is profitable, *xvii* 102
- Horton, R. Wilmot: evidence given by, on emigration, *xvii* 73
- Hottentots: schools for, *xvi* 12, *xvii* 289; children of, *xvi* 174; mission work among, *xvi* 215, *xviii* 498 *et seq.*, *xix* 224, *xx* 113; at Bethelsdorp, restrictions imposed upon, and grievances of, *xvi* 216 to 221; employment of, in cattle-tending and agricultural labour, *xvi* 230, *xvii* 226, 317, and 318, *xviii* 263; return of, in Kerkstraat, Brouwerstraat, and Tulbagh, in 1824, *xvii* 334; indolence of, *xviii* 202; contributions made by, towards mission farm, *xix* 12; grants of land made to, *xix* 18 and 75; at Bethelsdorp, loyalty and industry of, *xix* 286 and 289; condition of, in Graaff Reinet, *xix* 486; join in the conspiracy of slaves to murder their masters, *xx* 188 and 192; are captured, *xx* 407
- Hottentots Holland Range: roads over, difficulty of, *xix* 242 and 243; rivers rising in, crossing of, *xix* 245
- Hough, Reverend George: is a member of the committee for the relief of distressed settlers, *xvi* 264 and 269; has prize negroes, *xvii* 253; is chaplain of Capetown, *xvii* 261; becomes honorary librarian, *xviii* 31; in

- September 1813 arrives at the Cape ; in March 1817 becomes principal chaplain ; relations of, with Colonel Bird, *xviii* 161 ; becomes rector of the grammar school in Capetown, *xviii* 162 ; premises occupied by, *xix* 360 ; further mention of, *xviii* 144 and 147
- Houses : erected by settlers in Albany, materials used for, *xvii* 121 and 122 ; of Boers, *xvii* 122
- Hout Bay : farm at, is requested by Mr. Parker, *xvi* 48 ; land at, relinquished by Baron van Hogendorp, is granted to Colonel Bird, *xvi* 100 and 116, *xviii* 23, 236, 241, 243, and 245 ; is solicited by Mr. Denyssen, in 1821, *xviii* 236, 241, and 243 ; value of, *xviii* 241 and 248 ; is inspected by Mr. D'Escury, *xviii* 244
- Howard, William, settler : party under, is fairly industrious, *xvi* 38 ; additional grant is to be made to, *xvi* 409 and 422 ; location is confirmed to, *xvi* 424 and 441, *xvii* 78
- Howard, Mr., district schoolmaster and clerk to Mr. Geary : need of residence for, *xvii* 265 ; further mention of, *xvii* 289 and 290
- Howden, General Lord : opinion of, on Colonel Bird, *xvi* 405, *xviii* 14 ; proclamation of, *xvi* 450
- Howe, John, servant of Mr. Theron : assault on, by his master, *xx* 85
- Hugo, Hester Johanna, wife of Barend van der Merwe : deposition of, *xx* 267 ; examination of, *xx* 284
- Hume, Captain, of the *Redwing* : in September 1819 takes the governor to Algoa Bay, *xix* 455
- Hume, Mr. : speeches of, on Lord Charles Somerset, *xx* 135
- Humphreys, Quartermaster : purchase of premises of, *xix* 175 and 176
- Hutchinson, Honourable Christopher Hely : mention of, *xvi* 78 and 404
- Hyena : ravages of, in the Zuurveld, *xvii* 119
- Hyman, Charles, settler : industry of party under, *xvi* 38 ; distress of party of, *xvi* 285 ; additional land is to be granted to, *xvi* 409 and 422, *xvii* 84 ; location is confirmed to, *xvi* 424 and 441, *xvii* 78
- Immelman, J. L. : sale of slave to, *xvi* 396
- Imports. *See* Commerce
- Incha, a Morolong : speech of, *xvi* 499
- Indentures : entered into with Mr. Ingram by emigrant settlers, proceeding from Cork to the Cape, *xvi* 204, *xviii* 187, 188, 219, 223, 225, and 264
- India : relief from, for distressed settlers in South Africa, *xvi* 280 ; restrictions on the freedom of the press in, *xvii* 363 ; horses exported to, *xvii* 491
- Indian corn : cultivation of, by settlers, *xvi* 360, 363, and 364
- Infantry, Cape : proposed strength of companies of, *xvii* 219 ; special use of, *xviii* 42
- Ingram, John : has discharged his people, and returned to Ireland for his family, *xvi* 6 ; asks aid from government to take out more emigrants, *xvi* 7 ; advocates assistance to individuals rather than government emigration schemes, *xvi* 17 ; cost of emigrants taken out by, *xvi* 25 and 31 ; is taking a party of 400 persons from Cork to the Cape on the *Barrosa* ; assistance given to, *xvi* 64 and 136, *xvii* 492 ; bond is entered into by, with



the Treasury commissioners, *xvi* 69, *xix* 256, *xx* 94; provides instructors for the children, *xvi* 71; provisions ordered by, *xvi* 202; indentures entered into by, with his artied servants, *xvi* 204, *xviii* 185 to 188, 218, 219, 223, 225, 227, and 264; on the 21st September 1823 sails in the *Barrosa*, *xvi* 296; high recommendations of, *xvii* 74; sums charged by, for release from service, *xvii* 215, *xviii* 265 to 267; location of, at Clanwilliam, in the Partridge and Kleine valleys, *xviii* 46, 144, 205, and 274, *xix* 134; signs the memorial for a free press, *xviii* 58; treatment of Daniel Lee by, *xviii* 67 and 190; removal of, *xviii* 145; slave purchased by, *xviii* 146; amount realised by auction, *xviii* 194; complains of the desertion of his servants, *xviii* 197, 198, 219, and 223; return of persons brought to the Cape by, *xviii* 198; cultivation by, *xviii* 203 and 278; in December 1823 arrives with party at the Cape, *xviii* 217; provision made by, for emigrants, *xviii* 225; assignment by, of people, on landing, *xviii* 226; ready employment and success of party brought out by, *xviii* 255 and 262; accommodation provided by, for his apprentices in Capetown, *xx* 73; further mention of, *xvi* 36, *xvii* 73, *xviii* 91

Injury, crime of: *xvii* 405, 408, and 410

Inns: need of, for travellers, *xix* 354

Inquest: held on the bodies of men murdered by slaves and Hottentots, *xx* 305

Inspector of Lands and Woods Office: list of officers of, with dates of appointment and salaries, *xix* 57

Instructions: to the governors of the West Indies respecting slavery, *xvi* 141 and 445, *xvii* 37; issued by Major-General Craig to the burgher senate, on the 31st January 1796, *xvi* 231 and 241; to the commissaries of the court of justice at the Cape, dated 13th July 1792, *xvi* 232; to Mr. Hayward, commissioner for investigating the claims of the settlers in Albany, *xvii* 340 and 356; to Sir Rufane Donkin respecting free labour, are adhered to, *xvii* 485; to the directors of the Lombard Bank, concerning mortgages, *xix* 1; to Lord Charles Somerset, concerning the respective duties and authority of civil governors and military officers, *xix* 179 to 181; to the governor respecting the creation and functions of a council, *xx* 5, and 6 to 11.

Ionian Islands: grant of land in, is requested by Mr. Willson, *xvii* 247

Ireland: emigration from, to the Cape, *xvi* 17

Ireland, Reverend Thomas, military chaplain at Capetown: mention of, *xvii* 283; is appointed to the chaplaincy at Grahamstown; commendation of, *xix* 44

Irish labourers: as settlers, distribution of, *xvii* 309

Irvine, Captain, paymaster of the 72nd regiment: mention of, *xvi* 401, *xviii* 182

Issite, a young Betshuana chief: speech of, *xvi* 500

Ivory: trade in, with Kaffirs, *xvi* 72 and 73, *xviii* 40, *xx* 181, 182, and 404; return of, *xx* 181; articles given in exchange for, *xx* 182

Jackson, J. D.: *xix* 261

Jackson, Major T. S.: knows of cruelty to Kaffirs, *xvi* 47

- James, Samuel, settler : industry of party under, *xvi* 39 ; additional land is granted to, *xvi* 179, *xvii* 83 ; location is confirmed to, *xvi* 424 and 441
- Jan Dissel's Valley : capabilities of, for the location of settlers, *xviii* 128, *xix* 96 ; name is given to the drostdy, *xix* 33. See Clanwilliam
- Jannetje, a female slave of Barend van der Merwe : deposition of, *xx* 269
- Janssens, General : mention of, *xvi* 227, 228, and 440
- Jardine, A. Johnstone : informs Mr. Pringle of a warrant to search his papers, *xvii* 481 ; part taken by, in the proposal to erect a Scottish presbyterian church in Capetown, *xix* 334, 336, and 338
- Jarman, J. : land granted to, *xvii* 85
- Jarvis, G. : land granted to, *xvii* 85
- Jesuits, the : alleged machinations of, in Ireland, *xvi* 297 ; remittances are said to be forwarded to, from the Cape, *xvi* 406 and 407 ; circulation of defence of, *xvi* 412 ; alleged secret practices of, *xvi* 413
- JESUITS, THE, UNMASKED : printed pamphlet by Mr. Parker, *xvii* 9
- Jetty : proposed building of, in Capetown, *xix* 110
- John, negro apprentice : is taken into Mr. Blair's family, *xvi* 142
- Johnson, John, lieutenant royal navy : is appointed harbour master at the mouth of the Kowie, *xviii* 273
- Johnson, J. L., elder of the Scots church at London Wall : reports on unfavourable letter concerning Mr. Rannie, *xviii* 402 ; declines to take part in inquiries concerning him, *xviii* 409 and 427 ; letter from, to Mr. Liddle, *xviii* 428 ; acts as secretary, *xviii* 430
- Johnstone, Mr., deputy assistant commissary general at Grahamstown : *xvi* 262
- Johnstone and Mollet, Messrs., appraisers : are nominated to value Mr. Greig's printing materials, *xviii* 63, *xx* 150 and 151
- Joint Stock Banking Company : proposal to establish at the Cape, *xix* 459, 492, and 504 ; a royal charter is requested for, *xx* 41, 46, and 74 ; advantages of, *xx* 57 and 61
- Jones, George, coachman of Major Colebrooke : evidence given by, *xviii* 75
- Jones, Major James : appointment of, as landdrost of Albany, by Sir Rufane Donkin, *xvi* 100, 166, and 412, *xviii* 28 ; Roman catholicism of, *xvi* 100 and 412 ; dismissal of, *xvi* 166 and 412, *xviii* 28 and 238 ; heavy losses of, *xvi* 167 ; treatment of Mr. Biddulph by, *xvi* 209 ; commits him to prison, *xvi* 210 ; justifies his action towards Mr. Biddulph, *xvi* 292 to 295 ; land allotted to, *xix* 135 ; further mention of, *xvi* 154 and 155, *xvii* 153, *xix* 391 and 476
- Jones, Reverend Dr. Robert, colonial chaplain : efforts of, to obtain an English church in Capetown, *xvi* 101 and 413 ; resignation of, *xvi* 404, *xviii* 193
- Jones, R. J. : is a member of the committee for the relief of distressed settlers, *xvi* 264, 269, and 270
- Jones, Stephen, settler : belongs to Mr. Ingram's party, *xviii* 187
- Jones, William, inspector of government buildings : report of, on the extension of the wharf and construction of a reservoir at Simonstown, *xvi* 111 ; on the repairs necessary to Government House in Capetown, *xviii* 342 ; on the value of land granted to Colonel Bird, *xix* 104 ; on the value of the

- premises occupied by the reverend George Hough, *xix* 361 ; on the value of the premises purchased for the colonial chaplain, *xix* 396 and 397 ; is examined before the commissioners, *xx* 16 ; reports on and estimates the repairs necessary to the buildings on Robben Island, *xx* 361 ; further mention of, *xx* 66
- Jonk, F. : memorial of, requesting a grant of land, *xvi* 480 and 506 ; case of, still remains open, *xvi* 507
- Joosten, Pieter : complains of the removal of the drostdy from Tulbagh to Worcester, *xvii* 351
- Joosten, Willem J. : complains of the removal of the drostdy from Tulbagh to Worcester, *xvii* 352
- Joubert, Jacob, advocate : joins the literary society, *xviii* 287
- Joubert, Mr. : land purchased from, *xvii* 337
- Judge, Reverend Edward : is appointed master of the public classical school at the Cape ; advance made to, *xix* 142 and 330
- Jurgens, J. F., second clerk of the court of justice : mention of, *xvi* 380, 382, 384, 386, 388, 390, 391, 392, and 393
- Jurgens, J. T. : is head clerk to the court of justice, *xvii* 377, 394, 415, and 416 ; assists in the search for defamatory papers, *xviii* 82 ; commits Benjamin Wilmot to prison, *xviii* 114
- Justice : *see* Courts
- Justinian's Institutes* : citation from, *xvii* 182
- Kaffirs : humane and conciliatory policy is adopted towards, by Lord Charles Somerset, *xvi* 13, *xviii* 41, 42, and 193 ; mission work among, *xvi* 52 ; trade and intercourse with, regulations for, *xvi* 72 and 449, *xvii* 149, *xviii* 179 to 181, *xix* 315, *xx* 91 to 94, 181, 182, and 404 ; settler is murdered by, *xvi* 73 and 102 ; incursions and depredations of, *xvi* 128, 261, 306, 311, 312, 452, and 462, *xvii* 6, 102, 142, 154 to 156, 221, 230, 272, 324, 465, and 466, *xviii* 36, 37, 39, 41, 152, 155, 158, 304, and 309, *xix* 91, 92, 168 to 170, 258, 313, and 365 ; peaceful relations of, with the colonists, and tranquillity of, *xvi* 207, *xviii* 40, *xx* 404, 413, and 415 ; cattle stolen by, from settlers, *xvi* 283, 288, and 289, *xvii* 156 and 218, *xix* 136 ; cattle of, are captured by the Dutch farmers, and retaliation by, *xvi* 324 ; alleged cruel treatment of, *xvi* 403, *xvii* 151, *xix* 392 ; are brought to submission by Major Somerset, *xvi* 462 and 463, *xvii* 102 and 142 ; inroads of, are checked by Sir Rufane Donkin's methods, *xvii* 150 and 152 ; attack on Grahamstown by, and war against, in 1819, *xvii* 152 and 153, *xix* 168 to 170, and 343 ; questions of policy to be adopted towards, *xvii* 211, *xviii* 152, 155, 158, 302, 304, and 306 ; kindness shown by, to Mr. King's party, *xviii* 122 and 124 ; respect and confidence felt by, towards Major Somerset, *xviii* 331 ; expulsion of, in 1812, *xix* 168 and 361 ; are fired upon by Fieldeornet Van der Nest, and one killed, *xix* 324 and 380 ; execution of, at the Chumie, for the murder of an English boy, *xix* 391 and 476 to 478 ; conference held with, in 1819, *xix* 394 ; are favourably disposed towards missionaries, *xix* 458 ; are superior to Gonaquas, *xix* 474
- Karoo-land : barrenness of, *xix* 248

- Kasa, Kaffir chief: *xix* 168
- Kauffman, Reverend Frederic, Lutheran clergyman: becomes honorary librarian, *xviii* 31; evidence of, before the commissioners, *xix* 84; grants the use of his church for the meeting of Scottish presbyterians, *xix* 338
- Kay, Reverend S., Wesleyan missionary: Sunday school of, *xvii* 290; testimony of, to Mr. Rivers, *xviii* 389
- Kaye, Alexander Lowe: is the real name of William Edwards, *xviii* 442 and 494, *xx* 137 and 138
- van der Keetel, Professor: citation from, *xvii* 445
- Keevey, Mr., settler: distress and relief of, *xvi* 265
- Keiskama River: annual fair is to be held on the banks of, *xvi* 73, *xviii* 179; conditions of crossing, *xviii* 180; advantages of, as boundary, *xix* 170
- Kekewich, George, judge of the vice admiralty court: is appointed on the committee to investigate the charges brought by Mr. Cooke against Mr. Blair, *xvii* 138, 140, 214, and 232; visits the prison, *xvii* 245; describes Mr. Parker's conduct towards Mr. Watney, *xx* 62; further mention of, *xvii* 375, 389, and 392
- Keller, Mr., third under sheriff: *xvi* 382
- Kenyon, Lord: mention of, *xvi* 46, 47, and 297
- Kerkstraat: return of erven and population in, in 1824, *xvii* 334
- Kettledorse, Peter, Hottentot servant of Mr. Mahoney: is taken prisoner, *xx* 91; deposition of, *xx* 93
- Kidd, Professor: mention of, *xviii* 404, 417, 419, 420, 424, and 425
- Kidson, William: is not permitted to quit his location, *xvii* 174
- Kidwell, Alexander, settler: land to be granted to, *xvi* 477, *xvii* 3
- Kimmersley, William: *xvii* 157
- King, James Saunders: trading expedition of, on the south-eastern coast of Africa, *xviii* 122; recommends a spot with harbour, for settlement, *xviii* 123; requests permission to seal and fish on the Bird and St. Croix islands, *xix* 105, 258, and 284; further mention of, *xviii* 318, *xix* 235
- Kinnenbergh, D., undersheriff of Stellenbosch: duties and salary of, *xviii* 247  
*Kinnerlesley Castle*, transport: in 1820 conveys settlers to the Cape, *xvi* 127
- Kinniberg, David: evidence given by, concerning the sale of a horse by the governor, *xviii* 465
- Kitchingman, James, missionary of the London Society: is the director at Bethelsdorp, and solicits further grants of land for that institution, *xviii* 502, 504, and 508, *xix* 42, 287, 289, 291, and 292
- Klaarwater: *see* Griquatown
- Klaas, slave of Barend van der Merwe: trial of, for share in conspiracy to murder masters, *xx* 188 *et seq.*; charges made against, *xx* 203; examination and statement of, *xx* 234 to 241, and 266; pleads coercion by Galant, *xx* 235 and 240; complains of ill-treatment, *xx* 239; sentence passed upon, *xx* 340; further mention of, *xx* 260, 263, 265, 268, 295, 300, 308, 311, 321, 325, and 336
- Kleine Valley: location of Mr. Parker's party at; want of water, and entire inadequacy of, *xvi* 4 and 474, *xviii* 275, *xix* 27, 28, and 32; settlers

- remaining at, *xviii* 46 and 203; partition of among settlers, by Mr. Parker, *xviii* 206 and 276; state of settlement in, *xx* 382
- Klerck, Mr. : *xvi* 169
- Klopper, Coenraad B. : *xix* 136
- Klopper, Hendrik : evidence of, *xix* 324
- Knobel, J., government surveyor : lands measured by, *xvi* 156 and 159; plan of locations drawn by, *xvi* 330; had not time to survey all the locations for settlers, *xvii* 19; alleged error of, *xvii* 20; boundaries are pointed out by, *xvii* 148; instructions given to, *xviii* 339
- Knysna River : naval establishment at; timber procured at, *xvi* 51, *xviii* 17; a location on, is desired by Mr. Parker, but is not available, *xvi* 443, *xviii* 17; appointment of a custom officer at, *xvii* 485; list of Mr. Rex's estates on, *xviii* 17 and 34
- Kogman's Kloof : advantages of a road over, *xviii* 2 and 3
- Kongo : *see* *Cungwa* and *Pato*
- Korsten, Mr. : possession of islands is granted to, for sealing and fishing, *xix* 105
- Kotzé, Mr. : sale of the horse *Sorcerer* to, *xix* 108
- Kowie River : a port is established at the mouth of, by Lord Charles Somerset, *xvi* 11 and 464, *xvii* 99 and 103, *xviii* 304, *xix* 454, *xx* 383 and 401; navigation of, is practicable, *xvi* 206, *xvii* 17; a schooner and two boats are stationed at, *xvi* 299, *xvii* 81, 100, and 482; land on, is granted to Mr. Nourse, *xvii* 30, *xx* 383; is solicited by Mr. Bailie, *xvii* 298 and 321; appointment of harbourmaster for port at the mouth of, *xviii* 273, *xix* 330; pier at, is requested, *xx* 54 and 401
- Kowie River Establishment : list of officers in, with salaries, *xix* 72
- Krier, Jan, a prisoner in the tronk : shocking state of, *xvii* 246
- Krynouw, A. : sentence passed upon, *xx* 140
- Kuehler, Captain G. C., of the artillery : mention of, *xx* 103, 105, and 107
- Kuckles, Mrs. A. A. J., widow of J. H. Pfeil : *xviii* 322
- Kuys, Reverend Mr. : *xvi* 110
- La Belle Alliance* : conveys Mr. Willson's party to the Cape, *xvi* 333, 346, 347, 348, and 370; has measles on board, *xvi* 357; on the 2nd May 1820 arrives, *xvi* 358
- Labourers : want of, in Albany and the country districts, *xviii* 34, 43, 194, 256, and 262, *xix* 40, *xx* 57 and 400; proposals for the introduction of, into the colony : by Mr. Carlisle, *xviii* 43; by Messrs. Moodie and Francis, *xviii* 46, *xix* 40; by Mr. Phillips, *xviii* 325; by a general association, *xix* 293; by Mr. Currie, *xx* 50; by Mr. Wilton, *xx* 96; superiority of European to native, *xviii* 262; high wages of, at the Cape, in 1824, *xx* 357
- Lady Campbell* : on the 12th July 1823 arrives at Simonstown with the commissioners on board, *xvi* 126
- Laing, Dr. John : memorial of, concerning the sale of medicines, *xvii* 238
- Lambert, Rear Admiral Robert : *xvii* 32
- Land : grants of, made by Sir Rufane Donkin, explanation and list of, *xvi* 88, *xix* 35 and 135; returns of grants and cultivation of, are to be sent to England, *xvi* 92; in Albany, applications for, *xvi* 113; reservation of, at

the Cape, as glebe, *xvi* 213 and 359, *xvii* 349 ; in Albany, redistribution of, to settlers, is advisable, *xvi* 329 ; grants of, are to be left to the discretion of the landdrost, *xvi* 331 ; is requested by Mr. Willson as a freehold grant, *xvi* 369 ; tenure of, by settlers, regulations for, *xvi* 371 and 378 ; prohibition of slave labour on, *xvi* 378 ; *xvii* 486 ; valuable grants of, made to Colonel Bird, *xvi* 406, *xviii* 23, 25, and 236, *xix* 21, 22, and 104 ; titles to, are to be delivered to the heads of parties, where the conditions are fulfilled, *xvi* 408 and 441, *xvii* 78 ; inspection and measurement of, *xvi* 414 ; allotted to settlers in Albany, is too limited ; increased and additional grants of, *xvi* 430, *xvii* 82 and 157, *xviii* 155, 304, and 307, *xx* 400 ; in possession and cultivation, returns of : for 1823, *xvi* 488 and 489 ; for 1824, *xix* 386 and 387 ; at Bathurst, high price of, at public sale, *xvii* 16 ; is not to be acquired by Mr. Farewell without the governor's sanction, *xvii* 293 ; in Graaff Reinet, tenure of is irregular, *xvii* 296 ; many petitions for, *xvii* 297 ; grant of, is solicited by Mr. Bailie, *xvii* 298 and 321 ; regulations for the granting of, to emigrant settlers, *xvii* 341, *xviii* 476 and 478 ; allotments of, to be made to servants, and to disappointed settlers, *xvii* 342 and 343 ; titles to, must be chargeable with debts, *xvii* 346 and 347 ; is to be used in common for pasture, *xvii* 348 ; claim to, made by half-pay officers, *xvii* 349 ; grants of, made to the widow Louw and Mr. Redelinghuys, *xvii* 369 and 502, *xviii* 457 to 459, 472, 475, 478, and 489 ; at the Groote Post farm, misapplication of, *xvii* 370 and 502 ; improper and irregular distribution of, is exposed by Mr. D'Eseury, *xvii* 456 ; question of tenure of, is pressed upon Mr. Bigge, *xvii* 457 ; extensive grants of, made to previous secretaries and other civil servants, *xviii* 24, *xix* 101 ; for a Roman Catholic chapel, is granted by the burgher senate, *xviii* 29 ; proposed agency for the sale of, *xviii* 48 ; change effected in the tenure of, in 1813, by the conversion of loan places into quit-rent, *xviii* 237 and 455, *xix* 367 to 375 ; adjoining clergyman's residence at Grahamstown, is for sale, *xviii* 283 ; new, brought into cultivation from 1814 to 1823, *xviii* 326 ; grants of, made to Hottentots and Bosjesmen, *xix* 18 ; list of grants of, made by Lord Charles Somerset in Albany, from 1821 to 1824, *xix* 37 to 39 ; in Albany, distribution and occupation of, *xix* 96 ; depreciation in value of, at the Cape, *xix* 113 ; granted in Albany, returns of, *xix* 138 and 155 ; belonging to government, is used by individuals until wanted, *xix* 307 ; between the Great Fish river and the Keiskama, question of occupation of, *xix* 341, 357, and 394 ; upon the Kat river, survey of, *xix* 394 ; proposed terms of granting, to the South African Company, *xx* 97 and 348

Land Revenue Office : list of officers of, with dates of appointment and salaries, *xix* 52

Landdrosts, powers and duties of : in granting lands to settlers, *xvi* 331, *xviii* 208 ; respecting religious services, *xix* 229 ; concerning church funds, *xix* 231. See Boards and Courts

Landman, C. P. and J. A. : memorials of, *xvii* 6 and 23

Landsinck, Johannes, Roman catholic priest : salary of, *xx* 31

de Lange, Adriaan : complains of extortionate marriage fee, *xvii* 244

Lange, H. O. : Mr. Potgieter's land is given to, *xvii* 6 and 22

- Lange, Johannes Henricus, district clerk of Uitenhage : letter from, *xix* 291 and 292 ; services of ; desires to retire on a pension, *xx* 44 and 45
- de Lange, Mr., special heemraad of Tulbagh : death of, *xvii* 317 ; land purchased by, in Tulbagh, *xvii* 336 and 339
- La Seine*, French merchant ship : goods sold from, *xviii* 496, *xix* 128 and 130
- Latakoo : Betsuana assembly is held at, to prepare for war with the Mantatees, *xvi* 497 ; engagement and defeat of the Mantatees at, *xvi* 503
- Latham, Joseph, settler : claim of, to location, *xvi* 39 and 424 ; industry of ; location to be granted to, *xvi* 475 ; additional grant is made to, *xvii* 83
- Laws and Ordinances : promulgated at the Cape, compilation of, to be made, *xx* 12 ; regulations concerning, *xx* 13 to 15 ; of high treason, *xx* 322
- Leah, female slave of Mrs. Van der Merwe : conspiracy is concealed from, *xx* 273 and 279 ; assists her mistress, *xx* 290 ; deposition of, *xx* 290
- Leander*, His Majesty's ship : Mr. Willson solicits a passage home in, *xvi* 377
- Leather : preparation of, in the colony, *xviii* 266
- Lee, Daniel, servant of Mr. Edwards : is suspected of posting a libellous placard against the governor ; house of, is to be searched, *xvii* 474 ; examinations of, *xviii* 65, 88, and 95 ; ill-treatment of, by Mr. Ingram, *xviii* 67, and 189 to 191 ; is released from his detention, *xviii* 118 ; is accused of perjury, *xviii* 119 ; no grounds for the prosecution of, *xviii* 120
- Leech, Benjamin, settler : location is granted to, *xvi* 477, *xvii* 3 and 78
- Leitner, J. M., superintendent of the leper institution : disclaims the authority of Dr. Barry, *xvi* 69 and 106 ; directions given to, *xvi* 70 ; self-sacrifice of, *xvi* 106
- Leper Institution : regulations for, *xvi* 69 and 105 ; proposed location of, on Paarden Island, *xix* 398
- Le Sueur, Mr., secretary of the pound : *xvii* 60
- Lethbridge, Sir Thomas Buckler, M.P. : presents petitions to the House of Commons for Mr. Parker, *xvi* 3 and 402
- de Lettre, Mr. : *xvi* 390
- Le Victor*, French packet : capture of, by the *Racchorse*, *xvii* 189, *xix* 273 and 279
- Lewis, Mr., government agent at Cork : inspects provisions and musters people of Mr. Ingram before sailing, *xvi* 202, *xviii* 224 and 265
- Libel : laws concerning, *xvii* 197 to 200, 391, 400, 402, 404, 406, 419, 433, 435 to 438, and 443, *xx* 139 ; alleged, against Mr. Geary, in the *Capetown Gazette*, *xvii* 259, *xviii* 207, 215, and 242 ; penalties for, *xvii* 444, 445, 450, and 451, *xx* 140 ; against Mr. Blair, prosecution of Messrs. Cooke, Edwards, and Hoffman for, *xvii* 177 *et seq.*, *xviii* 323, *xx* 374 ; against the governor, trial of William Edwards for, *xvii* 373 *et seq.*, *xviii* 239, *xx* 183 and 377 ; against Messrs. Borchers and Truter, trial of Mr. Burnett for, *xx* 170 and 389
- Library, public : establishment of, in Capetown, and management of, *xviii* 30, 31, 163, and 164, *xix* 445 ; appointment of officers for, *xviii* 32 and 164 ; in connection with the South African Literary Society, establishment of, is recommended, *xviii* 168 and 170 ; selection of books for, *xviii* 172 ; proposed regulations for, *xviii* 174
- Licenses : for various trades, *xvi* 237 ; for the practice of medicine, or as a

- chemist and druggist, *xvi* 308, *xviii* 121, *xix* 130; for crossing the Great Fish river, *xvi* 450; for trading with Kaffirs, *xviii* 180; taken out by Mr. Theron, *xx* 84; to be obtained by Mr. Greig for the publication of a journal, apprehended suspension of, *xx* 125, 128, 355, and 365
- Liddle, John: is chairman of the committee of the Scots church at London Wall, *xviii* 407, 409, 412, 430, and 431; letters from, *xviii* 409 and 427
- Liesching, Charles Frederik: requests permission to practise as an apothecary, chemist and druggist; qualifications of, *xvii* 237, 241, 326, and 367, *xviii* 121, 207, 249, 298, and 299, *xix* 131, 182, and 183; has had no professional education, and is not qualified to practise, *xviii* 214, 215, and 320, *xix* 381; memorial of, concerning Dr. Barry's report of him, *xviii* 228; is to be examined as to his qualifications, *xviii* 315, *xix* 312 and 361
- Liesching, C. L. W., M.D.: inquest held, and report given by, *xvi* 380; efforts of, on behalf of prisoners, *xvii* 246; examines into William Edwards' complaints, *xvii* 415; report of, on the examination of the body of Galant, *xx* 303; further mention of, *xvi* 346, *xvii* 241
- Liesching, F. L., M.D.: *xvii* 241
- Lighthouse: erected by Sir Rufane Donkin at Sea Point, utility of, *xvi* 61, 63, and 85; expense of, *xvi* 103; erection of, on Cape Point, is desirable, *xvi* 61; on Noah's Ark Rock, conditions of erecting, *xvi* 101
- Lime: scarcity and expense of, at the Cape, *xvii* 122
- Lind, J. J. deputy fiscal: exhibits the act of accusation against Mr. Edwards, *xvii* 376; assists in the search for defamatory papers, *xviii* 82; appears before Mr. Bentinck with witnesses, *xviii* 84 and 100; joins the literary society, *xviii* 287 and 291
- Lind, Mr., clerk to Mr. Hoffman: evidence given by, *xvii* 187
- van der Linden, Dutch lawyer: references to, *xvii* 435, 436, and 451
- Lindner, Ludwich, constable: *xvi* 381
- Linton, Mr., secretary of the committee of the Scots church at London Wall: exclusion of, *xviii* 430
- Lion, the: disappearance of, *xvii* 119
- Liquor: trade in, with Kaffirs, is prohibited, *xviii* 180
- Listowel, earl of: friendship of, towards Mr. Parker, *xvi* 397, 442, and 443
- Literary Society: see South African
- Liversage, Samuel, settler: idleness of party under, *xvi* 39; location is confirmed to, *xvi* 424 and 476, *xvii* 3
- Lloyd, Henry, settler: prepares a statement concerning Mr. Willson's disputes, *xvi* 339 and 373; sum advanced to, *xviii* 235; relief granted to, *xviii* 374 and 396
- Loan: is solicited by Lord Charles Somerset from England, to relieve the distress caused by storms in 1822, *xviii* 59; is granted, *xviii* 60; advanced by the government for the relief of distressed settlers, distribution of, *xviii* 127, 253, and 297, *xix* 102, and 346 to 348; interest paid on, *xviii* 253 and 327, *xix* 348; on buildings at Bathurst, not applied for, *xix* 94; is solicited by the reverend Mr. Geary for his passage home, *xix* 238; conditions of granting, *xix* 259 and 270; is insufficient for passage, *xix* 260 and 322; cannot be augmented, *xix* 261 and 323; is accepted by Mr. Geary, *xix* 283; made by the bank to individuals, *xix* 414, 419 to



- 421, and 426 to 433 ; for public buildings, *xix* 421 ; advanced to Stellenbosch for losses sustained by fire, *xix* 425 ; is solicited for the erection of an English church in Capetown, *xix* 480
- Loan Places : conversion of, into grants on perpetual quitrent, *xviii* 456, *xix* 370, 371, and 373 ; privileges attached to, *xviii* 485 ; return of, in October 1814, *xix* 367 ; in December 1824, *xix* 368
- Lockhart, Dr., minister of Glasgow, *xvi* 458
- Locusts : injure crops at Baviaan's River, *xviii* 338
- Loira, Antonio, native of Madeira : conceals himself on the *Barossa*, *xviii* 186
- Lombard Bank : expense caused by, *xvii* 497, *xix* 492 ; money advanced by, for building a Roman Catholic chapel, *xviii* 166 ; increase of salaries to officers of, *xviii* 191 ; sum advanced by, to Colonel Bird, on the security of lands, *xviii* 236, 244, and 248, *xix* 1 ; list of officials of, with dates of appointment and salaries, *xix* 49 ; statement of the funds of, from 1793 to 1824, *xix* 184 to 186 ; deviations of, from original instructions ; growth and progress of, *xix* 404 and 438 ; loans made by, *xix* 410, 415, and 427 ; change in the constitution of, *xx* 32
- London Missionary Society : particulars concerning the work of, in South Africa, *xvi* 215 *et seq.*, and 260, *xviii* 356 and 498, *xix* 12, 41, 285, and 362, *xx* 342 ; printing presses are claimed by, *xviii* 347 and 352, *xix* 366, *xx* 147
- Loudon, Mr. : *xviii* 110, *xix* 336
- Louw, Jacobus : purchases estates and stock from Mr. Van Reenen, in 1814 ; death of, in 1817, *xviii* 445 and 460
- Louw, Mrs., widow of Jacobus Louw : extensive grants of land made to, and purchase of a horse by, from the governor, *xvi* 453 and 454, *xvii* 369, *xviii* 343, 344, 457, 473, 475, and 489 ; property held by, at the death of her first husband ; in November 1818 marries J. N. Redelinghuys, *xviii* 444 and 448 ; consults Mr. Van Reenen, and leaves her interests in his hands, *xviii* 447, 448, and 458
- Louw, Willem, father of the widow Louw : recommends the purchase of the "Sorcerer" colt, *xviii* 447 and 468 ; agrees to purchase the Groote Vlakte estate, *xviii* 469, 475, 483, and 489
- Lowe, Dr., minister of Anderson : *xvi* 458
- Lucas, P. : Mr. Burnett lodges with, *xviii* 80 and 89 ; hire of house from, for officers of the Cape Corps, *xix* 176 and 177
- Luttringhausser, David, Moravian missionary : is proceeding to the Cape, *xviii* 316
- Lydia, slave of W. N. van der Merwe : treatment of, *xx* 216, 225, 245, 247, 252, and 275
- Lys, Dr. : libel concerning, *xviii* 84 and 110
- Maartens, J. J. F. : petitions of, for a grant of land in Graaff Reinet, *xvii* 268 and 296
- Maasdorp, G. H., director of the Lombard Bank : gives information concerning the advance made for the building of a Roman Catholic chapel, *xviii* 166, *xix* 142 ; concerning the advance made to Colonel Bird, *xix* 1, *xx* 379 ; concerning the conduct of the bank, *xix* 405 ; further mention of, *xix* 428

- Macartney, earl of : proclamation by, *xvi* 440 and 449
- McClelland, Reverend Francis : complains of hardships at Clanwilliam, and requests removal or relief, *xvii* 4, *xviii* 10 ; came out with Mr. Parker's party, *xviii* 144, *xix* 27 and 30 ; purchases a slave, *xviii* 146 ; remains at Kleine Valley, on Mr. Parker's abandoned location, *xviii* 203 and 276 ; quarrel of Mr. Parker with, *xix* 133
- Macdonald, A. : presides at the meeting of the Scottish presbyterians in Capetown, *xix* 334, 336, and 338 ; speech of, *xix* 335
- Macfarlane, Alexander, senior : sends a memorial to the secretary of state respecting his son's death, *xvi* 18
- Macfarlane, Alexander, junior : inquiry into the cause of death of, on board the *Nostra Senhora da Guia*, *xvi* 19 and 35 ; suspected murder of, *xvi* 19 and 34
- McGill, Dr., professor of theology in the university of Glasgow : *xvi* 458
- Mackay, C., harbour master at the Kowie mouth : report from, *xvi* 464
- Mackay, William, deputy landdrost of Cradock : excuses Fieldcornet Van der Nest, *xix* 258
- McKenny, J. : land granted to, *xvi* 35
- Mackenzie, Mr. : *xix* 336
- McMann, Dr. : *xvi* 344
- Macoos : name given by the Betshuana to white people, *xvi* 499, 501, and 502
- Macquarie, Colonel, governor of New South Wales : *xvii* 462
- Madagascar : Dutch embassy to, *xix* 397 ; proposed trade with, *xx* 95 ; beef from, *xx* 384
- Madeira, island of : *xvi* 126
- Mader, H., M.D. : *xvii* 240
- Magazine, commercial : publication of, is projected by Mr. Greig, *xvi* 161
- Mahony, Daniel : is engaged in illicit traffic with Kaffirs, *xx* 91 to 94
- Mahony, Margaret, servant of Mr. Edwards : examination of, *xviii* 87
- Mahony, Thomas : is occupied in other pursuits besides agriculture, *xvi* 39 ; servants of, are murdered by Kaffirs, *xvi* 73 ; location is confirmed, and additional land granted to, *xvi* 424 and 441, *xvii* 84 ; is engaged in illicit traffic with Kaffirs, *xx* 91 to 94
- Mail : conveyance of, from Uitenhage to Grahamstown, *xix* 357
- Mair, Mr., medical officer at Kaffir Drift Post : *xviii* 396
- Makaba, chief of the Bangwaketsi tribe : falls upon the Mantatees and defeats them, *xvi* 503 and 504
- Makoma, son of Gaika : is attacked by Major Somerset, and makes submission, *xvi* 462 and 463 ; activity of, *xviii* 38 ; cattle stolen and retained by, *xviii* 209, *xix* 137 ; consultation with, *xix* 477
- Malan, D. J., deacon of Tulbagh : *xvi* 226
- Malatie, a government slave : sale of, *xvi* 396
- Malta, the : is wrecked in Table Bay for want of a light, *xvi* 61
- Malthus, Mr. : principles of, *xvi* 271
- Mandy, John : industry of party under, *xvi* 39 ; location is confirmed and additional land granted to, *xvi* 424 and 441, *xvii* 78 and 84 ; further mention of, *xvi* 284, *xix* 172

- von Manger, Reverend J. H. : appointment of, to succeed Mr. Kuys in Capetown, *xvi* 110 ; age and infirmity of, *xviii* 328 ; further mention of, *xix* 338
- Mantatees : women of, are rescued by Mr. Melville, *xvi* 223 ; invade the Betshuana territory, *xvi* 497, *xx* 405 ; fear of, *xvi* 498 and 500 ; overwhelming numbers of, *xvi* 503 and 504 ; chiefs of, are slain at Lattakoo ; description of, *xvi* 504 ; women of, wander into Graaff Reinet ; are to be apprenticed to settlers, *xx* 405
- Manuel, Reverend Dr. William : efforts of, to obtain young Scottish clergymen for the Cape, *xvi* 7, 133, 213, 458, and 494, *xvii* 235
- Maps : of the settlements and districts are to be transmitted to England, *xvii* 483
- Maputas, tribe of : join the Mantatees, *xvi* 503
- Maré, P. : land granted to, *xix* 162 and 166
- Maree, Thomas : land is to be measured for, *xix* 291 and 292
- Market : want of, for produce of settlers, *xviii* 156 ; need of, at George, *xix* 351 and 352. *See* Fairs
- Markward, Mr., missionary at Clanwilliam : *xvi* 317
- Marquee : loan of, to Mr. Boardman, for a chapel and schoolroom, *xvi* 360 and 363
- Marr, Mr., undersheriff : suspension of, *xvii* 60
- Marriages : of baptized freed slaves, *xvi* 175 ; of Colonel Robinson with Miss Deneys, *xvi* 212, *xvii* 124 ; of settlers, *xvi* 363 ; of slaves, encouragement given to, *xvii* 43 ; fees charged for the performance of, *xvii* 244, 249, 260, 288, 289, 302, and 303, *xviii* 316, *xix* 213 and 232 ; have often been performed gratuitously, *xvii* 289 ; registration of, *xix* 230
- Marsden, Mr., settler : industry of, *xvi* 38
- Marsh, George : is appointed secretary to the commission for investigating the claims of settlers, *xvii* 340 and 356 ; salary of, *xvii* 357
- Marshall, Henry, settler : land to be granted to, *xvi* 477, *xvii* 3
- Marshall, John, settler : land to be granted to, *xvi* 477, *xvii* 3
- Marshall, John, president of the Lombard and Discount banks : reports the advance made for the erection of a Roman Catholic chapel, *xviii* 166, *xix* 142 ; to Colonel Bird, *xix* 1 ; examination of, before the commissioners, *xix* 405, and 410 to 433 ; leave of absence is granted to, *xix* 479 ; further mention of, *xix* 438
- Massey, Captain : *xix* 128
- Masters, Gilbert : *xvi* 270
- Masters : of negro apprentices, regulations to be observed by, *xvii* 167 to 169 ; agreements made by, with their servants, *xvii* 342 ; conspiracy to murder, by slaves and Hottentots, *xx* 190 *et seq.*
- Matabele, Kaffir chief : drives the Mantatees from Hambona, *xvi* 503 \*
- Mateebe, Betshuana chief : summons a general assembly to prepare for war with the Mantatees, *xvi* 497 ; speech of, *xvi* 498
- Matrimonial Court : fees charged by, *xvii* 302 and 303
- Matthiessen, Clement, senior member of the court of justice : retires upon a

\* Matabele is the name of a tribe, not of a chief. They did not drive the people under Ma Ntati from Natal.—G. M. T.

- pension ; meritorious services of, *xvi* 104 ; is appointed president of the committee for protecting the interests of the wine trade, *xvii* 117 ; further mention of, *xvi* 395
- Matthiessen, M., apothecary : *xvii* 241
- Maude, Mr. : mention of, *xvi* 359 and 360
- Maule, Mr., solicitor : *xvi* 69
- Mauritius, island of : trade with, *xvi* 208 and 457, *xviii* 157, *xx* 384 ; intended visit of the commissioners to, *xvi* 305, 420, and 495 ; William Edwards at, *xvii* 495 ; degraded condition of, *xviii* 297 ; directions concerning the currency of, *xx* 25
- Maynard, J. M. : signs the memorial for a free press, *xviii* 58
- Meade, General : allowance made to, on removal, *xvii* 472
- Measles : on the *Belle Alliance*, *xvi* 357
- Medical Board : list of officers of, with salaries, *xix* 56
- Medical education : must be obtained in Europe, *xviii* 320, *xix* 381
- Medical practitioners : regulations for, *xvi* 308 *et seq.* ; *xvii* 476 ; fees allowed to be charged by, *xvi* 310
- Medicines : preparation of, *xvi* 308 ; restrictions on the sale of, *xvi* 309, *xvii* 239, 330 to 332, 358, and 474 to 476, *xviii* 52 ; price of compounding, *xvi* 310 ; inspection of, *xvii* 357
- Meetings, public : to discuss political matters, prohibition of, *xvi* 438, *xviii* 303 and 307
- Meiring, Mr., surveyor : *xviii* 474
- Melk, Martinus : information given by, concerning land in the Kleine Valley, *xvi* 4, *xviii* 275 ; evidence given by, to the commissioners of enquiry, *xvii* 488 ; breeds horses and cattle, *xvii* 489, 490, and 491, *xviii* 461 ; exports horses to India, *xvii* 491 ; land granted to, *xvii* 491 ; further mention of, *xvi* 315
- Melville, Mr., missionary to the Griquas : ammunition for ; rescues Mantatee women, *xvi* 223 ; is visited by Mr. Moffat, at Klaar Water, *xvi* 497 and 501 ; mission of, to the interior, *xx* 80
- Menzies, Mr., settler : location of, is deserted, *xvi* 39, 409, and 422 ; removal of, by Sir Rufane Donkin's orders, *xvii* 67 and 90
- Merrington, S., notary public : *xvi* 21
- van der Merwe, Barend : slaves of, join in the conspiracy to murder their masters, *xx* 188 *et seq.* ; is fired at and wounded, *xx* 192, 201, 202, 206, 218, 227, 232, 235, and 262 ; wife and children of, escape, *xx* 193 and 236 ; deposition of, *xx* 261 ; examination of, *xx* 283 ; further mention of, *xx* 293, 295, and 304
- van der Merwe, C. J., provisional fieldcornet : *xviii* 51
- van der Merwe, Daniel Erasmus : servants of, join in the conspiracy to murder their masters, *xx* 191 and 238
- van der Merwe, Helena Elisabeth, daughter of W. N. van der Merwe : examination of, *xx* 291
- van der Merwe, Isaak : servants of, join in the conspiracy to murder their masters, *xx* 191, 212, and 238 ; further mention of, *xx* 294
- van der Merwe, Mr., fieldcornet : horse is left with, *xviii* 447 ; sale of horse to, *xix* 108

- van der Merwe, Mrs., wife of W. N. van der Merwe: struggles with slaves for guns and is shot, *xx* 194, 207, 219, 228, 236, 272, 288, and 310; begs for her life and is spared, *xx* 197, 239, and 311; escapes with her children to a loft, *xx* 198, 251, 273, 289, and 311. *See* du Plessis
- van der Merwe, Petrus, provisional fieldcornet: *xviii* 51
- van der Merwe, Willem Nicolaas: conspiracy to murder, is formed by his slaves, *xx* 190, 193, 205, and 218; is fired at and wounded, *xx* 195, 202, and 236; is killed by Galant, *xx* 196, 201, 207, 219, 223, 228, 244, 288, 291, and 310; treatment of slaves by, *xx* 208, 213, 217, 226, 230, 242, 245, 247, 251, 253, 255, 260, 291, 297, and 316; inquest is held upon, *xx* 305
- Mess House: erection of, at Grahamstown, for officers on the frontier, *xix* 73
- Meyer, Mr.: damage to house of, by storm, *xvii* 339
- Michiel, slave of Mr. De Lettre: evidence of, *xvi* 390
- Military artificers: are required from England, *xix* 174
- Military authority: of the governor and the officer in command of His Majesty's land forces respectively, *xix* 179 to 181
- Military defence: relaxation of, on the frontier, *xvi* 306
- Military establishment: grant to, is satisfactorily disposed of, *xx* 134
- Military expenditure: transmission of returns of, *xvi* 109; is defrayed jointly by the British government and from colonial funds, *xvii* 231; incurred by the commissariat department, since 1817, *xvii* 277
- Military guard: stationed at the Beka river, removal of, *xix* 95
- Military instructions: drawn up by Sir Rufane Donkin, *xvi* 125
- Military labour: employment of, in constructing roads, *xviii* 1 and 5
- Military order: directing Kaffirs found over the boundary to be shot, reasons for, *xvii* 149
- Military posts: for the defence of the frontier, *xviii* 38, *xix* 169, 171, and 313
- Military survey: is made by Lieutenant White, *xvi* 430
- Militia, Cape: enrolment and discipline of, *xvi* 440
- Millington, Richard, carpenter: evidence of, concerning the repair of the drostdy house at Tulbagh, *xvii* 312 to 315
- Mills, Daniel, settler: has left his location, *xvi* 39; land to be granted to, *xvi* 424 and 476, *xvii* 3
- Mills, Thomas, senior: memorial of, soliciting permission for his son to return to England, *xvii* 12
- Mills, Thomas, junior: sails for the Cape in Mr. Bailie's party, *xvii* 12; losses of, through failures of crops; cannot obtain leave to return, *xvii* 13
- Mills, William, assistant messenger and 2nd undersheriff: carries a letter from Major Colebrooke to William Edwards in prison, *xviii* 68; evidence of, *xviii* 87; further mention of, *xx* 143
- Mills: for grinding corn, need of in the colony, *xix* 351
- Milne, Reverend Alexander, of Boinde: letter from, concerning Mr. Rannie, *xviii* 414
- Minerva*, convict transport bound to New South Wales: William Edwards is embarked on, *xviii* 442 and 494
- Ministers: of the Dutch Reformed church, duties of, *xix* 193, 195, 196, 227, and 228; contributions of, to widows' fund, *xix* 212 to 215, and 501; salaries of, *xix* 226 and 501

- Missionaries : restrictions imposed upon, by the colonial government, *xvi* 221 ; Roman Catholic, supported by the Dutch government, *xviii* 233 ; of the Dutch Reformed church, *xix* 196 and 218 ; deserve government support and encouragement, *xix* 224
- Missions : *see* Church, London, Moravian, Wesleyan
- de Mist, Commissioner-General J. A. : buildings erected at Tulbagh by, *xvi* 227, *xvii* 335 ; draws up the charter of constitution of the burgher senate, *xvi* 232 ; church regulations framed by, *xix* 216, 218, 222 to 234, 495, and 496, *xx* 79 ; power of, *xix* 496
- Moffat, Reverend Robert, missionary of the London Society : is stationed among the Betshuana ; discovers the intended attack by the Mantatees, and obtains help from the Griquas, *xvi* 497
- Mohamedanism : is embraced by negro apprentices, *xvii* 167
- Mohr, J. D., wardmaster of Tulbagh : presents a memorial against the removal of the drostdy, *xvii* 353
- Mole : at the Knysna, *xvi* 51
- Mollet, Mr., appraiser : *xx* 150 and 151
- Monckton, Carleton, captain of the 24th regiment : commands at Kaffir Drift post, *xviii* 377 and 378
- Money, H. W. : is a member of the committee for the relief of distressed settlers, *xvi* 264 and 269 ; speeches of, *xvi* 270 and 281
- Money, Mr. : assertions of, in the House of Commons, *xvi* 379
- Mongual, a Motshuana : speech of, *xvi* 501
- Monteath, Mr. : *xix* 336
- Moodie, Benjamin : joins Mr. Nourse in his enterprise, *xvii* 29 ; charge made by, to servants for their freedom, *xvii* 216 ; proposes a plan for the regular supply of labourers to the Cape, *xviii* 46 *et seq.* ; in 1817 brings out the first emigrant settlers, *xviii* 255 and 259, *xix* 40
- Moodie, Lieutenant Donald : joins Mr. Nourse in his enterprise, *xvii* 29 ; is appointed magistrate at Port Frances ; salary of, *xx* 401
- Moodie, Mr., master of a vessel from Leith : *xvi* 66
- Moolman, Jacobus Philippus : grant of land is solicited by, *xvi* 479 and 505
- Moore, William : *xix* 300
- Moorsom, Commodore C. R. : declines to provide a passage for the governor from Algoa Bay, *xix* 455 and 456
- Moravian Missionary Society : particulars concerning the work of, in South Africa, *xix* 306, *xx* 113
- Moresby, Captain Fairfax, commander of His Majesty's ship *Menai* : founds the society for the relief of distressed settlers in South Africa, in 1820, *xvi* 281
- Morgan, Reverend George, presbyterian minister : is recommended for the Cape, and prepares to go, *xvi* 448, 459, and 494, *xvii* 1 and 209 ; expected arrival of, *xviii* 328 ; is proceeding to Holland, *xix* 102
- Morgan, Mr., medical officer at Kaffir Drift post : *xviii* 396
- Morgan, Nathaniel, settler : idleness of party under, *xvi* 39 ; location is confirmed to, *xvi* 424, *xvii* 3 and 78
- Morkel, P. M. : complains of the loss of his land at Zonder End, *xix* 257 and 306

- Morning Chronicle*, the : article in, on the distress of settlers at the Cape, *xvii* 14 ; report in, of the trial of William Edwards, *xx* 182
- Morrieson, R. : mention of, *xix* 334 and 338
- Mortgages : instructions concerning, *xix* 1
- Morton, John ; settler : no cultivation done by, *xvi* 39 ; location of, *xvi* 424 ; has quitted the colony, *xvi* 476 ; dispute of, with Mr. Fournier ; decision is given against, *xviii* 258, *xix* 316 ; sells his location to Mr. Shaw, *xviii* 258, *xix* 317
- Moses, a slave of Pieter van der Merwe : part taken by, in the slaves' attack on their masters, *xx* 207, 220, 224, 229, 233, 237, and 268 ; deposition of, *xx* 298
- Moshume, a Motshuana : speech of, *xvi* 499
- Mossel Bay : allowance made to the resident at, *xvii* 176 and 488 ; government store at, *xix* 350
- Mostert, Ockert Christiaan : crime of ; death of, at Batavia, *xvii* 494, *xviii* 10
- Mouncey, Charles, settler : industry of party under, *xvi* 39 ; location is to be confirmed to, *xvi* 424 and 441
- Mudge, Lieutenant J., royal engineers : report and estimate by, on the road over the Fransche Hoek mountain, *xviii* 3 and 4, *xx* 65
- Mulder, Hendrik F., elder of Tulbagh : complains of the removal of the drostdy from Tulbagh to Worcester, *xvi* 226, *xvii* 351
- Muller, A. G., translator : mention of, *xviii* 72, 74, 75, 76, and 78
- Muller, Commandant : rescues missionaries at Enon from Kaffirs, *xix* 169
- Muller, Hillegard : emancipation of slaves of, *xvi* 451 and 466
- Muller, Mr. : land granted to, *xix* 162 and 166
- Muller, P. : *xx* 200
- Munster, Count : *xvii* 476, *xix* 114
- Murphy, Henry, translator : mention of, *xvi* 227, *xviii* 88 ; *xx* 102, 107, and 113
- Murray, Reverend A. : part taken by, in the meeting of Scottish presbyterians, *xix* 336 and 338 ; is chaplain of Graaff Reinet, *xix* 481 ; interview of, with Dr. Philip, *xix* 483 to 485 ; letter from, to Dr. Philip, *xix* 487 ; repudiates Dr. Philip's assertions, *xix* 487 and 488
- Murray, Reverend John, A.M., minister of Aberdeen : mention of, *xvi* 449, *xvii* 298
- Murray, John : indemnification to be made to, for the relinquishment of buildings on Robben Island, *xx* 359
- Murray, Samuel : hires prize negro to Mr. Cooke, *xvii* 20 and 189 ; death of, *xvii* 20, *xix* 273 and 278
- Murray, T., bailiff of Mr. Parker : disputes of, with Mr. Woodcock, *xviii* 20 and 206
- Museum : establishment of, at the Cape, is recommended, *xviii* 168 and 170 ; furnishing of, *xviii* 172
- Napier, Colonel Mark, commandant of the garrison of Capetown : is on the committee appointed to investigate the charges brought by Mr. Cooke against Mr. Blair, *xvii* 138, 140, 214, and 232
- Nautilus*, transport : *xvi* 375

- Naval Department : question of expense to be borne by, of extending the wharf and constructing a reservoir at Simonstown, *xvi* 111 and 112, *xvii* 105 to 107, and 242 ; should be instructed to provide conveyance for the governor, *xix* 455
- Naval establishment : at the Knysna, *xvi* 51, *xviii* 17
- Naval settlers : claim to land made by, *xvii* 349
- Ndlambe, Xosa chief : authority of, *xvi* 199, *xix* 314 ; expulsion of, from the Zuurveld in 1812, *xix* 168, 362, and 364
- Neave, Joseph, settler : location of, near the Wolvegat, *xix* 112
- Nederburgh, Commissary-General S. C. : mention of, *xvi* 231 and 241, *xx* 100 and 102
- Neethling, J. H., LL.D. : is a member of the court of justice, *xvi* 395 and 447, *xvii* 305
- Neethling, R. L., heemraad of Stellenbosch : *xvii* 101
- Negroes, prize : children of, *xvi* 174 ; indenture of, as apprentices, *xvii* 109, 158, 165, 166, 188, and 189 ; returns concerning, are sent home, *xvii* 136 ; distribution and treatment of, by Mr. Blair, *xvii* 138, 140, 178, 180, 192, 193, 212, and 214, *xviii* 216, *xix* 271, 276, and 277 ; hiring of, *xvii* 277 ; alleged barter of, *xx* 184 and 187
- Nelessen, Reverend Jacob, Roman Catholic chaplain : salary of, *xx* 31
- Nelson, G. : sum advanced to, *xviii* 235
- van der Nest, C. J., fieldcornet : assistance is denied to, *xvi* 311 ; invades Kaffir territory to recover stolen cattle, *xvi* 324, *xviii* 41 and 209, *xix* 128 ; kills a Kaffir, *xix* 136, 166, 258, 324, and 380 ; is censured, *xix* 380
- New Holland : colonization of, *xvi* 272
- Newlands : preservation of woods at, *xvi* 94 and 169 ; cultivation of, *xvi* 173 ; lavish expenditure on, *xvi* 207 ; repair of, *xix* 155
- New South Wales : transportation of William Edwards to, *xvii* 350, 423, and 493, *xix* 299 and 302, *xx* 378 ; Mr. Bigge's report on, *xvii* 462 ; directions concerning the currency at, *xx* 23 ; apprehended transportation of Mr. Burnett to, *xx* 174
- Nicol, Andrew : is appointed agent of Mr. Nourse at Port Elizabeth, *xvii* 31 ; is on the committee for the erection of a church at Port Elizabeth, *xvii* 360 and 361
- Nicol, Reverend Dr. : part taken by, in the investigation concerning Mr. Rannie, *xviii* 403, 407, 410, 416, 418, 421, 425, 430, 431, and 432
- Nicolls, Major W. B., of the 72nd regiment : correspondence of, with Mr. Parker, *xvi* 46, 399, and 400, *xviii* 182 ; friendship of, towards Mr. Parker, *xix* 75 and 76
- Nieuwoudt, John H. : rents land from Mr. Ingram, *xviii* 204
- Nisbet, James : is a member of the committee for erecting a presbyterian church in Capetown, *xix* 334, 336, and 338
- Noah's Ark Rock : utility of erecting a lighthouse upon ; survey of, is ordered, *xvi* 101
- Noite, John Hendrik : complains of the removal of the drostdy from Tulbagh to Worcester, *xvii* 352
- Nostra Senhora da Guia, Portuguese brig : death of Mr. Macfarlane on ; confiscation of cargo of, *xvi* 19 and 20



- Notary public : standing and functions of, *xx* 140 ; signature of, *xx* 377 and 378
- Nottingham party of settlers : location is to be confirmed to, *xvi* 424 and 441, *xvii* 78
- Nourse, Henry : land is granted to, on the Kowie river, by Sir Rufane Donkin, *xvii* 25, *xx* 382 ; was a London merchant, and commenced trading with the Cape in 1806 ; came out in 1820 to wind up affairs ; efforts of, to promote good trade legislation, *xvii* 26 ; proposes the sending of labourers as emigrants to the Cape, *xvii* 27 ; in 1821 travels from Capetown to Bathurst, and projects communication by the Kowie, *xvii* 29 ; visits Port Elizabeth, and establishes communication with the Kowie ; loses the schooner *Elizabeth*, *xvii* 31 ; project and trials of, in salting meat for export, *xvii* 33, *xx* 383 ; services of, *xx* 384 ; deserves encouragement, *xx* 385
- Nourse, Commodore Joseph : letter is received from, *xvi* 106 ; is unable to afford suitable conveyance of the commissioners' baggage to Capetown, *xvi* 328 ; leaves one ship of war at the Cape station, *xvi* 420 ; visits the Kowie, *xvii* 100 ; advocates the extension of the wharf at Simonstown, and part payment by the naval department, *xvii* 105 to 107
- Nowhaus, Charles Frederic, Moravian missionary : is proceeding to the Cape, *xx* 113
- Nqeno, Kaffir chief : friendly spirit of, *xviii* 42 ; missionary settlement is formed in the territory of, *xix* 472
- Oaths : prescribed for those enrolled in the Albany levy, *xvi* 62, 74, 102, 318, and 320, *xviii* 308 ; of office, taken and refused by Colonel Bird, *xvi* 72, 100, 299, 301, 302, 303, and 405, *xviii* 15, 22, and 192 ; required from colonists, or persons appointed from England, *xvi* 105 ; are taken by the commissioners of enquiry, *xvi* 145 and 147 ; to be taken by commissaries of the court of justice, *xvi* 239 ; for the burgher senators, *xvi* 251 ; of allegiance, form of, *xvi* 319 ; to be administered to members of the council, *xx* 8 ; of secrecy, is imposed on Captain Findlay by the fiscal, *xx* 185
- Obermeyr, Mr. : death of, and money left by, *xvii* 483, *xix* 95
- Ockhuyzen, Dirk Cornelis : memorial of, *xviii* 208, 450, and 464 ; indifferent character of, *xviii* 344 ; proposes to purchase the " Sorcerer " colt, but fails to do so, *xviii* 446, 465, and 467 ; intrudes on Mrs. Louw's estate, *xviii* 447 and 463 ; opposes the claim of Mr. Redelinghuys to the Hantam mountain, *xviii* 450, 464, and 483 ; evidence given by, to the commissioners of enquiry ; has charge of Mr. Van Reenen's stock, and afterwards of Mr. Louw's, *xviii* 463 ; dam is claimed by, *xviii* 477
- Officers, public : documents signed by, are taken as evidence, *xviii* 268 ; list of, appointed by the governor, with dates and salaries, *xix* 46 to 72
- O'Grady, R. : *xviii* 94
- Old Post government farm : purchase of, by Mr. Parker, *xvi* 144, *xix* 113 ; is leased to Lieutenant Griffith, *xix* 310 ; and afterwards granted in perpetuity, *xix* 311
- Oliphants River : pasture lands on the banks of, *xix* 28

- Olive, the : proposed culture of, *xx* 95
- Oliver, called the spy : is suspected of writing and affixing a libellous placard, *xx* 170 ; further mention of, *xx* 174 and 177
- Olivetown : condition of Mr. Bowker's settlement at, *xvii* 102
- Omlao, elder brother of Gaika : death of, *xix* 364\*
- Onkruydt, Mr., district clerk in Albany : refuses a summons to Mr. Wilmot, *xvii* 61, 62, and 273
- Onkruydt, Mrs. : disclosures of Mr. Geary to, *xvii* 55 and 68 ; statement by, *xvii* 57
- van Oosterzee, Dr. J. Knockers : *xvii* 240
- Orders in Council :—
- of 19 September 1823, revoking the order which prohibits the importation of eastern goods from the Cape in vessels under 350 tons' burden, *xvii* 91 ; concerning the treatment of slaves in Trinidad, mention of, *xx* 2 ; of 12 July 1820, proposed alterations in, *xx* 115 ; of 23 March 1825, regulating the payment of British silver money equivalent to Spanish or paper rixdollars, and making copper money a legal tender in colonies, *xx* 372
- Ordinance, Board of : charges borne by, for the artillery, *xvi* 450, *xvii* 231
- O'Reilly, Brigade Major A. A. : brings a message that the troops in Grahams-town are not to attend divine service, *xvii* 53 ; information is requested from, *xix* 391 and 476
- Orphan Chamber : *see* Boards
- Osler, Samuel, settler : has abandoned his location, *xvi* 39 ; further mention of, *xvi* 424 and 476
- Otter, His Majesty's ship : captures the Portuguese slave-ship *Rosalia* in 1808, *xvii* 164
- Ottley, Sir Richard : is a member of the committee for the relief of distressed settlers, *xvi* 264, 269, and 270 ; speech of, on the sufferings of settlers, *xvi* 278, *xviii* 35, *xix* 10
- Oudtshoorn, Baron : family of, at the Cape, *xvii* 232
- Overberg, the : description of, *xix* 247 ; towns established in, *xix* 249
- Owen, Captain W., of His Majesty's ship *Leven* : *xvii* 33
- Owen, William S., settler : little cultivation done by, *xvi* 39 ; land to be granted to, *xvi* 476, *xvii* 3 ; sum advanced to, *xviii* 235 ; testifies to the benevolence of Mr. Rivers, *xviii* 399 and 400
- Oxen : loss of, by Mr. Wilmot, *xvii* 59 to 61
- Paarden Island : purchase of, for the government, *xix* 398
- Pacquet Real*, Portuguese slave-ship : wreck of, *xvii* 158 and 166
- Pallas and Polemann, Messrs., druggists, chemists, and apothecaries : *xvii* 240
- Palmer, T. : sum advanced to, *xviii* 235
- Pamela, a female slave of Willem van der Merwe : trial of, *xx* 188 *et seq.* ; gives no assistance against the murderers, *xx* 198, 204, 327, and 329 ; examination and statement of, *xx* 250 to 252 ; evidence of, *xx* 259 ; is the wife of Galant, *xx* 337 ; defends herself, *xx* 339 ; is acquitted, *xx* 340 ; further mention of, *xx* 273, 278, 290, and 321

\* Umlawu was Gaika's father, not his elder brother.—G. M. T.

- Paper money : order for the destruction of, *xvi* 468, *xix* 424 ; depreciation in the value of, *xvii* 496, *xix* 412, 443, and 460, *xx* 25, 26, 56, and 75 to 77 ; creation of, for the relief of distressed settlers, *xviii* 60, *xix* 347 ; amount of, in circulation on the 1st of January 1825, *xix* 390 ; value of, *xix* 395, 402, 412, and 418 ; issue of, *xix* 408, 412, and 441, *xx* 367 and 394 ; perishable nature of, *xix* 426 and 432 ; proposed redemption of, *xix* 492, *xx* 41, 46, 56, 75 to 77, 124, and 393 ; gradual reduction of, is advisable, *xx* 23, and 26 to 29 ; security for, *xx* 100 and 101 ; in Ceylon, *xx* 373
- Parker, William : charges brought by, against Colonel Bird, of personal hostility, and of attempts to establish popery at the Cape, *xvi* 1 to 6, 36, 46, 47, 98 to 101, 296, 397, 405, 406, and 410 to 414, *xviii* 9 and 492, *xviii* 12, 13, 15, 17, 63, 129, 182, and 201, *xix* 23 and 491 ; grievances, losses, and sufferings of, *xvi* 4 to 6, 96, 97, 398, and 474 ; complains of his letters being tampered with, and of cruel treatment of natives, *xvi* 33, 36, 169, and 403, *xix* 392 ; desires to be sent by the government to the Cape to aid the commissioners of enquiry ; requests grant of farms and passage for servants, with compensation for losses, *xvi* 48 ; directions to, for obtaining an investigation by the commissioners, *xvi* 77 and 323 ; favours shown to, and public expense caused by, *xvi* 118, 144, 168, and 192, *xix* 113, *xx* 347 ; arrival of, and location of, at Clanwilliam ; dissatisfaction of, *xvi* 148, 315, and 316, *xviii* 18, 144, and 275, *xix* 132 ; correspondence of, with Major Nicolls, *xvi* 399 to 402 ; is accused of sedition, *xvi* 401 ; declines to take his party to the Zuurveld, *xvi* 403 ; desires a location on the Knysna, *xvi* 443, *xviii* 17 ; withdraws to Saldanha Bay, purchases land there, and obtains a building allotment, *xvi* 471 and 473, *xviii* 19 and 276 ; relinquishes land at Clanwilliam, *xviii* 45 ; case of, is to be investigated by the commissioners, *xvi* 477 to 479, *xvii* 453, 459, and 460 ; corroborated Mr. Ingram's statement, but now denounces his scheme, *xvii* 73 ; disputes of, with Mr. McClelland and Mr. Woodcock, *xviii* 20, 206, and 276, *xix* 133 ; charges of, against the local government, *xviii* 192 ; persons included in the party of, *xix* 27 ; regulations drawn up by, for settlers, *xix* 133 ; refusal of, to vacate Mr. Watney's premises, *xx* 62 to 64 ; gives no answer to Captain Campbell's letter, *xx* 345 ; advance made to, from the discount bank, *xx* 380 ; further mention of, *xix* 75, *xx* 78 and 80
- Parr, Thomas William : is said to have forged Mr. Edwards' letters to the governor, *xvii* 431, 433, and 442 ; visits Mr. Edwards in prison, *xviii* 112
- Passes, colonial : are required for Hottentots, *xvi* 220 ; for settlers desiring to remove to another district, *xvii* 141 ; are withheld from Messrs. White, Slowman, and Kidson, *xvii* 174 ; use of, to prevent desertion of servants, *xviii* 151
- Pasturage : regulations concerning, *xviii* 362 ; right of, on the Hantam mountain, *xviii* 445, 449, 450, 451, 472, 480, 481, 483, 484, 487, and 490
- Pato, Gunukwebe chief : residence of Mr. Shaw with, *xvi* 133 and 199 ; further mention of, *xix* 168, 314, 357, 364, and 457
- Paton, George : *xix* 334 and 336
- Patrols : of cavalry, methods of, for the defence of the frontier, *xvii* 211, 212, and 217, *xviii* 37 ; aid of, in the recovery of stolen cattle, *xviii* 38

- Pawle, J., settler : money advanced to, by the government, *xvii* 88 ; testifies to the relief afforded by Mr. Rivers to distressed settlers, *xviii* 380
- Payment : proposed, for emigrant labourers proceeding to the Cape, *xviii* 50 ; of British troops abroad, *xx* 18 to 22, and 372 ; of the governor and civil servants, in sterling money, *xx* 76 ; for government slaves, *xx* 350 to 353
- Payne, James : *xvii* 276
- Pearse, Richard : land granted to, *xvii* 84
- Pearse, Stewart P., solicitor : acts for Mr. Cooke, *xix* 283
- Pearson, William, schoolmaster : deposition of, *xx* 292 ; further mention of, *xx* 295
- Peclu, son of Matteebe : accompanies Mr. Moffat to Capetown, *xvi* 497 and 505
- Pegou, H. M., son-in-law of Mr. Wilberforce Bird : services of Jean Elie are promised to, *xvii* 20, 189, and 190, *xix* 274 and 280
- Pensions : granted to Mr. Matthiessen, *xvi* 104 ; method of payment of, to settlers on half-pay, *xvi* 354, 355, and 356 ; increase of, is solicited by Mrs. Evans, *xvi* 460 and 461 ; cannot be granted to Mr. Hardinge, or increased to Mrs. Evans, *xvii* 143 ; requested by Colonel Bird, and granted, *xvii* 472, *xviii* 254, *xix* 406 ; for clergymen's widows of the Dutch Reformed church, *xix* 229 and 501 ; cannot be paid without certificates, *xix* 236 ; solicited for Mr. P. J. Truter on retirement, *xix* 397 ; usually granted to retired members of the court of justice, *xix* 398 ; solicited for Mr. R. J. van der Riet, *xix* 435 ; requested for Mr. Lange, *xx* 44 ; allowed to Mr. Hart, *xx* 406
- Perkins, Mr., settler : mention of, *xvi* 39, 409, and 422
- Perseverance*, the : is wrecked in Table Bay for want of a light, *xvi* 61
- Pfeil, P. H. : *xviii* 322
- Philip, Reverend John, D.D. : work of, as superintendent of the London Society's missions in Africa, *xvi* 216 ; is a member of the committee for the relief of distressed settlers, *xvi* 264, 269, and 270 ; speeches of, *xvi* 270 and 280 ; opinion of, on land in the Zuurveld, *xvi* 403 ; kindness of, to Mr. Parker, *xvii* 9 ; charges the authorities of Albany with indifference to the sufferings of settlers, *xviii* 345, 363, 364, 366, 369, 377, 384, and 400 ; claims the printing presses used by Mr. Greig as the property of the London Missionary Society, *xviii* 345 and 349, *xix* 365, 366, and 465, *xx* 147 ; is said to interfere in political affairs, *xviii* 345 ; removal of, is desired by the governor, *xviii* 346 ; requests the return of presses sealed and removed, *xviii* 348 and 358 ; objects to giving security for their use, *xviii* 349 ; endeavours to control Mr. Greig in the use of them, *xviii* 350 and 351 ; disclaims want of respect towards the governor, *xviii* 355 ; explains and defends his conduct, *xviii* 355 to 358 ; objects to receiving the presses sealed, *xviii* 359 ; undertakes not to use them for printing on political subjects, *xviii* 361 ; endeavours to take no part in political agitation, *xviii* 367 ; declines to give names with reference to the distress in Albany, *xviii* 368, 371, and 398 ; writes an unfavourable letter concerning Mr. Rannic, *xviii* 403, 410, 413, 415, 416, 418, and 437 ; letters from, to Mr. Glennie, concerning his charge against Mr. Rannic, *xviii*

419 and 420; memorial of, concerning the missionary establishment at Betheldorp, *xviii* 498; solicits additional land for the institution, *xviii* 507, *xix* 41, 288, and 292; is the head of the Scottish Independents at the Cape, *xix* 332; pledges himself to Mr. Bird to withdraw the presses from Mr. Greig, *xix* 466; character and antecedents of, *xix* 481 to 483; interview of, with Messrs. Murray and Smith, *xix* 483 to 485; assertions of, concerning presses, are at variance with those of Mr. Greig, *xx* 38; instructions given to, concerning the use of printing presses, *xx* 343; further mention of, *xix* 487 to 491

Philipps, Thomas, settler: servants of, have left him, *xvi* 39; in 1820 emigrates to the Cape and receives land in the Zuurveld, *xvi* 127; has exhausted his capital, and fears Kaffir attacks and famine, *xvi* 128; requests an allotment in Van Diemen's Land, with passage thither, *xvi* 129; has received an allotment in Grahamstown, *xvi* 177; cannot be removed to Van Diemen's Land, *xvi* 261; location is confirmed to, *xvi* 424, 441, and 476, *xvii* 3 and 78; additional land is granted to, *xvii* 84; labours and disappointments of; requests a further grant of land, *xvii* 308; work of, in relieving settlers, *xviii* 35; alleged attack of, on Major Somerset, *xviii* 136, 140, and 142; intention of, in projecting the public meeting at Grahamstown, *xviii* 154; proposal of, to import Irish labourers into the colony, *xviii* 325; further mention of, *xviii* 316

Philipps, Thomas Lampeter: little cultivation is done by, *xvi* 39

Pietersen, Constable: *xviii* 113

Pigot, Major George: is the head of a party in Albany, *xvi* 39; deprecates inviting Kaffirs into the settlement for barter, *xvi* 72; requests a grant of land at Grahamstown; services of, as heemraad, *xvi* 177; resigns his magistracy, *xvi* 191; additional land is granted to, and location is confirmed to, *xvi* 212, 424, and 441, *xvii* 78 and 83; is offered an advance upon mortgage of his premises at Bathurst, *xvi* 332

Pillars, Charles Stuart: is warned against illegal meetings of the literary society, *xviii* 290; is a member of the committee for the erection of a Presbyterian church in Capetown, *xix* 336; further mention of, *xviii* 294, *xix* 338

Pilot, transport: Mr. Willson requests a passage home in, *xvi* 375 and 376

Pitman, Lieutenant Colonel: is a member of the committee for the relief of distressed settlers, *xvi* 264 and 269

Plasket, Sir Richard, secretary to government at the Cape: is appointed to succeed Colonel Bird; salary of, *xviii* 206; on the 22nd November 1824 arrives, *xix* 172; signifies the governor's approval of resolutions passed by the synod, *xix* 220 and 221; is appointed a member of the council, *xx* 7; inquires into the conduct of slaves, *xx* 408; further mention of, *xix* 304, 305, 312, 323, 361, and 380, *xx* 91

du Plessis, Elsje Cecilia, wife of Willem van der Merwe; wound inflicted on, *xx* 305 and 309; deposition of, *xx* 301. See van der Merwe

du Plessis, Jan Abraham: slaves of, join in a conspiracy against their masters, *xx* 191 and 238

van Plettenberg, Governor: *xvi* 449

Poggenpoel, Mr. P., agent of Lord Charles Somerset for the sale of horses:

- endeavours to sell the "Sorcerer" colt to Mr. Okhuyzen, *xviii* 446, and 464 to 467; takes the colt to the Hantam district for sale, *xviii* 446; sells him to Mrs. Louw, *xviii* 458, and 468 to 471; want of discretion and delicacy of, *xviii* 471 and 493; (secretary to the district of Worcester): mention of, *xix* 240, *xx* 370
- Pohl, C. F. : tender of, for erecting a mess house, is accepted, *xix* 74
- Poleman, P. H. : *xviii* 320
- Police : system of, is needed in Albany, *xx* 54
- Political commissioners : religion of, *xix* 491 and 500
- Polygamy : among Kaffirs, *xix* 471
- Population, returns of : in 1823, *xvi* 488 and 489; in 1824, *xix* 386 and 387; in Kerkstraat, Brouwerstraat, and the drostdy of Tulbagh, in May 1824, *xvii* 334; from 1807 to 1882, *xix* 17; at the Chumie settlement in 1824, *xix* 471; influx of, should not precede that of capital, *xvii* 227 and 229; little increase of, in Tulbagh, *xvii* 336; growth of, in the Overberg, *xix* 248
- Port Elizabeth : trade of, *xvi* 208; proposal for the erection of a church at, and collection of funds, *xvii* 359 to 362, *xviii* 321; school is to be built at, *xvii* 360; allotments granted in, by Sir Rufane Donkin, *xix* 339 and 340
- Port Frances : name given to the port at the mouth of the Kowie river, *xx* 54 and 383; establishment of a magistrate at, *xx* 401; proposed erection of a pier at, *xx* 402; houses built at, *xx* 403
- Port Office : list of officers of, with dates of appointment and salaries, *xix* 53
- Ports, sea : necessary establishment of, along the coast, *xx* 362
- Post Office, General : list of officers of, with dates of appointment and salaries; *xix* 54; for the district of Worcester, carrier is added to, *xix* 262
- Postage : rate of, charged on the *South African Commercial Advertiser*; reduction of, is solicited, *xvii* 19, 236, and 237, *xviii* 9, *xx* 147 and 149
- Potgieter, J. J. : prays for land in compensation for his lost estate, *xvii* 6, 22, and 259
- Poundage : for strayed cattle, charge made for, *xvi* 210 and 293
- Powell, James, settler : grant of land to be made to, *xvi* 477, *xvii* 3
- du Preez, Mr. : damage done to property of, in Tulbagh, by storm, *xvii* 339
- Presbyterian : *see* Scottish
- Press, the, in South Africa : censorship of, is said to be assumed by the fiscal; restrictions on the freedom of, *xvii* 295, 299, and 463, *xviii* 56 and 296, *xix* 149 and 445, *xx* 183 and 365; memorial praying for the freedom of, *xvii* 323, 325, and 362, *xviii* 58, *xix* 285 and 445, *xx* 47; history of, by Mr. Pringle, *xvii* 461; alleged hostility of the governor towards, *xix* 151
- Price, Reverend Thomas : offers employment at the Cape to English poor, *xix* 434
- Prince, John, Hottentot servant : *xx* 94
- Pringle, John, settler : is located at Baviaans River, *xvi* 321; is absent on government service, *xvi* 322
- Pringle, Robert, settler : is located at Baviaans River, *xvi* 321
- Pringle, Thomas : project of, for establishing a periodical publication, *xvi* 203; exertions of, on behalf of settlers; success and prosperity of party of, *xvi* 287 and 322, *xix* 444, *xx* 60; supplies Somerset Farm with wheat and barley, *xvii* 85, 87, 90, and 91; publishes the *South African Journal*,

*xvii* 307; *xix* 445; discontinues its publication, *xvii* 312, 325, and 464, *xix* 150; *xx* 185; is charged by the governor with disaffection, insolence, and republican sentiments, *xvii* 322, *xviii* 57 and 347; defends himself from imputations, *xvii* 323; is sub-librarian in Capetown, but resigns his appointment, *xvii* 324 and 325, *xviii* 164, *xix* 446, *xx* 185; statement made by, respecting the history of the press in South Africa, *xvii* 461; is summoned by the fiscal, and warned concerning passages in the *South African Journal*, *xvii* 461; requests a statement of the extent of liberty allowed, *xvii* 463; has been informed of a warrant to seize his papers, and inquires of the fiscal whether such is the case, *xvii* 477; is summoned to appear and give the name of his informer, *xvii* 480; under a threat of imprisonment states the name to be Jardine, *xvii* 481; horse purchased from, *xvii* 489; furthers the memorial for a free press, *xviii* 58; acts as secretary of the South African Literary Society, *xviii* 177, 179, and 285; solicits the governor's sanction of the society, *xviii* 293; requests the remission of debt to the government for the Scotch settlers at Baviaans River, *xviii* 334 and 336; letter from, concerning the distress in Albany, *xix* 8; complains of the governor's hostility towards him, *xix* 446 to 450; is gradually ruined, and solicits compensation, *xix* 448 to 452; requests a grant of land, *xix* 453; letter to, from Mr. Fairbairn, *xix* 482 and 488; further mention of, *xvi* 269, *xviii* 300

Pringle, William, brother of Thomas Pringle: location of, at Baviaans River, *xvi* 321; in 1822 becomes head of the party of Scotch settlers, *xviii* 337

Prinsloo, Johannes, farmer: stolen cattle restored to, *xix* 128

Printing: abuses of, and regulations concerning, *xviii* 11; of documents for the Dutch Reformed church, is requested, *xix* 187

Printing department: list of officers of, with dates of appointment and salaries, *xix* 53

Printing materials: belonging to Mr. Greig, purchase and use of, by the government, *xix* 463 and 468; value of, *xix* 467 and 469, *xx* 150 and 151

Printing presses: used by Mr. Greig, question of the ownership of, *xviii* 347, 348, 352, 353, and 357, *xix* 365, and 463 to 469, *xx* 147; security is demanded for the use of, *xviii* 348, 349, 356, and 358; importation and landing of, *xviii* 348, 353, and 354; are advertised for sale, *xviii* 351, 355, and 357; value of, *xix* 467 and 469; to be sent to the Cape by the London Missionary Society, *xx* 342; directions for the use of, *xx* 343

Prison: in Capetown, erection of a treadmill in, *xvii* 81; arrangements for divine service and religious instruction in, *xvii* 320; in Albany, expense of, *xvii* 484

Prisoners: treatment of, *xviii* 81; in the trunk, neglect of; care to be given to sick, *xvii* 280; Bosjesman, treatment of, *xix* 19

PROCLAMATIONS:—

1 August 1823. By Lord Charles Somerset. Concerning the privileges to be enjoyed by the children of Hottentots and prize negroes, and the marriages of baptized freed slaves, *xvi* 174

26 September 1823. By Lord Charles Somerset. Issuing regulations for medical practice in the colony, together with a tariff of fees allowed, *xvi* 307

- 28 November 1823. By Lord Charles Somerset. Recalling the various prohibitions of intercourse and barter with the Kaffirs, and the penalties attached thereto, *xvi* 449
- 19 December 1823. By Lord Charles Somerset. Ordering the destruction of 200,000 rixdollars of paper currency issued for the relief of agriculturists suffering through storms, *xvi* 468
- 30 January 1824. By Lord Charles Somerset. Repealing the proclamation of the 5th July 1822 as far as regards Albany, and ordering that all judicial acts and proceedings in the Albany district shall be carried on after the first of March in the English language, *xvii* 24
- 11 June 1824. By Lord Charles Somerset. Ordering the name and address of the printer to be affixed to every printed book or paper, *xviii* 11
- 23 July 1824. By Lord Charles Somerset. Issuing regulations for traffic between the Kaffirs and the colonists at Willshire Barracks, *xviii* 179
- 18 March 1825. By Lord Charles Somerset. Ordering the disbandment of the Albany levy, and the surrender or purchase of arms, *xx* 354
- Proclamations: issued in England, are not usually published in the colony, *xvi* 116; issued offering a reward for discovering the author of the libel on the governor and Dr. Barry, *xviii* 77, 78, 85 *et seq.*; copies of, are forwarded by the governor to the secretary of state, *xix* 75
- Proctor, William: alleged corrupt dealings with, *xvi* 169, *xvii* 369; purchase of horses by, *xvii* 489, *xviii* 313; grant of the Bonteberg farm to, *xviii* 248; agriculture carried on by, *xviii* 314
- Provisions: issue of, to settlers, *xvi* 124; to be issued by Mr. Ingram to his articulated servants, *xvi* 204 and 205; supply of, by the commissaries of the court of justice, *xvi* 237
- Prussia: a sum of money is claimed from the Cape by the minister of, *xvii* 478
- Public worship: number of buildings for, and attendance at, in the colony, *xviii* 332
- Pugh, H.: attacks Dr. Philip, *xix* 490
- Pullen, Thomas: is a member of the committee for erecting a church at Port Elizabeth, *xvii* 360 and 361; grant made to, *xviii* 504
- Quitrent: paid by Boers, *xvi* 74; is rated too high for British settlers, *xvi* 74; amount of, on lands granted to heads of parties, *xvi* 409; objection to uniform rate of, *xvi* 423; offered by Mr. Dennysen for land at Hout Bay, and paid by Colonel Bird, *xviii* 236, 243, and 248; conversion of loan places to, *xviii* 237 and 456, *xix* 370, 371, 373, and 374; proposed for land at Hout Bay, error in, *xviii* 245 and 250; method of calculating, *xviii* 250; is solicited for Mrs. Louw's estates, *xviii* 448; perpetual, lands granted and held on, *xix* 369 to 371, 373, and 374; fifteen years, lands held on, *xix* 371 and 372
- Racehorse, English brig: captures the French packet *Le Victor*, *xvii* 189, *xix* 273 and 279
- Rachel, a female slave: *xix* 136
- Radicalism: charge of, is brought against settlers, *xvi* 273 and 275



- Rain : heavy and destructive, at Grahamstown, *xvi* 407 ; damage done by, in 1822, in the districts of Stellenbosch, Tulbagh, and the Cape, *xviii* 59
- Randall, Mr. : *xvi* 357
- Rankin, Mr. : is a member of the committee for erecting a Presbyterian church in Capetown, *xix* 336
- Rannie, Reverend William : is proposed as a candidate for the pastorate of the Scots church at London Wall ; unfavourable letter concerning, *xviii* 403 ; inquiries to be made concerning, *xviii* 405, 406, 407, 409, 411, and 438 ; opposition of elders to, *xviii* 410, 415, 428, 433, and 437 ; testimonies to the character of, *xviii* 412, 414, 415, 416, and 433 ; charges made against by Dr. Philip, *xviii* 421 to 426 ; is voted upon, and declared a candidate for the pastorate, *xviii* 432, 433, and 439
- Ranyouve, a Motshuana : speech of, *xvi* 499
- Rarabe, grandfather of Gaika : death of, *xix* 364
- Rations : are promised to Mr. Francis, but not supplied, *xvi* 151 ; refusal of, to Mr. Burnett, *xvi* 184 ; issue of, to settlers, *xvi* 337 and 346, *xvii* 102, 345 to 347, 467, and 468 ; *xviii* 130, 147, 151, 301, 306, and 334 ; unexpended on shipboard, claim for, by Mr. Willson, *xvi* 352 and 353 ; for Mr. Willson's party, are drawn by Mr. Boardman, *xvi* 337, *xix* 125 and 127 ; amount and value of, allowed to Mr. Parker, *xx* 347 ; supplied to settlers in Albany, are not paid for, *xx* 405
- Receiver General's Department : list of officers of, with dates of appointment and salaries, *xix* 49
- Redelinghuys, Jacobus Nicolaas : extensive grants of land in the Hantam district are made to, by the governor, *xvi* 139, 140, 452, and 453, *xvii* 369, 459, and 502, *xviii* 208, 312, 342, 443, 450, 478, 489, and 492, *xix* 15, 103, and 106 ; sale of a horse to, by Lord Charles Somerset, *xvi* 139, 140, and 452, *xvii* 502, *xviii* 443 ; is to withdraw his stock from the Hantam mountain, *xvi* 467 ; letters written and enclosed by, to the commissioners of enquiry, *xviii* 343 ; in November 1818 marries Mrs. Louw, *xviii* 444 and 448 ; claim of, to the right of pasturage on the Hantam mountain, *xviii* 449, 481, 482, and 483, *xix* 15 and 107 ; protests against the governor's decision to make the Hantam mountain public, *xviii* 451 and 485 ; arrangement made with, by Mr. Poggenpoel, *xviii* 468 ; stock of, diminishes ; sells the " Sorcerer " colt, *xviii* 486 ; no favour is shewn to, in granting land, *xix* 2
- Redmond, Laurence : is discharged from the 6th Foot, *xix* 164
- van Reenen, Dirk : price given by, for a horse, *xvii* 490, *xviii* 461 ; extensive grant is made to, *xviii* 312
- van Reenen, Jacob : land of Newlands is given to, *xvi* 169 ; horses purchased from, *xvii* 489 ; part taken by, in obtaining for Mrs. Louw the grant of land at the Hantam, and the " Sorcerer " colt, *xviii* 343, 344, 447, 458, and 470 ; sells estates and Spanish sheep to Mr. Louw in 1814 ; right of, to pasturage on the Hantam mountain, *xviii* 444, 445, and 480 ; breeding of horses and sheep by, *xviii* 460 ; death of, *xviii* 469
- van Reenen, Sebastian : *xviii* 257
- Reeves, William : arrives in 1823 with Mr. Ingram's party, *xviii* 264 ; employment of, and payments made by, *xviii* 265 to 267

- Registration : of vessels, *xvii* 452 ; of births and baptisms &c., *xix* 230
- Regulations : for the direction of the Dutch Reformed church in South Africa, drawn up in 1824, *xix* 189 to 222
- Reitz, J. F., commissary of vendues : death of, *xvii* 267
- Religious instruction at the Cape : opinion of Colonel Bird on, *xviii* 21 ; statistics concerning, *xviii* 332 ; in the Dutch Reformed church, regulations for, *xix* 193 to 196 ; holding of meetings for, *xix* 210 to 212, and 223 ; need and method of, *xix* 497
- Rennie, George, John, and Peter, Scotch settlers : are located at Baviaans River, *xvi* 321
- Rens, Bernardus : application of, for grant of land, *xvii* 18
- van Rensburg, Johannes Hendrik Janse : is with Willem van der Merwe, *xx* 194, 195, 196, 272, and 288 ; is shot dead by Abel, *xx* 197, 201, 202, 207, 219, 228, 237, 289, 291, 307, and 310 ; inquest held upon, *xx* 305
- Rent : for stores bonded at the custom-house, *xix* 22
- Reports : of the committee of the society for the relief of distressed settlers in South Africa, *xvi* 264 ; of the repairs needed by Government House in Capetown, *xviii* 341
- Reservoir : need of, at Simonstown, *xvi* 111 ; cost of formation of, cannot be borne by the naval department, *xvii* 242
- Resolutions : passed in March 1793 by the commissaries-general of Netherlands India at the Cape, extracts from, *xvi* 239 ; passed by the synod of the Dutch Reformed church in South Africa, in 1824, *xix* 188, and 216 to 222 ; passed at a public meeting of the presbyterian community at the Cape, in November 1824, *xix* 336
- Retief, Pieter : is suspected of having some of Mr. Wilmot's oxen, *xvii* 60
- Returns : of officers and troops serving in the colony in May 1823, *xvi* 32 ; of settlers located in 1820 in the Albany district, and state in May 1823, *xvi* 37 ; transmission of, to the secretary of state, *xvi* 92, 108, 109, and 113, *xvii* 80, 136, 217, 275, and 484, *xviii* 56 and 326, *xix* 75 and 263, *xx* 98 ; of the taxes collected by the burgher senate, and the purposes to which they are applied, *xvi* 194 and 195 ; of the taxes levied on the inhabitants of Capetown, from 1815 to 1823, *xvi* 196 to 198 ; of the Scotch settlers located at Baviaans River, *xvi* 321 ; made annually, of the inhabitants of the colony, *xvi* 440 ; of expeditions against the Bosjesmen, undertaken in the district of Worcester, from 1805 to 1823, *xvi* 484 ; in the district of Graaff-Reinet, from 1813 to 1824, *xvii* 507 ; in the district of Stellenbosch, from 1797, *xviii* 148 ; of population, cattle, and land in cultivation, for 1823, *xvi* 488 and 489 ; for 1824, *xix* 386 and 387 ; of troops on the frontier in March 1824, *xvii* 123 ; of settlers in Albany residing on their locations on the 21st February 1824, *xvii* 94 ; of settlers in Bathurst residing on their locations on the 23rd February 1824, *xvii* 98 ; of the population and erven in Kerkstraat, Brouwerstraat, and the drostdy of Tulbagh, in May 1824, *xvii* 334 ; of estates on the Knysna belonging to Mr. Rex, *xviii* 34 ; of cattle stolen by Kaffirs and recovered between the years 1817 and 1824, *xviii* 45 ; of persons brought to the Cape by Mr. Ingram in 1823, *xviii* 198 ; shewing the extent of new ground brought into cultivation from 1814 to 1823, *xviii* 326 ; of the population of the Cape, from 1807 to 1822, *xix*

- of grants of land made to Hottentots and Bosjesmen, *xix* 18 ; of perpetual quitrent and freehold grants made by Sir Rufane Donkin in 1821, *xix* 35 ; of perpetual quitrent and freehold grants made by Charles Somerset in Albany, from 1821 to 1824, *xix* 37 to 39 ; of grants to which the governor has appointed hitherto, with dates and names, *xix* 46 ; of erven sold in Bathurst in 1821, *xix* 94 ; of lands sold in Albany prior to 1817, *xix* 95 ; of grants of land made to certain individuals, *xix* 101 ; of lands granted in Albany under the proclamations of 1812 and 1814, *xix* 138 ; of quitrent places and lands in Albany, *xix* 184 to 186 ; of the government slaves, *xix* 264 to 268 ; of the expense of maintaining ditto, from 1815 to 1823, *xix* 269 ; of expenses incurred by the colony on account of British settlers, *xix* 345 ; of loan places held in October 1814, *xix* 367 ; of lands granted and held on perpetual quitrent in December 1824, *xix* 369, 371, and 374 ; of lands held on fifteen years quitrent in December 1824, *xix* 372 ; of expenses incurred by the government since 1822, for the erection of schools at the Cape, and on account of teachers &c., *xix* 376 to 379 ; of the number of slaves at the Cape in December 1824, *xix* 382 ; of the annual prices of Cape wine in Capetown from 1813 to 1824, *xix* 388 ; of the imports and exports of the Cape in each year from 1816 to 1824, *xix* 389 ; of sales by public auction in Capetown, the Cape district, and Simonstown, from 1808 to 1824, *xix* 390 ; of the amount of paper money in circulation on the 1st January 1825, *xix* 390 ; of the population at the Chumie settlement in 1824, *xix* 471 ; of the property of the Dutch East India Company, with its appraised value, at the time of the capitulation, *xx* 108 to 113 ; of the amount raised in each year by the tax upon slaves, *xx* 126 ; of ivory purchased from Kaffirs, *xx* 181 ; of erven in Worcester on which dwellings have been built, with the names of their owners, *xx* 397
- Revenue of the Colony: transmission of returns of, *xvi* 108 and 109 ; in 1823, *xvi* 485 ; in 1824, *xix* 382 ; sources of, *xvii* 131, 234, and 235 ; increase in, from the conversion of loan places into perpetual quitrent, *xix* 370
- Rex, George : estates belonging to, on the Knysna river, *xviii* 17 and 34
- Rhenius, Johannes Izaak, acting governor : *xx* 103
- Rice : cultivation of, in the Kleine valley, *xviii* 203 ; supply of, to settlers, *xviii* 235
- Richardson, Lieutenant James, settler : industry of, *xvi* 39 ; location is confirmed to, *xvi* 424 and 441, *xvii* 78
- Richardson, Mr. : attempts to visit Mr. Edwards in prison, *xvii* 146, *xviii* 112 ; trial of, *xvii* 270 ; fine imposed upon, *xvii* 271 ; gives a bill to Mr. Edwards, *xvii* 495 ; further mention of, *xviii* 78 and 104, *xix* 301, *xx* 138
- de Richemont, Baron : *xvi* 169
- Richert, A., of the colonial printing department : requests extra remuneration for the compositors, *xviii* 200
- Ridgard, Ezra, settler : is located at Baviaans River, *xvi* 321
- van der Riet, L. W. : sells his slave girl Carolina, *xx* 186 and 187

- van der Riet, Mr., landdrost of the George district : reports on F. Jor<sup>130</sup>  
 cation for land, and recommends another grant, *xvi* 506 and 5th Africa,
- van der Riet, Mr., 2nd head clerk to the court of justice : *xx* 144
- van der Riet, Ryno Johannes, sequestrator : is called as a witn  
 Edwards, *xvii* 376 and 389 ; applies for payment for the Wolv *xviii* 21 ;  
 53 to 55 ; retirement of, *xix* 434 ; services of, and pension solicited, regu-  
 435 and 436 ; charges against, by Mr. Burnett, *xx* 155, 159, 212, and  
 further mention of, *xvii* 392
- Riet Flat : farm at, is requested by Mr. Parker, *xvi* 48 Baviaans
- Riet Fontein : confirmation of grant of, is solicited by Mrs. Louw, *a*
- Riet Valley Farm : grant of, to Mr. Ellis, *xviii* 238
- Rimrod, C., apothecary : signs memorial, *xvii* 241 ; qualifications of, *xvii*, *xx*  
 and 321 , 207,
- Rivers, Harry, landdrost of Albany : measures taken by, concernin,  
 Albany levy, *xvi* 49, 62, and 64 ; complaints against, by Mr. Francis  
 157, 158, and 159 ; reports of, concerning the location of settlers, *xvi* ; in  
 434, 456, and 475, *xvii* 173 and 176 ; concerning destructive storms in  
 Grahamstown, *xvi* 407 ; extensive powers given to, in the granting of  
 lands, *xvi* 421, *xviii* 153 ; complaints against, by Lieutenant White, *xvi*  
 434 and 456 ; reports Major Somerset's successful attack on Kaffirs, *xvi*  
 463 ; charges brought against, by Mr. Geary, *xvii* 54, 55, 57, 69, 70, 253 to  
 256, 285, 288, 289, 290, and 303 ; complaints against, by Mr. Wilmot, *xvii*  
 59, 61, and 273 ; proposed investigation of the judicial administration of,  
*xvii* 71 ; charges against, by Mr. Erith, *xvii* 171 ; complaints against, by  
 Mr. Wait, *xvii* 172 to 174 ; recommends compensation to be paid to  
 Messrs. Wilmot, *xvii* 274 and 278 ; grants of land made to, *xviii* 24, *xix*  
 101 ; orders the arrest of Mr. Biggar, *xviii* 132 and 137 ; requests Mr.  
 Geary to marry a poor couple gratis, *xviii* 317 ; charges made against, by  
 Dr. Philip and Mr. Rutherford, *xviii* 345, 363, 364, 384, 387, 390, 396,  
 397, and 400 ; defends his conduct against their aspersions ; relief afforded  
 by, to distressed settlers, *xviii* 372 to 401 ; complaints against, by Mr.  
 Fournier, *xix* 317, 319, and 321 ; removal or resignation of, *xix* 340 ; *xx*  
 371 ; complaints against, by Mr. Burnett, *xx* 164 and 165 ; correspon-  
 dence of, with Mr. Geary, *xx* 344 ; is appointed landdrost of Swellendam,  
*xx* 404 ; further mention of, *xvi* 330, 412, and 414, *xix* 172 and 462,  
*xx* 173
- Rivers of Cape Colony : character of, *xvii* 118, *xix* 245
- Roads : through Stellenbosch over the Fransche Hoek kloof into the interior,  
 advantages of and cost of constructing ; need of completing, *xvi* 263,  
*xvii* 7, *xviii* 1 to 7, *xix* 81 and 251, *xx* 65 ; office of inspector or surveyor  
 of, *xvi* 367 ; from Cold Bokkeveld to Worcester, is very bad, *xvi* 425 ;  
 report on, at the Cape, *xix* 241 *et seq.* ; need of, across the Cape Flats, and  
 into the interior, *xix* 247, 250, and 254 ; examination of, by commissions,  
*xix* 250 ; expense of, *xix* 254 ; necessity of improving, *xix* 354
- Robben Island : Mr. Edwards is condemned to confinement on, *xvii* 423 ;  
 confinement of Mr. Theron on, *xx* 89 and 90 ; buildings on, are relin-  
 quished by Mr. Murray, *xx* 359
- Roberts, Dr. Edward, surgeon : signs memorial, *xvii* 241 ; indulgence is

- extended to, by Sir Rufane Donkin, *xvii* 270 ; combines the two callings of surgeon and apothecary, *xvii* 382 ; further mention of, *xvii* 392, *xviii* 81
- Roberts, Mr., clerk : *xix* 274 and 275
- Robertson, Archibald Shaw : deposition of, *xviii* 84
- Robertson, J. : mention of, *xviii* 66, 93, 95, 97, 100, and 112
- Robinson, Colonel : marriage of, *xvi* 212, *xvii* 124
- Rogers, Major G. J., of the 6th Regiment : evidence of, before the commissioners, *xix* 75 ; premises of, *xix* 396 ; commands at Grahamstown, *xix* 476 ; government slaves are transferred to, *xx* 351
- Rogers, Lieutenant W. H., of the Cape cavalry : describes the expedition to seize Gaika, in May 1822, *xvii* 154 ; letter from, to Mr. Biggar, *xviii* 136
- Rogerson, Mr., assistant commissary general : mention of, *xvi* 401, *xx* 351
- Rogerson, Ralph : is a member of the court of justice, *xvi* 447 ; records held before, respecting Mr. Edwards' complaints, *xx* 143
- Rolfe, Captain, of *La Belle Alliance* : *xvi* 347
- Roman Catholic chapel at the Cape : raising of funds for, *xvi* 100 and 115, *xviii* 29 and 165 ; sums advanced for, by the Lombard Bank, *xviii* 166, *xix* 141
- Roman Catholic clergymen : duties performed by, and salaries paid to, *xviii* 30, *xx* 31 ; are ordered to depart, on British occupation ; restoration of, is solicited, *xviii* 233
- Roman Catholics : question of appointment of, to public offices, *xvi* 100 and 410 ; *xviii* 22 and 26 ; provision of chapel for, in Capetown, *xvi* 100, 115, and 413, *xviii* 29 and 165 ; Mr. Parker expresses his antipathy to, *xvi* 411, *xviii* 63 and 64 ; land granted to, for the erection of a chapel, school, and priest's dwelling, *xx* 3, 17, and 30
- Roman Catholicism : alleged ascendancy of, at the Cape, *xvi* 2, 3, and 410 to 414
- Roman Law : is in force at the Cape, *xvi* 439 ; is the common source of Dutch and English law, *xvii* 399, 401, and 434 ; references to, *xvii* 406, 408, 410, and 434
- Roos, a servant of Willem van der Merwe : deposition of, *xx* 284 ; further mention of, *xx* 293 and 296
- Rooy, Isaak, a Hottentot : trial of, for joining in the conspiracy to murder masters, *xx* 188 *et seq.* ; shoots and kills J. M. Verlee, *xx* 197, 203, 207, 224, 228, 231, 237, 240, 241, and 244 ; charges made against, *xx* 203 ; examination and statement of, *xx* 222 to 226, and 283 ; complains of ill-treatment, *xx* 226 ; sentence passed upon, *xx* 340 ; further mention of, *xx* 283, 287, 303, 326, and 333
- Rosalia, Portuguese slave-ship : is captured by the *Otter* and forfeited in 1808, *xvii* 163 and 164
- Rosaline, a Hottentot servant of J. M. Brink : evidence of, *xvi* 387
- Rosalyn, a female slave : pardon is granted to, *xvi* 481, *xvii* 81
- Rose, Lieutenant Cowper, royal engineers : opinion of, on the repairs necessary to the Government House in Capetown, *xviii* 340 and 341
- Ross, Hamilton : horse purchased from, *xvii* 489
- Ross, Reverend James, D.D., of Aberdeen : efforts of to obtain young Scottish clergymen for the Cape, *xvi* 448, *xvii* 1 and 298

- Ross, Reverend J., A.M. : is a missionary of the Glasgow Society, *xvi* 200 ; forms a settlement in Nqeno's territory, *xix* 472
- Rousseau, Mr. : *xviii* 275
- Rowles, J. : sum advanced to, *xviii* 235
- Rowles, Thomas, settler : has not resided on his location, *xvi* 40 ; location is to be confirmed to, *xvi* 424 and 476
- Rowles, Thomas : is secretary to the court of appeals, *xvi* 83, *xvii* 389 ; is called as a witness by Mr. Edwards, *xvii* 376, 389, and 392
- Royal African Corps : employment of men from, in constructing a road over the Fransche Hoek mountain, *xviii* 1. See Garrison
- Rubridge, Lieutenant, royal navy : complaint of regarding grant of land, *xvi* 225 and 325 ; debt of, to government, for rations, *xvii* 347
- Rumshort, Mr. : mention of, *xviii* 105 and 114
- Russell, author of *Crimes and Misdemeanors* : references to, *xvii* 435, 443, and 445
- Rust : see Blight
- Rutherford, H. E. : is secretary to the society for the relief of distressed settlers, *xvi* 264 and 269 ; speech of, on being re-elected, *xvi* 278 ; signs and transmits the memorial for freedom of the press, *xviii* 58, *xix* 285 ; charges made by, against Mr. Rivers, *xviii* 345, 363, 368, 369, 373, 382, 385, 386, 395, and 399
- Rutherford, Lieutenant James H., royal engineers : recommends the erection of barracks at Grahamstown, *xix* 175 and 176 ; evidence of, concerning the state of the frontier, *xix* 312
- Ruysch, Mr., attorney : institutes law charges against Mr. Anderson, *xvi* 27 and 34 ; opposes the exception of prescription, *xvi* 28 ; contends against the prayer for an amended summons, *xvi* 29
- van Ryneveld, Daniel Johannes, landdrost of Stellenbosch : addition to the salary of, is requested and allowed, *xvi* 25 and 312, *xviii* 338 ; opinion of, on the land at Jan Dissels Valley, *xvi* 98, *xviii* 128 ; evidence given by, to the commissioners of enquiry, *xix* 32 ; further mention of, *xvii* 101 and 117, *xviii* 247, *xix* 476
- van Ryneveld, Willem Cornelis, deputy fiscal : report sent to, of the state of prisoners in the tronk, *xvii* 246 ; visits Mr. Edwards in prison, *xvii* 415, *xx* 144 ; kind attention shown by, to Mr. Ingram's party, *xviii* 197, 217, and 218 ; offers Mr. Theron freedom to remain in the colony, *xx* 90 ; sends a passport for Mr. Burnett, *xx* 178 ; further mention of, *xx* 145
- van Ryneveld, Willem Stephanus, His Majesty's fiscal : indentures prize negroes as apprentices to Mr. Tennant and others, *xvii* 158 and 165 ; musters and marks them, *xvii* 159
- Sabbath, the : observance of, *xix* 187 and 221
- St. Croix Island : sealing and fishing on, *xix* 105
- St. Jago, island of : commissioners touch at, *xvi* 126
- Salaries : of landdrosts, are inadequate, *xvi* 26 ; of the receiver-general, and of the commandant of the Albany levy, *xvi* 26 ; of the assistant colonial secretary, increase of, *xvi* 93 and 112, *xix* 140, 160, 240, and 303, *xx* 114 ; of the sequestrator, increase of is requisite, *xvi* 93, *xix* 240 and 435 ; 1st

- assistant in the fiscal's department, *xvi* 93 and 94 ; of civil officers, increase in, *xvi* 298, *xvii* 14, *xx* 62 ; of the deputy landdrosts of Worcester and Caledon, *xvi* 298 ; of the landdrost of Stellenbosch, proposed increase in, *xvi* 312, *xviii* 338, *xx* 67 ; of the reverend William Boardman, *xvi* 347, 356, and 358 ; of the classical schoolmaster and his assistant, *xvi* 418 ; of Mr. Faure, increase in is requested, *xvii* 100 and 101 ; of the resident at Mossel Bay, lowness of, *xvii* 176 ; of civil officers, are not to be increased without the sanction of the home government, *xvii* 210, *xix* 154 ; of the wharfmaster at Simonstown, *xvii* 233 ; of the reverend William Geary, *xvii* 248 and 292 ; of the bank officers and of the commissaries of vendues, *xvii* 267, *xviii* 191, *xix* 411 ; of the secretary of the district of Albany, *xvii* 284 and 291 ; of Mr. Theron, *xvii* 317 ; of Messrs. Hayward and Marsh, *xvii* 340 and 357 ; of the secretary to the district of Stellenbosch, increase of, *xvii* 482 ; of the custom officer at the Knysna, *xvii* 485 ; mode of payment of, *xvii* 497, *xix* 442 ; of the Roman Catholic clergyman, *xviii* 30 ; of the master of the public grammar school, *xviii* 183 ; of compositors for extra duty, *xviii* 200, *xix* 329 ; of Sir Richard Plasket as colonial secretary, *xviii* 206 ; of the under sheriff of Stellenbosch, increase of, *xviii* 246, *xix* 329 ; of the harbour master at the mouth of the Kowie, *xviii* 273, *xix* 330 ; of clergymen, reduction of, when glebe is added, *xviii* 284 ; of officers appointed by the governor, list of, *xix* 46 ; of the officers of the Albany levy, *xix* 127 ; of clergymen of the Dutch Reformed church, *xix* 226 ; of Mr. Goodwin, clerk of the court at Simonstown, *xix* 262 ; of the executioner in the district of Worcester, *xix* 270 ; increase of, to several minor officials, *xix* 329 ; of the clergyman at Worcester, *xix* 345 ; of teachers in government schools, *xix* 376 to 379 ; of the sub-librarian, *xix* 445 ; of Lieutenant Devenish as ranger of woods and forests, *xix* 478 ; of an additional fieldcornet in the district of Graaff Reinet, and a ship carpenter at the Kowie mouth, *xix* 479 ; of the clerk of the council, *xx* 5 ; of Roman Catholic clergymen previous to 1806, *xx* 31 ; of magistrates and other officers at Port Frances and Algoa Bay, *xx* 402
- Saldanha Bay : land at, is refused to Mr. Parker, but afterwards granted for stores, *xvi* 4, 5, and 99, *xviii* 19 ; value of land at, *xvi* 473 and 474
- Saldanha Bay Residency : list of officers at, *xix* 62
- de Salis, Mr. : alters the plan of buildings at Tulbagh, *xvii* 339
- Salmon, W. O. : *xvi* 270
- van der Sandt, Bernardus Josephus, compositor: reports the posting of a libellous placard against the governor, *xviii* 77 ; evidence of, *xviii* 85 ; further mention of, *xviii* 101, 102, and 103
- Satchwell, Mr., settler : grant recommended to, *xvi* 476
- Saunders, John, senior : memorial of, soliciting permission for his son to return to England, *xvii* 12
- Saunders, John, settler in Mr. Bailie's party : voyage of, to the Cape, *xvii* 12 ; losses of, through failures of crops ; is not permitted to return home, *xvii* 13
- Saunders, Mr. : mention of, *xviii* 102, *xix* 336
- Savings Bank : establishment of, by Lord Charles Somerset, *xvii* 40
- Scaleby Castle, the : *xviii* 237

- Scanlen, William, settler : party of, suffers from Kaffir depredations, *xvi* 40 and 284 ; is to have his location confirmed, *xvi* 424 and 441 ; belongs to Mr. Parker's party, *xix* 27
- Scheler, S., minister of St. Gall : *xviii* 282 and 283
- Schmidt, Philip, fieldcornet : land granted to, *xvii* 318
- Schönberg, P. A., landdrost of Swellendam : appointment of, *xviii* 28 ; letter from, *xviii* 279
- Schools : for the children of slaves and Hottentots, *xvi* 12 and 417, *xvii* 41 ; opening of, by Mr. Boardman and his daughter, *xvi* 363 ; public classical, need of, and establishment of, in Capetown, *xvi* 414 and 417, *xviii* 183 and 347, *xix* 142, 330, and 358 ; estimate of profits upon, *xvi* 416 ; books required for, *xix* 142 ; purchase of premises for, *xix* 358 ; number of, in the colony, *xvii* 104, *xviii* 333 ; establishment of, in Albany, by Mr. Rivers, *xvii* 289 ; to be built at Port Elizabeth, *xvii* 360 ; use of the Heidelberg catechism in, *xix* 187 ; public, are unsectarian, *xix* 225 ; premises occupied by the commissariat department are required for, *xix* 359 and 360 ; expenses incurred for the erection and maintenance of, since 1822, *xix* 376 to 379 ; private, is established by Mr. Pringle, *xix* 445 and 448 ; theological, establishment of, is proposed to train boys for the Dutch Reformed church, *xix* 498 ; establishment of, at Bathurst, *xx* 402
- Schoolmasters : need of, for public classical school at the Cape, *xvi* 415, *xviii* 346 ; estimated profits and expenditure of, *xvi* 416 ; should be able to teach both the English and Dutch languages, *xix* 498
- Schooners : construction of, to be stationed at the Kowie, for unloading government vessels, *xvi* 299, *xvii* 81 ; wreck of, and expense of replacing, *xx* 72
- Schutte, H., land surveyor : measurements of, *xix* 306 and 309
- Scotch church, London Wall : meeting of, held on the 31st October 1814, *xviii* 402 ; inquiries to be made by, concerning Mr. Rannie, *xviii* 405 *et seq.* ; meeting of, held on the 2nd December 1814, *xviii* 430
- Scotch presbyterian church : proposed union of, with the Dutch Reformed church at the Cape, *xix* 495 and 496
- Scotch presbyterian clergymen : proceed to the Cape to serve in Dutch Reformed churches after studying in Holland, *xvii* 209, *xix* 102, *xx* 392
- Scotch presbyterians : desire the erection of a church in Capetown, and solicit aid from the government, *xix* 331 to 338 ; meeting held by, *xix* 332 and 334
- Scott, George, settler : nothing done by, *xvi* 40 ; location for, *xvi* 424 ; death of, *xvi* 476
- Scott, Lieutenant-Colonel H. Maurice, of the 6th regiment : conciliatory policy of, towards Kaffirs, *xvii* 153 and 154, *xviii* 41, 42, 308, and 309 ; new measures adopted by, for defending the frontier, *xvii* 211, *xviii* 37 *et seq.* ; on the 1st December 1821 is appointed commandant of the frontier, *xviii* 37 ; sends a detachment to seize Gaika, which fails, *xviii* 39 and 309 ; meets Gaika at a conference near the Chumie, *xviii* 40 ; reports unfavourably on the establishment at Fredericksburg ; recommends an increase in the Cape cavalry, *xviii* 42 ; in October 1823 resigns



- command of the frontier, *xviii* 208 ; commands and reports the execution of a Kaffir for murder, *xix* 391, and 476 to 478
- Scott, Mr., clerk : dealings of, with Mr. Wilmot, *xviii* 96 ; visits Mr. Edwards in prison, *xviii* 112
- Scott, Sir Walter : recommends Mr. Pringle, *xix* 443
- Scully, Reverend P. Hurst, Roman catholic priest : alleged appointment of as public librarian, *xvi* 116, *xviii* 30 and 165 ; land granted and money advanced to, for building a Roman catholic chapel, *xviii* 29 and 166, *xix* 141 ; salary of, *xviii* 30 ; mission of, *xviii* 232
- Scutt Kraal : oxen impounded in, are lost, *xvii* 59 *et seq.*
- Sea Cow River : fieldcornetcy of, is divided, *xix* 478
- Sea Point : lighthouse erected on, utility of, *xvi* 61, 63, and 103
- Sealing and fishing : on the Bird and St. Croix islands, applications for, *xix* 105
- Secretary of the burgher senators : office of, *xvi* 246
- Securities : are to be given by all civil officers holding appointments of pecuniary trust in the colonies, *xvi* 490 to 492, *xvii* 479 and 486
- Seed corn : want of, by settlers, *xvi* 288 ; supply of, *xviii* 235
- Semeeno, a Motshuana : speech of, *xvi* 501
- Sephton, Hezekiah, settler : industry of party under, *xvi* 40 ; location is confirmed to, and additional land granted to, *xvi* 441, *xvii* 78 and 84 ; orders for the location and removal of party of, *xvii* 88 to 90
- Sequestrator's Department : list of officers of, with dates of appointment and salaries, *xix* 52
- Settlers : of Mr. Parker's party, are maintained by him, provisions being refused to, by the government, *xvi* 5 and 36 ; of Mr. Ingram's party, conduct and treatment of, *xvi* 6, *xviii* 185 to 191, and 218 to 228 ; in Albany, memorial of, expressing appreciation of Lord Charles Somerset's government, *xvi* 10 to 15 ; expense of conveyance of, to the Cape, per head, *xvi* 21 ; from Nottingham, idleness of, *xvi* 39 ; in the Zuurveld, difficulties and hardships of, from failures of crops and dread of Kaffir attacks, *xvi* 54, 56 to 60, and 128 ; alarm of, at Kaffirs being brought into the settlement for trade, *xvi* 72 and 73 ; are driven out of Albany by an obnoxious oath ; high quitrent demanded of, *xvi* 74 ; memorial of, to the secretary of state, is referred to the commissioners of inquiry, *xvi* 95 and 420 ; of Mr. Philipps' party, request a grant of land in Van Diemen's Land, with passage thither, *xvi* 129 ; of Mr. Francis' party, are removed from Clanwilliam to the Zuurveld, *xvi* 149 ; at Bathurst, injury to, by the removal of the magistracy to Grahamstown, *xvi* 166 and 206 ; at Grahamstown, distress of, through storms ; request a visit from the commissioners, *xvi* 178 and 407 ; are said to have been obnoxious to Colonel Bird, *xvi* 191 ; discontent of, and alleged harshness towards, *xvi* 208 ; at Tulbagh, present memorials against the removal of the drostdy to Worcester, and offer to repair the buildings, *xvi* 253, 256, and 257 ; in Albany, locations of, are too restricted ; confirmation and additional grants of land are made to, with rights of commonage, *xvi* 261, 329, 331, 378, 408, 414, 421, 441, and 475, *xvii* 3, 78, 82 to 85, 341, and 348, *xviii* 362, *xix* 97, *xx* 400 ; society for the relief of, is formed in Capetown ; report of the committee of, *xvi* 264 ; distribution of money to, *xvi* 265,

*xviii* 394 ; sufferings of, in America, Sierra Leone, and New Holland, *xvi* 272 ; in the first colonization of South Africa ; general good character of, *xvi* 273 ; in Albany, distresses, complaints and grievances of, *xvi* 275 to 289, and 452, *xvii* 79, *xviii* 150 *et seq.*, 301 to 310, 364, 369, 377, 384, 396, and 400, *xix* 5, 8 to 14, and 293 to 296 ; various classes of, *xvi* 279, *xvii* 341 ; in Albany, are forbidden to employ slave labour in cultivation, *xvi* 305 and 326 ; inquiry into the condition of, by the commissioners, *xvi* 305 ; Scotch, at Baviaans River, return of ; diligence and good conduct of, *xvi* 321, *xviii* 336 ; in Albany, issue of rations to ; question of repayment of deposits, and of indebtedness to the government, *xvi* 346, *xvii* 345 to 347, *xviii* 130, 147, and 304, *xx* 405 ; of Mr. Willson's party, disappointment of, and difficulty in locating, *xvi* 355 and 359 ; unsettled claims of ; consider themselves defrauded by him, *xvi* 362, *xix* 23, 117, 118, and 123 ; present an address to Sir Rufane Donkin, *xvi* 372 ; in the Zuurveld, English receive far less land than Boers, *xvi* 430 ; losses and difficulties of, *xvi* 432 ; are furnishing supplies for export from the Kowie mouth ; losses of, through blight, *xvi* 464, *xvii* 142 ; arrived too rapidly for Mr. Knobel to survey all their locations, *xvii* 19 ; liberality and care of the home government towards, *xvii* 22 ; of Mr. Menzies' party, removal of, by Sir Rufane Donkin's orders, *xvii* 67 ; issue of relief to, by the government, *xvii* 87 and 88, *xviii* 235 and 252 ; of Mr. Sephton's party, orders for the location and removal of, *xvii* 88 to 90 ; in Albany in February 1824, return of, *xvii* 94 ; in Bathurst in February 1824, return of, *xvii* 98 ; a committee is formed in London for the relief of, and a public subscription opened, *xvii* 108, *xviii* 35 ; in the Zuurveld, efforts of English and Scotch compared, *xvii* 120 ; houses built by, description of, *xvii* 121 ; are required to obtain passes before moving from one district to another, *xvii* 141 ; condition of, in 1824, *xvii* 220 *et seq.* ; restrictions imposed upon, *xvii* 224, 225, 229, and 466 ; difficulty of English, in competing with Dutch, *xvii* 227 ; probable effects of greater freedom granted to, *xvii* 228 ; brightening prospects of, *xvii* 308 ; from Ireland, distribution of, *xvii* 309 ; article published upon, in the *South African Journal*, *xvii* 322 and 325 ; in Albany, claims of, are investigated by a special commission, *xvii* 340, 356, and 460 ; are to be treated liberally, *xvii* 343 and 357 ; errors said to have been committed by the government in the settlement of, *xvii* 465 ; of Mr. Parker's party, location of, at Clanwilliam, and removal of, to Albany, *xviii* 17 and 26, *xix* 27 and 29 ; of other parties, removal of, from Clanwilliam, *xviii* 45, 144, 145, and 278 ; causes of the distress suffered by, *xviii* 47 ; difficulties and losses of, *xviii* 61 ; at Stellenbosch, loans made to, by the government, *xviii* 127 and 297 ; at Zonder End, complaints made by, *xviii* 129 ; in Albany, require labourers, if brought free of expense, *xviii* 195 ; brought out by Mr. Moody and Mr. Ingram, ready employment found by, *xviii* 255, 259, and 262 ; Scotch and Irish, do better than English, *xviii* 362 ; in Albany, express their satisfaction with Mr. Hope's division of land, *xviii* 281 ; address of, to the secretary of state, is commented upon by Lord Charles Somerset, *xviii* 300 *et seq.* ; at Baviaans River, remission of debt to government is asked for ; poverty of, *xviii* 334, 336, and 337 ; in Albany, claims of, are

- likely to be satisfactorily adjusted, *xviii* 346 ; relief afforded to, when in distress, by Mr. Rivers, and testimony borne by, *xviii* 372 to 401 ; misrepresentations concerning the relief of, *xix* 4, 5 to 8, and 14 ; of Mr. Willson's party, information given by, *xix* 77 ; appoint Mr. Boardman as their head, when deserted, *xix* 79 ; turbulent character of, *xix* 83 and 120 ; arrangements for the location of parties of, near the Wolvegat, *xix* 112 ; expenses incurred by the colony on account of, *xix* 342 and 345 ; of Mr. Pringle's party, order and diligence of, *xix* 444 and 453 ; on the frontier, efforts on behalf of, *xix* 454 ; governor's alleged indifference to the welfare of, *xx* 135 ; advantage to, of a direct trade from Albany, *xx* 384 ; desire a free passage for their wives and families, *xx* 401 ; solicit the continuance of Lieutenant Colonel Somerset as commandant, *xx* 411
- Settlers' Fund Society : see Society for the relief of distressed settlers
- Shaw, J., settler : grant recommended to, *xvi* 476 ; dispute of, with Mr. Fournier, respecting location ; decision is given against, *xviii* 258, *xix* 317 to 321
- Shaw, Reverend William, Wesleyan missionary : is permitted to evangelize the natives in Kaffraria on certain conditions, *xvi* 52 and 53 ; accepts the conditions imposed, *xvi* 133 ; visits Pato's kraal and neighbourhood with Mr. Thomson, and fixes upon a site for his establishment, *xvi* 199 ; relieves distressed settlers from funds remitted to him by the society, *xvi* 265 ; is consulted by Mr. Rivers respecting a school, *xvii* 289 ; testifies to the relief afforded by Mr. Rivers to suffering settlers, *xviii* 387 ; reports concerning the mission work in Kaffraria, *xix* 457
- Shawe, Mr., purser of His Majesty's ship *Menai* : helps to found the society for the relief of distressed settlers in South Africa in 1820, *xvi* 281
- Shawe, Samuel Edward, settler : comes out with Mr. Parker's party, and remains alone at the location, *xvi* 317, *xviii* 144 and 145, *xix* 27 and 30 ; land retained and purchased by, in the Kleine Valley, *xviii* 46, 203, and 205, *xix* 134, *xx* 382
- Sheep : proposed loan of, by the government, to distressed settlers in the Zuurveld, *xvi* 59 and 60 ; rearing of, for wool, *xvi* 75, *xix* 352, *xx* 95 ; disease among, *xviii* 278 ; Spanish, purchase of, from Mrs. Louw, *xviii* 344 ; by Mr. Louw, in 1814, *xviii* 444 ; various breeds of, *xix* 352
- SHIPS OF WAR ON THE CAPE STATION :—
- Leven* : on the 7th April 1823 arrives at the Cape, *xvi* 106
- Menai* : in July 1823 leaves for England, *xvi* 108
- Madagascar*, frigate : in July 1823 leaves for England, *xvi* 126
- Termaquant* : on the 6th July 1823 reaches England, *xvi* 163 ; on the 6th May 1823 sails from the Cape, *xvi* 167
- Jupiter* : in October 1823 sails for England, *xvi* 417
- Espiegle* : is the only ship of war left on the station in October 1823, *xvi* 420
- Neptune* : in May 1824 leaves for England, *xvii* 311
- Redwing* : in September 1819 takes the governor to Algoa Bay, *xix* 455
- Nautilus* : in November 1819 conveys the governor from Algoa Bay to Capetown, *xix* 455
- Andromache* : in January 1825 is not available to bring the governor back from Algoa Bay, *xix* 456

- Shipwrecks: of the *Buckbay Packet*, *xix* 139; of government schooners, *xx* 72
- Shortt, Francis: is employed to represent Mr. Anderson, and pleads the exception of prescription, *xvi* 28; on appeal, prays to be allowed to amend his summons; prayer of, is rejected, *xvi* 29; testimony of, to the confidence felt in Sir Rufane Donkin, *xvi* 84
- Siegrühn, P. F.: *xix* 95
- Sierra Leone: conveyance to, of two companies formed from the Royal African Corps, *xvi* 180; first settlement at, *xvi* 272; directions concerning the currency at, *xx* 24
- Silkworm, the: proposed culture of, *xx* 95
- Silver money: transmission of, to colonies, as the fittest medium for circulation, *xx* 20 *et seq.*, and 99; is to be a legal tender at the Cape, *xx* 123; payment of, for Spanish, or paper rixdollars, *xx* 373; shipment of, to the Cape, *xx* 393
- Simonstown: repairs to public buildings at, *xvi* 51; proposed extension of wharf and formation of a reservoir at, *xvi* 110, 111, 291, 297, and 313, *xvii* 105 and 242; wharfage duties are imposed at, *xvii* 233; appointment of a wharfmaster and storekeeper at, *xvii* 233, *xviii* 191; establishment of a court at, and appointment of an additional clerk, *xix* 262; destruction of church and injury to custom-house at, by storms, *xix* 348
- Simonstown Residency: list of officers at, with dates of appointment and salaries, *xix* 61
- Simpson, Geddes M.: reports to the Scots Church at London Wall an unfavourable letter concerning Mr. Rannie, *xviii* 402 and 406; defends Mr. Linton's father, *xviii* 431
- Simpson, J. P., member of the committee of the commercial exchange: *xviii* 497
- Sinclair, Thomas: copies the placard libelling the governor, *xviii* 105; examination of, *xviii* 111
- Slambie, Xosa chief: *see* Ndlambe
- Slater, Thomas, settler: distress and relief of, *xvi* 265
- Slave Lodge: proposal to break up, *xvii* 279; list of officers of, with dates of appointment and salaries, *xix* 57; condition of, *xx* 352; repairs necessary to, *xx* 360
- Slave Register Department: list of officers of, with dates of appointment and salaries, *xix* 57
- Slaves: schools for, *xvi* 12, *xvii* 41; proceedings at trials of, *xvi* 65 and 379; apprenticeship of, to settlers, *xvi* 75; marriages of, *xvi* 175, *xvii* 39 and 43; regulations concerning evidence, baptism, punishment, and religious instruction of, *xvi* 180 and 181, *xvii* 37 to 40, and 42, *xviii* 161, *xx* 2; traffic in, by Kaffirs with settlers, to be put down, *xvi* 207; employment of, in agricultural labour, by British settlers in Albany, prohibition of, *xvi* 305, 326, and 378; *xviii* 202, *xix* 165; emancipation of, *xvi* 451, 465, and 482, *xvii* 39, 49, and 50; copies of regulations concerning, are sent home, *xvi* 460; females are not to be flogged, *xvi* 493, *xx* 408 and 409; church for, is opened at Stellenbosch, *xvii* 50; labour of, on farms, enquiry into, *xvii* 99, 127, 225, and 226; tax levied on, in Tulbagh and Worcester, *xvii* 315, 319, and 352, *xx* 66, 126, 136, and 370; return of, in Kerkstraat, Brouwer-

- straat and the drostdy of Tulbagh, in 1824, *xvii* 334 ; efforts of Colonel Bird on behalf of, *xviii* 15 ; purchased by settlers at Clanwilliam, *xviii* 146 ; employment of, on public works, *xviii* 160 ; hire of, by farmers for harvesting, *xviii* 257 ; comfortable condition of, *xviii* 310 ; attendance of, at public worship, *xviii* 332 ; return of, at the Cape, in December 1824, *xix* 382 ; of Willem and Barend van der Merwe, trial of, for conspiracy and murder, *xx* 188 *et seq.*, and 407 ; capture of, by commando, *xx* 200 ; submissive conduct of, *xx* 313 ; incitement of, to rebellion, *xx* 314 ; insurrection of, is high treason, *xx* 322 ; entertain a general expectation of emancipation, *xx* 386 ; general rising of, is apprehended, *xx* 407 ; change in behaviour of, *xx* 408 ; difficulty of, in obtaining redress, *xx* 410 ; further particulars concerning, *xvi* 74 and 220, *xvii* 80, 158, 160, 161, 163, 164, 167, 188, 191, 192, and 363, *xviii* 263, *xix* 75
- Slaves, government : sale of, by auction, *xvi* 65, 379, and 396 ; information is desired concerning, *xvi* 140 ; measures to be adopted towards, *xvi* 141 ; condition of, at the Cape, *xvii* 279 ; return of, in 1824, *xix* 263, and 264 to 268 ; expense of maintenance of, from 1815 to 1823, *xix* 269 ; interrogatories concerning, proposed by the commissioners of enquiry to Colonel Bird, *xx* 349 to 353
- Slave trade : abolition of, *xix* 272 and 279
- Slavery : resolutions respecting, adopted in the House of Commons, *xvi* 445 ; amelioration of, is desired, *xvi* 493 ; might be destroyed by the introduction of more white labourers, *xviii* 35 and 47 ; is forbidden in Albany, *xix* 161 ; institution of, *xx* 313
- Slowman, Morris : colonial pass is withheld from, *xvii* 174
- Small-pox : outbreak of, in 1812, *xix* 399
- de Smidt, A. : *xix* 340
- Smith, Reverend Alexander : is ready to proceed to the Cape as a clergyman, *xvi* 7 ; requests passage and advance of salary, *xvi* 8 ; speech delivered by, *xix* 335 ; is a member of the committee for the erection of a Presbyterian church in Capetown, *xix* 336 and 338 ; interview of, with Dr. Philip, *xix* 483 to 485
- Smith, George, settler : has been generally absent from his location, *xvi* 40 ; distress of party of, *xvi* 285 and 288 ; location is confirmed to, *xvi* 441, *xvii* 78
- Smith, John, settler : grant recommended to, *xvi* 476
- Smith, Mr., commissary of justice at Mauritius : death of, *xvi* 420
- Smith, Mr. : offers to procure horses for Cape cavalry, *xix* 107 ; is a member of the committee for erecting a Presbyterian church in Capetown, *xix* 336
- Smith, William, settler : industry of party under, *xvi* 40 ; location is confirmed, and additional grant is made to, *xvi* 441, *xvii* 78 and 84
- Smuts, J. J. L., secretary to the Orphan Board : *xviii* 283, *xix* 95
- Sober Island : proposed extension of wharf to, *xvi* 291, *xvii* 106
- Society for the encouragement of arts, manufactures, and commerce : premiums offered by, *xvi* 290
- Society for the propagation of the gospel in foreign parts : work of, at the Cape, *xvi* 175
- Society for the relief of distressed settlers in South Africa : report of the

- committee of, *xvi* 264 ; aid given by, *xvi* 265 to 267 ; accounts of receipts and expenditure of, *xvi* 268, *xviii* 402 ; annual meeting of, held on the 17th September 1823, *xvi* 269 ; on the 18th August 1824, *xviii* 345, 363, 369, and 372 ; help afforded to, by friends from India, *xvi* 280 ; origin of, in 1820, *xvi* 281 ; objects of, are not political, *xviii* 367 ; further particulars concerning, *xvii* 79, *xix* 9, 10, and 40
- Soil : in the Zuurveld and in Albany, and at the Cape generally, is poor, arid, and saline, *xvi* 57 and 60, *xvii* 119, *xx* 96 ; is productive on the south-eastern coast, *xviii* 123
- Soldiers : employment of, in civil duties, *xvi* 86, *xviii* 1, *xix* 251 ; payment of balances due to, on their demise, *xvi* 455, *xviii* 8 : of the Dutch East India Company, claim of, to right of burghership, *xvi* 483 and 508, *xvii* 8, See Garrison
- Somerset, Lieutenant-General Lord Charles Henry, governor of Cape Colony : measures of, in Albany, are highly approved by some of the settlers ; attack upon, by others, *xvi* 11 to 13, *xviii* 300 ; supports Mr. Ryneveld's request for extra allowance, *xvi* 26 ; importation and sale of horses by, *xvi* 42 and 170, *xvii* 368, 370, 489, 490, 502, and 505, *xviii* 343, 344, 443, 446, 454, 459, and 460 ; urges the necessity of repairs to public buildings, *xvi* 50 and 332 ; charges brought against, by Sir Rufane Donkin, *xvi* 77, 107, 134, and 146 ; complains of the mal-administration of Sir Rufane Donkin, *xvi* 87 ; requests an explanation of his instructions as to oaths of office, *xvi* 105 ; favour shown by, to Mr. Parker, explanation of, *xvi* 117, 118, 192, and 471 to 475 ; expresses his satisfaction at the arrival of the commissioners, *xvi* 127 ; is accused of corruptly making an excessive grant of land to Mr. Redelinghuys, in conjunction with the sale of a horse, *xvi* 139 and 452, *xviii* 342, 443, 457, 459, and 475, *xix* 2, 15 to 17, 103, and 106 ; complaints made against, by Mr. D'Escury, *xvi* 163, 179, and 215, *xvii* 457, 458, and 459, *xviii* 311 to 314, *xix* 2 ; alleged hostile feeling of, towards persons and measures approved by Sir Rufane Donkin, *xvi* 208, *xviii* 13 ; proposes a copper coinage for the Cape, *xvi* 225 ; constructs a schooner for unloading government vessels at the Kowie, *xvi* 299 ; requires Colonel Bird to take the oaths prescribed in his instructions, *xvi* 299 to 304 ; purchases a house in Grahamstown for the secretary of Albany, *xvi* 325, *xvii* 36 ; projects a public classical school at the Cape, *xvi* 415 and 417 ; refuses to confirm an extension of grant to Lieutenant White, *xvi* 433 *et seq.* ; supports Mrs. Evans' request for an increase of pension, *xvi* 460 ; bills drawn by, *xvi* 496, *xvii* 35 ; visits the Knysna and George, and promises a grant of land to F. Jonk, *xvi* 507 ; incurs unauthorised increase in public expenditure, *xvii* 7 and 210, *xix* 154, *xx* 362 ; removes the seat of magistracy from Bathurst to Grahamstown, *xvii* 16 ; explains and defends his proclamation concerning the treatment of slaves, *xvii* 42 ; charge of irreligion is brought against, *xvii* 54, 56, and 58 ; measures of, for repressing the depredations of Kaffirs, are approved, *xvii* 142 ; makes an allowance for houserent to the resident at Mossel Bay, *xvii* 176 ; returns to be transmitted by, *xvii* 217 ; imposes a wharfage duty at Simonstown, and appoints a wharf master, *xvii* 233 ; comments upon Mr. Geary's memorial, *xvii* 247 *et seq.*

and 291 ; refuses a grant of land to Mr. Geary, *xvii* 251 ; comments upon Mr. Edwards' letters, *xvii* 268 *et seq.*, and 276 ; desires Mr. Geary to make reparation to Mr. Rivers for his indecorous conduct, *xvii* 287 and 292 ; issues a warrant for the suppression of the *South African Commercial Advertiser*, *xvii* 300 and 306 ; charges Mr. Pringle with insolence and disaffection, *xvii* 322, *xviii* 57 ; requests him to continue the publication of the *South African Journal*, *xvii* 325 ; imputations against, by Mr. Edwards, *xvii* 383, 393, and 398 ; is relieved by the removal of Colonel Bird, *xvii* 470 ; forwards his letter to the secretary of state, *xvii* 471 ; solicits sanction to the expense of public buildings erected in Albany, *xvii* 484 ; explains the advantages of constructing roads into the interior, *xviii* 1 ; has repeatedly offered land to Colonel Bird, but now objects, *xviii* 23 ; discourages the erection of an English church in Capetown by subscription, *xviii* 33, 147, and 163 ; objects to the establishment of many posts on the frontier, *xviii* 39 ; defamatory placard is published against, on the 1st June 1824, *xviii* 65 *et seq.*, *xix* 151, *xx* 168, and 183 to 185 ; issues an order to search the dwellings of Messrs. Burnett, Greig, and Lee for defamatory papers, *xviii* 80 and 81 ; replies to Mr. Parker's charges against the government, *xviii* 192 ; denies knowledge of Colonel Bird's Roman Catholicism previous to 1822, *xviii* 192 ; is requested to become the patron of the South African literary society, *xviii* 179 and 289 ; declines to countenance or sanction the society, fearing political discussion, *xviii* 289, 293, and 295 ; land granted by, and change of tenure effected by, *xviii* 237 ; observations made by, on the complaints of Albany settlers, *xviii* 301 to 310 ; aids and encourages Scottish settlers, *xviii* 335 ; charges Dr. Philip with duplicity and disaffection, *xviii* 345 *et seq.*, *xix* 481 *et seq.* ; kindness and liberality of, towards distressed settlers, *xviii* 388, *xix* 351 ; visit of, to England, in 1820, *xviii* 450 ; decision of, respecting the pasturage on the Hantam mountain, *xviii* 450, 451, 482, and 484 ; insists on the separation of public from private business, *xviii* 465, *xix* 108 and 109 ; objections to grants of land made by, *xviii* 472 *et seq.* ; want of discretion shown by, *xviii* 493 ; refuses to grant additional lands to the missionary institution at Bethelsdorp, *xviii* 500 and 505, *xix* 287 ; list of perpetual quitrent and freehold grants made by, in Albany, from 1821 to 1824, *xix* 37 to 39 ; is requested to explain his proceedings towards Mr. Greig, and to send legal opinion, *xix* 42 and 43 ; injuries said to have been inflicted by, on Mr. Greig, *xix* 467 and 468 ; alleged hostility of, to Colonel Bird, *xix* 100 and 399 ; refuses the possession of the Bird and St. Croix islands to Mr. King, but grants it to Mr. Korsten, *xix* 105 ; purchases premises for officers of the Cape Corps, on the frontier, *xix* 173 ; advocates the erection of barracks at Grahamstown, *xix* 174 ; directs the construction of a road over the Fransche Hoek, *xix* 251 ; investigation by, of Mr. Blair's conduct, *xix* 272 ; conference held by, with Kafir chiefs, in 1819, *xix* 341, 356, and 394 ; treats of the expenses incurred on account of British settlers, *xix* 342 ; purchases a house for the use of the colonial chaplain, *xix* 395 and 396 ; purchases Paarden Island for public use, *xix* 398 ; alleged hostility of, towards Mr. Pringle, *xix* 446 to 450 ; in 1825 visits the district of Albany, and reports on its condition, *xix* 454, *xx* 400

to 406 ; requests a return passage from Algoa Bay on the *Andromache*, *xix* 455 ; submits a proposal for the erection of an English church in Capetown, *xix* 480 ; instructions to, respecting the constitution and functions of a council, *xx* 6 to 11 ; alleged hostility of, to all freedom of discussion, *xx* 48 ; in February 1825 arrives at the Kowie, and receives an address from the inhabitants, *xx* 54 ; is said to have caused the publication of a libel against Mr. Geary, *xx* 132 ; reprehensible conduct of, *xx* 135 ; is appealed to by Mr. Burnett, *xx* 166 ; alleged enmity of, towards Mr. Burnett, *xx* 171, and 179 to 181 ; complains of a libellous paragraph in the *Times* and *Morning Chronicle*, *xx* 182 ; illness of, *xx* 410

Somerset, Captain H., son of Lord Charles Somerset : application of Mr. Francis to, *xvi* 151 to 153 ; commends his building, but neglects to locate him, *xvi* 153 and 158, *xvii* 469 ; forbearance of Sir Rufane Donkin towards, *xvi* 171 ; insulting conduct of, to Sir Rufane Donkin, *xvi* 172 ; sale of land by, *xvi* 186 ; treatment of Mr. Burnett by ; is said to have taken his forage for the Cape Corps, and evaded payment, *xvi* 186, 187, 190, and 262, *xx* 163 to 165, 390, and 395 ; is Major of the Cape Cavalry, *xvi* 206, *xviii* 9 ; large grant of land is made to, by his father, *xvi* 206 ; successful expedition of, against marauding Kaffirs, *xvi* 462 and 463, *xvii* 102 ; is charged with insulting the reverend William Geary, *xvii* 53, 258, and 259, *xx* 132 ; discharges Mr. Wait's servants, *xvii* 174 ; in October 1823 succeeds to the command of the frontier on the death of Lieutenant Colonel Fraser, *xviii* 41 and 304 ; declines to explain his language to Mr. Biggar, *xviii* 134 ; is said to have been insulted by him, *xviii* 135 and 137 ; recommends a personal deputation to the governor from the settlers in Albany, *xviii* 154 ; allegations against the conduct of, *xviii* 199 ; zeal and activity of, in the defence of the frontier ; judicious measures of, *xviii* 209, 211, and 328, *xix* 454, *xx* 404, 411, 413, and 415 ; reported retirement and supersession of, as commandant, *xviii* 209 and 211, *xx* 411 ; memorials praying for the retention of, *xviii* 209, 211, 305, and 329, *xx* 411 to 416 ; inspires Kaffirs with confidence and respect, *xviii* 331 ; is Lieutenant-Colonel, *xix* 454 ; further mention of, *xx* 72 and 371

Somerset, Lord R. Edward H., brother of Lord Charles Somerset : hopes that Sir Rufane Donkin will be compelled to withdraw or make good his charges, *xvi* 146

Somerset Farm : animals sold to, *xvi* 168 ; purchase of grain by, from the settlers at Baviaans River, *xvii* 85, 90, and 91 ; alleged danger of competition by, *xviii* 156 and 308 ; town is planned at, and drostdy established, *xx* 403

Somerset Hospital : is to be visited and reported upon by Dr. Barry, *xvii* 280 and 281

Somerville, Mr. : journey of, to Latakoo, *xix* 397

*Sorcerer*, colt : is imported by Lord Charles Somerset, *xviii* 446 ; sale of, to Mrs. and Willem Louw, *xvii* 490, 502, and 505, *xviii* 343, 448, 458, and 470 ; value of, *xvii* 490, *xviii* 461 ; is sold to Mr. Kotzé, *xix* 108

de Sousa, Vincente Guedes, master of the *Constantia* : imports negroes, *xvii*



- 158 ; hires negro apprentices from Mr. Tennant, and sells them as slaves, *xvii* 160 and 161
- South African Chronicle and Mercantile Advertiser* : extracts from, *xix* 4, 5, and 8.
- South African Commercial Advertiser*, newspaper published by Mr. Greig : prospectus of, *xvi* 469 and 470 ; numbers of, are forwarded to the secretary of state, *xvii* 236 and 310 ; reduced rate of postage is solicited for, *xvii* 237, *xviii* 9, *xx* 149 ; conditions of publication of, *xvii* 293 and 306 ; trial of Mr. Edwards is not to be published in, *xvii* 293, *xix* 146 ; proof-sheets of, are forwarded to the governor, *xvii* 294 ; publication of, is discontinued for the present, *xvii* 295 ; warrant for the suppression of, *xvii* 300, *xix* 148 ; establishment of, and suppression of, by the governor, *xvii* 306 and 363, *xix* 42, 144, 146, and 147, *xx* 183 ; object and success of, *xix* 145 ; amended prospectus of, *xx* 129 and 147 ; price of, in country districts, *xx* 150
- South African Company : proposal to form, and objects of, *xix* 284, *xx* 95 to 98 ; grant of land requested for, in the frontier districts, *xx* 97 and 348 ; proposed constitution of, *xx* 98
- South African Journal, or Magazine* : prospectus of, *xvi* 322 ; is published bi-monthly, by Messrs. Pringle and Faure, *xvii* 307, *xviii* 57 ; publication of, is discontinued, *xvii* 312, 325, 363, and 464, *xix* 150, *xx* 183 ; article in, excites the displeasure of the governor, *xvii* 322 ; passages in, and tone of, are severely commented on by the fiscal, *xvii* 461, *xviii* 57 ; passages considered obnoxious in, *xvii* 465 ; management of, *xviii* 296
- South African Literary Society : proposal for the institution of, *xviii* 167 ; objects and advantages of, *xviii* 167 to 169 ; subjects to be discussed by, *xviii* 171 and 173 ; regulations for, *xviii* 173 and 285 ; formation of, in August 1824, *xviii* 178 and 285 ; Lord Charles Somerset is requested to become the patron of, *xviii* 287 and 289 ; is disapproved by the governor, and its meetings declared illegal, *xviii* 288, 289, 290, and 295
- South African Times* : prospectus of, *xix* 502
- Southey, George, settler : industry of, *xvi* 40 ; distress of party of, *xvi* 288 ; location is confirmed to, *xvi* 424 and 441, *xvii* 78
- de Souza : see de Sousa
- Spanish dollars : value of, *xvii* 495 and 496, *xx* 18, 19, 21, 22, 23, 24, 25, and 373 ; payment of troops in, *xx* 18, 21, 22, 24, and 25
- Sparks, Anna, widow of Captain Sparks : solicits compensation for losses sustained at Fredericksburg, *xviii* 125, *xix* 73
- Sparks, Captain, of the Royal African Corps : military services of, *xviii* 125 and 126 ; losses of, in the attempt to form a settlement at Fredericksburg, *xviii* 126, *xix* 73
- Springboks : in the Zuurveld, *xvii* 119
- Stage coach : proposal to run, in Albany, *xix* 236
- Stanley, John, settler : industry of, *xvi* 40 ; loss of cattle by, *xvi* 287 ; location is confirmed to, and additional land granted to, *xvi* 424 and 441, *xvii* 78 and 83 ; question of boundary of, *xvii* 148
- Stanley versus Mullegan : case of, *xvii* 290
- Stanton, W. : land granted to, *xvii* 85
- Stationery : expenditure for, *xvii* 488

- Stegman, J. C. : *xviii* 86
- van der Stel, Governor : complaint against, *xvii* 200
- Stellenbosch: expense incurred by, in making a road across the mountains, *xvi* 263 ; consecration of church for slaves at, *xvii* 50 ; damage done at, by storms, in 1822, *xviii* 59, 60, and 127 ; loan made by government to the distressed inhabitants of, *xviii* 127 and 297 ; expeditions from, against Bosjesmen, *xviii* 148, *xix* 19 ; list of officers in, with salaries, *xix* 63 ; advance made to, for losses by fire, *xix* 425 ; sum granted to missionary society at, for injury through storms, *xix* 476
- Stevenson, Mr. : *xviii* 430
- Stockenstrom, Captain Andries, landdrost of Graaff-Reinet : visits the settlers at Baviaans River, and commends Mr. Pringle's exertions and conduct, *xvi* 322, *xx* 60 ; applications for land received by, *xvii* 297 ; return signed by, *xvii* 508 ; attention of, to settlers, *xviii* 335 and 336 ; conducts the conference with the Kaffir chiefs, in 1819, *xix* 357 ; testimony to, by Mr. Murray, *xix* 484, 485, and 486 ; removes bush girls from Mr. Theron, *xx* 82 ; is vindicated by Mr. Burnett, *xx* 179
- Stoel, Pieter, 1st undersheriff : deposition of, *xvi* 383
- Stoll, J. W., landdrost of the Cape district : is a member of the committee for the relief of distressed settlers, *xvi* 264 and 269 ; is His Majesty's receiver-general, *xvi* 468, 486, and 487, *xix* 383 and 385 ; is appointed to receive subscriptions for a church at Port Elizabeth, *xvii* 360 ; is surety for the sum advanced to Colonel Bird, *xviii* 244 ; as acting president of the Lombard Bank makes an advance on the security of the Roman Catholic chapel, *xix* 141 ; inspects Mr. Willson's accounts, and is satisfied that he has discharged all claims, *xix* 255 ; is appointed a member of the council, *xx* 8 ; government slaves are transferred to, *xx* 351, further mention of, *xvi* 316 and 428, *xvii* 117, *xix* 103
- Stone, Richard : alleged illegal sentence of, *xvii* 276 and 399
- Storehouses : question of building for government purposes, *xix* 99
- Storms : damage and loss occasioned by, in 1822, at Tulbagh, *xvi* 254 and 257 ; in Albany and Graaff-Reinet, *xvi* 424 and 452 ; at Stellenbosch, *xviii* 127, *xix* 476 ; throughout the colony, *xix* 343, 344, and 346
- Streets : construction and preservation of, *xvi* 234, 243, and 245
- Stretch, R. A. : evidence given by, *xix* 323
- Strutt, Colonel : forwards to government an account of the Zuurveld by Mr. Francis, *xvi* 53
- Stuart, Captain : commands the expedition to capture Gaika, *xvii* 154
- Stubbs, Mr., settler : activity of, *xvi* 40 ; murder of, by Kaffirs, *xvi* 73
- Sturt, Reverend George W., colonial chaplain : educates Mr. Willson's sons, *xvi* 9 ; charge preferred against, by Messrs. Flight and Robson, *xvii* 141
- Surman, George, settler ; grant recommended to, *xvi* 476
- Surveys : of Noah's Ark Rock is ordered for a lighthouse, *xvi* 101 ; of lands for the location of settlers, *xvii* 344 and 349, *xviii* 339 ; of the frontier districts, *xvii* 483 ; of the Hantam mountain, *xviii* 449 and 482 ; of Mr. Woodcock's location, *xix* 134 ; of roads, is desirable, *xix* 354 ; of premises for classical school, *xix* 360 ; of land upon the Kat river, in 1820, *xix* 394
- Sutherland, Reverend Henry : is ready for ordination ; an appointment is

- requested for, *xvi* 213 and 224, *xvii* 236 ; studies the Dutch language in Holland, and returns, *xvi* 214, *xvii* 209 and 235 ; is ready to proceed to the Cape, *xvii* 235 ; is a member of the committee for the erection of a Presbyterian church in Capetown, *xix* 336
- Swan, Mr., government surveyor : *xvi* 154, *xix* 341
- Swanepoel, Martha Elisabeth, widow of Johannes Verlee : deposition of, *xx* 288 ; further mention of, *xx* 291
- Swanepoel, P. : *xx* 191
- Swellendam : Mr. Schönberg is appointed landdrost of, *xviii* 28 ; list of officers in, with dates of appointment and salaries, *xix* 63
- Sydserrf, C. J. B. : is located at Baviaans River, *xvi* 321
- Synnot, Captain Walter, deputy landdrost of Clanwilliam : is located at Clanwilliam, *xviii* 45, 144, and 276 ; location of, cannot be cultivated by Europeans only, *xviii* 202 ; queries proposed to, by the commissioners of enquiry, *xviii* 203 ; additional land is granted to, *xviii* 277 ; part taken by, in the question of Mr. Redelinghuys' claim to the Hantam mountain, *xviii* 484, 485, and 486, *xix* 16 ; right of, to the use of government grazing land, *xix* 135
- Synod : of the Dutch Reformed churches in the colony, session of, in November 1824, *xix* 186 and 494 ; regulations suggested by, *xix* 187, 189 *et seq.* ; resolutions passed by, *xix* 188, and 216 to 222 ; times of meeting of, *xix* 209, 218, and 233 ; proceedings and deliberations of, *xix* 495 to 501
- Syrowens, Sergeant, of the 49th regiment : acts as market-master, *xx* 182
- Taaybosch Kraal : Captain Butler is located at, *xviii* 144 ; land and produce at, *xviii* 204
- Table Bay : dangers of, to approaching ships, and need of a light, *xvi* 61 and 103 ; wrecks in, *xvi* 62
- Tait, Peter : locates a party of settlers from Scotland in the George district, *xix* 140 ; reports upon the state of agriculture there, *xix* 350 ; solicits an appointment at the Cape, *xix* 356
- Tancred, king of Sicily : *xvi* 115
- Taxes : collected by the burgher senate, and purposes of, return of, *xvi* 194 ; levied on the inhabitants of Capetown from 1815 to 1823, return of, *xvi* 196 to 198 ; levied on houses, stores, and cellars, for the water-leading, *xvi* 198 ; increase of, in Tulbagh, *xvi* 230, *xvii* 352 to 356 ; lists of, to be made by commissaries, *xvi* 235 ; lists of, to be drawn up by burgher senators, *xvi* 243 and 245 ; levied on settlers, impede agriculture, *xvii* 225, *xviii* 263, *xx* 405 ; increase of, in Worcester, in 1823, *xvii* 315 ; levied upon slaves, *xvii* 315 and 319, *xx* 126, 136, and 370 ; are not imposed by the governor of New South Wales, *xvii* 462 ; on wine, supports the library, *xviii* 163
- Taylor, Captain : commands the Cape cavalry, *xviii* 135 and 137
- Taylor, Major, of the 6th Regiment : refuses a detachment to recover stolen cattle, *xviii* 209
- Tea : brought to the Cape on the *Nostra Senhora da Guia*, confiscation of, *xvi* 19 and 20

- Teachers, public : list of, with dates of appointment and salaries, *xix* 61 ; expenses incurred on account of, *xix* 376 to 379
- Teachers, religious : in the Dutch Reformed church, regulations concerning, *xix* 193 to 195, 223, 224, 226, and 498
- Tennant, Alexander : negroes are indentured to, as apprentices, *xvii* 158 ; neglectful conduct of, death of, *xvii* 159 ; apprentices hired out by, are sold as slaves, *xvii* 160 and 162
- Teysho, aged Betshuana chief : accompanies Mr. Moffat to Capetown, *xvi* 497 ; speech of, *xvi* 500
- Thackway, W. : additional land is granted to, *xvii* 83
- Theron, D. J. : fieldcornet at Tulbagh : sends a return of houses and inhabitants, *xvii* 333
- Theron, Jacobus : grievances of ; case of, is to be investigated, *xx* 81 ; memorial of, *xx* 81 to 90 ; complains of want of means, and of inability to procure documents, *xx* 349
- Theron, Johannes Stephanus, fieldcornet of Worcester : objects to the removal of the drostdy from Tulbagh to Worcester, and requests its restoration, *xvi* 425, *xviii* 51 ; reports the capture of Abel, *xx* 200 and 306
- Theron, Pieter F., deacon of Tulbagh : objects to the removal of the drostdy from Tulbagh to Worcester, *xvi* 226, *xvii* 351
- Theron, Pieter J., acting landdrost of Tulbagh : complains of the removal of the drostdy from Tulbagh to Worcester, *xvi* 226, *xvii* 351 ; statement by, *xvii* 316 ; salary and duties of, as special heemraad, *xvii* 317 ; accompanies the commissioner to the old drostdy house, *xvii* 327 ; further mention of, *xx* 304 and 306
- Thiebault, Captain L. M., of the engineers : assists the commissioners of the court of justice to appraise the territorial possessions of the Dutch East India Company, *xx* 103, 105, and 108 ; draws a plan for the drostdy house in Tulbagh, and designs the verandah, *xvi* 227, *xvii* 327 and 335
- Thom, Alexander, A. M., master of the Royal Gordon Hospital at Aberdeen : *xvi* 449
- Thom, Reverend Doctor George : efforts of, to obtain ministers and missionaries for the Cape, *xvi* 7, 133, and 448 ; proposal made by, for the religious instruction of slaves, *xviii* 161 ; is a member of the committee for the erection of a Presbyterian church in Capetown, *xix* 336
- Thomas, James, settler : industry of, *xvi* 40
- Thomas Durham, the : takes Indian corn for settlers to Algoa Bay, *xvi* 364
- Thompson, George : account by, of the Betshuana assembly at Latakoo, *xvi* 497 ; is named by the fiscal as a witness, *xvii* 207
- Thomson, Reverend William Ritchie, government missionary : is to be kept informed of Mr. Shaw's proceedings, *xvi* 53 ; visits Pato's kraal with Mr. Shaw, and fixes upon a site for the new missionary settlement, *xvi* 199 ; reports the temper and movements of Kaffirs, *xvi* 207, *xviii* 38
- Thornhill, Christopher T., settler : industry of, *xvi* 40 ; distress of party of, *xvi* 288 ; location is to be confirmed to, and additional land to be granted to, *xvi* 409, 422, 424, and 441, *xvii* 78 and 84 ; testifies to the relief afforded by Mr. Rivers to distressed settlers, *xviii* 397

- Thwait's, Thomas, brewer : dealings of, with Mr. Edwards, *xviii* 78 and 91 ; evidence given by, *xviii* 103 to 108
- Thys, Isaak, Hottentot servant of Willem van der Merwe ; trial of, for joining in the conspiracy of slaves to murder their masters, *xx* 188 *et seq.* ; charges made against, *xx* 203 ; examination and statement of, *xx* 226 to 231 ; pleads coercion by Galant, *xx* 231 ; sentence of death is passed upon, *xx* 340 ; further mention of, *xx* 292, 302, 320, and 336
- Tier, J., messenger of the colonial office : burghership is issued gratis to, *xvii* 23
- Timber : cargo of, is brought to Algoa Bay for building houses, *xvi* 23 ; is procured at the Knysna for the naval service, *xvi* 51 ; excellence of, on the south-eastern coast, *xviii* 123 ; abundance of, in the George district, *xix* 350 and 351
- Times*, the : report in, of the trial of William Edwards, *xx* 182 and 183
- Tobacco : proposed culture of, *xx* 95
- Tod, A. B. : is a member of the committee for the relief of distressed settlers, *xvi* 264 and 269
- du Toit, Gert : complains of the removal of the drostdy from Tulbagh to Worcester, *xvii* 352
- du Toit, J. F., fieldcornet : complains of the removal of the drostdy from Tulbagh, and of the heavy taxation, *xvii* 355
- du Toit, Stephanus J. : takes charge of Mr. Ingram's cattle, *xviii* 204
- du Toit, Willem François, fieldcornet : leads a commando against a gang of slaves and Hottentots, and takes them prisoners, *xx* 200, 257, and 304 ; deposition of, *xx* 256 ; reports given by, *xx* 304 and 307
- Toils : levy of, *xvii* 336, *xviii* 2, *xix* 245, 253, and 254 ; exemption from, *xvii* 337
- Trade. *See* Barter and Commerce
- Trappes, Captain Charles, of the 72nd Regiment : appointments and land are said to have been given to, on account of his being a Roman Catholic, *xvi* 3, 100, 115, 411, and 412 ; sale of houses by, *xvi* 3 and 186 ; returns made by, *xvi* 484, *xx* 126 ; removes settlers by Sir Rufane Donkin's orders, *xvii* 67 ; is charged with injustice and oppression by Mr. Erith, *xvii* 171 ; becomes landdrost of Tulbagh, *xvii* 316, *xviii* 29 ; appointment of, as provisional magistrate at Bathurst, *xviii* 27, *xix* 90 ; facilities afforded by, to servants to leave their masters, *xviii* 151, *xix* 92 ; appointment of, as landdrost of Worcester, *xviii* 238 ; gives information to the commissioners respecting public buildings, *xix* 239, *xx* 66 ; is asked whether he is a Roman Catholic and a Jesuit, *xix* 491 ; is a Roman Catholic, but has not sought to introduce that faith into the colony, *xx* 4 ; complaints made to, by slaves, *xx* 215 ; commands government order to be published to masters and slaves, but afterwards recalls it, *xx* 409 ; further mention of, *xvi* 360 and 362, *xvii* 313
- Treadmill : erection of, in the Capetown prison, *xvi* 299, *xvii* 81
- Tredgold, J. H., apothecary : mention of, *xviii* 320, *xix* 183
- Trinidad : treatment of slaves in, *xx* 2
- Tronk, the : wretched state of prisoners in, *xvii* 245 and 280
- Trotter, John : is a member of the committee for the relief of distressed settlers, *xvi* 264, 269, and 270

- Truter, Sir John Andreas, Knight, LL.D., chief justice: is a member of the committee for the relief of distressed settlers, *xvi* 264, 269, and 270; administers oaths to Colonel Bird, *xvi* 301; takes the chair at the meeting of wine growers and merchants, *xvii* 116; investigates and reports on the charges brought by Mr. Cooke against Mr. Blair, *xvii* 138, 139, 140, 214, and 232; commits Mr. Edwards to prison, *xvii* 145; urges his prosecution upon the governor, *xvii* 350; proceedings held before, in the case of William Edwards, *xvii* 424 *et seq.*, *xviii* 99; approves of the removal of Colonel Bird from office, *xvii* 470; opinion of, on the restriction of the sale of patent medicines, *xvii* 475; grants of land made to, *xviii* 24 and 238, *xix* 101; flattering tribute of, to Sir Rufane Donkin, *xviii* 26; brings Mr. Edwards' letters before the court of justice, *xviii* 98 and 115; considers Mr. Liesching qualified to practice as a chemist and druggist, *xviii* 121, 229, 299, and 315; joins the South African literary society, but afterwards withdraws, though approving its objects, *xviii* 287, 289, 290, and 291; is not entitled to legislate for the medical profession, *xviii* 320; attends the synod of the Dutch Reformed churches as political commissioner, *xix* 209, 212, 215, 216 to 222, and 494; is appointed a member of the council, *xx* 7; is to consider and report upon all new laws proposed, *xx* 13; decides the case of his son, *xx* 83; legal opinion of, concerning the law of libel, *xx* 139; opinion of, on Mr. Burnett's case, *xx* 176; proceedings held before, in the trial of slaves and Hottentots for murder, *xx* 188; cession of government slaves to, *xx* 352; statement by, on the state of slaves in the colony, *xx* 385 and 407; further mention of, *xvi* 395 and 447, *xvii* 171, 188, 305, 322, 324, and 325, *xviii* 80, 114, and 228, *xix* 446, *xx* 161 and 410
- Truter, Johannes Andries, advocate, son of the chief justice: acts as counsel for his brother, *xx* 83
- Truter, Olof Johannes, son of the chief justice: refuses to pay or return draft to Mr. Theron, *xx* 82; appeals to the court of justice, *xx* 83
- Truter, Petrus Johannes, senior, political commissioner for church affairs: long services of, retirement of, with a pension is solicited, *xix* 397; attends the synod of the Dutch Reformed churches in November 1824; subsequent illness of, *xix* 494; on the 31st January 1825 dies, *xx* 32
- Truter, Petrus Johannes, junior: is secretary to the burgher senate, *xvi* 195 and 198; is a member of the court of justice, *xvi* 395; assists in the search for defamatory papers against the governor, *xviii* 82 and 99
- Tslambie: *see* Ndlambe
- Tulbagh: removal of the drostdy from, to Worcester, objections to, *xvi* 226, 253, 256, 257, and 425, *xvii* 315, 318, 320, and 351 to 356, *xviii* 51; drostdy house and other public buildings erected at, *xvi* 227, *xvii* 317, 329, and 335; good wheat is grown at, *xvi* 228; sale of land and buildings at, and depreciation of property, *xvi* 230, *xvii* 333, 336, and 339, *xx* 126; lists of inhabitants of, *xvi* 255, 257, and 259; unsuitability of, for a drostdy; special heemraad is appointed for, *xvi* 260; damage done at, by storms in 1822, *xvii* 313, 314, and 339, *xviii* 59 and 60; Captain Trappes is appointed landdrost of, *xvii* 316, *xviii* 29; drostdy house at, is visited by the commissioner; description of, *xvii* 327; return of erven

- and population at, in May 1824, *xvii* 334 ; list of officers in, with dates of appointment and salaries, *xix* 69 ; repair of public buildings at, *xx* 67
- Tulleken, T., land surveyor : error made by, in pointing out boundary to Mr. Parker, *xvi* 4 ; further mention of, *xvi* 148 and 315, *xix* 134, *xx* 70 and 71
- Tulloch, John, A. M., professor of mathematics at King's College : *xvi* 449
- Turvey, Edward, settler : nothing is done by, *xvi* 40 ; is referred to the landdrost, *xvi* 424 ; party of, is broken up, *xvi* 477 ; location of, is given to another, *xvii* 83
- Twycross, Stephen : letter is written to, by Mr. Edwards, *xviii* 69 ; is a member of the committee of the commercial exchange, *xviii* 497
- Ubsdale, George, settler : grant recommended to, *xvi* 476
- Uitenhage, district of : granting of lands in, and question of cultivation of, by free or slave labour, *xvi* 326, *xix* 135, 161, and 166 ; list of officers in, with dates of appointment and salaries, *xix* 67
- Umlawu, elder brother (error, really father) of Gaika : death of, *xix* 364
- Underwood, Captain : *xvii* 505
- Uniform : to be worn by governors and superior officers, *xix* 153
- Union Society : *see* Bible
- Usher, Mrs. : libel concerning, *xviii* 84 and 110
- Usher, Mr. : *xviii* 87
- Vaccine Institution : list of officers of, with dates of appointment and salaries, *xix* 56 ; hire of office for, *xix* 330
- Valentyn, Hottentot : trial of, for joining in the conspiracy of slaves to murder their masters, *xx* 188 *et seq.* ; charges made against, *xx* 204 ; examination and statement of, *xx* 246 to 248 ; pleads coercion, *xx* 248 ; sentence passed upon, *xx* 340 ; further mention of, *xx* 326, 330, and 336
- Van Diemen's Land : a passage to, and grant of land in, is desired by Mr. Philipps and other settlers at the Cape, *xvi* 129 and 289, *xvii* 308 ; request for removal to, cannot be granted, *xvi* 261
- Vanderkemp, Reverend Doctor T. F. : work of, among the Hottentots ; establishes the missionary institution at Bethelsdorp, *xvi* 215, *xviii* 498, *xix* 286 ; death of, in 1811, *xvi* 215, *xix* 286
- Venables, W. F. : attack upon, in his own house, by Mr. Edwards, *xvii* 114, 116, and 403
- Vendue Department : list of officers of, with dates of appointment and salaries, *xix* 51
- Vendue rolls : discount of, by the bank, *xix* 413
- Vendues, commissary of : office is required for, *xviii* 272
- Verlee, Johannes Marthinus, schoolmaster : is shot by slaves and killed, *xx* 197, 202, 203, 207, 219, 228, 231, 237, 240, 241, 244, 289, and 291 ; inquest is held upon, *xx* 305
- Vessels : registering of, *xvii* 452
- Vestry : powers and duties of, in a Dutch Reformed congregation, *xix* 191, 195, 197, 201 to 205, 210, 219, 230, and 234
- Veyll, Mr. : sale of a horse to, by Lord Charles Somerset, *xvii* 505

- Vice, James : land granted to, *xvii* 84
- Vice, Robert : land granted to, *xvii* 84
- Vigo, His Majesty's ship : Mr. Nourse embarks on, in 1820, *xvii* 29
- Villnagel, F. C.. apothecary : *xvii* 241
- Vine, the : culture of, at the Cape, *xvii* 129 and 130, *xx* 95 and 116
- Wlak, Hottentot : trial of, for joining in the conspiracy of slaves to murder their masters, *xx* 188 *et seq.* ; charges made against, *xx* 204 ; examination and statement of, *xx* 248 ; pleads coercion, *xx* 248 ; sentence passed upon, *xx* 340 ; further mention of, *xx* 326, 330, and 336
- Voet : citations from, *xvii* 435 and 440
- Volunteer Corps : proposal to enrol settlers in, *xvi* 353
- Vos, Reverend Mr. : resides at Tulbagh, *xvii* 318 ; is visited by the commissioner, *xvii* 333 ; damage done to house of, by storms, *xvii* 339
- de Waal, Mr. : money lent by, for erecting public buildings at Tulbagh, *xvii* 337
- Wages : high rate of, in the colony, *xvi* 6, 50, 74, 137, and 306, *xvii* 222, 309, and 343, *xviii* 35, 36, 43, 48, 195, 220, 222, 256, 261, 301, and 310, *xix* 6, 9, 294, and 296, *xx* 53, 357, 358, and 401 ; minimum, of Mr. Ingram's articulated servants, *xvi* 204 ; earned by Hottentots and slaves, *xvi* 217, *xx* 358 ; of negro apprentices, *xvii* 167 ; in the south of Ireland, *xviii* 227 ; proposed, for boy and girl apprentices, *xx* 59
- Waggons : difficulties of, in traversing mountain passes, *xix* 242, 244, and 245 ; for the conveyance of mail, *xix* 357
- Waggon-hire : is charged to Mr. Willson, though remitted to other settlers, *xix* 326
- Wainwright, Jonathan, settler : industry of, *xvi* 40 ; location is confirmed to, *xvi* 424 and 441
- Wait, William, settler : additional land is requested by and granted to, *xvi* 32, 179, and 424, *xvii* 83 ; little cultivation is done by, *xvi* 40 and 477 ; complains respecting his location, of delay and loss, *xvii* 172 to 174, and 176 ; money advanced to, *xviii* 235 ; testifies to the kindness of Mr. Rivers, *xviii* 389
- Wakefield, the : conveys Mr. Willson to Capetown, *xvi* 366
- Walker, J., settler : money advanced to, by the government, *xvii* 88, *xviii* 235
- van der Walt, Mr. : *xix* 484
- Walters, Mr., settler : belongs to Mr. Parker's party, *xix* 27
- Ward, Mr. : *xvii* 61
- WARRANTS :—
- 31 December 1823. For His Majesty's pardon, granted to the slave Rosalyn, *xvi* 481
- 10 March 1824. Issued by Lord Charles Somerset, appointing a committee to investigate the charges brought by Mr. Cooke against Mr. Blair, *xvii* 138
- 8 May 1824. Issued by Lord Charles Somerset, for the suppression of the *South African Commercial Advertiser*, *xvii* 300 and 305
- Warrants : issue of, by governors, to committees of inquiry, *xvii* 232 ; execution of, *xvii* 305 ; mode of payment of, *xx* 346



- Watchmen : appointment of, by commissaries of the court of justice, *xvi* 236 ; by burgher senators, *xvi* 243 and 247
- Water : scarcity of, in the Zuurveld, *xvi* 54 and 55 ; is cut off from the location of Mr. Francis, *xvi* 156 ; taxes levied for the leading of, upon houses, stores, and cellars, *xvi* 198 ; supply of, for the navy, at Simonstown, *xvii* 106 ; use of, in Grahamstown, regulations for, *xvii* 292 ; want of, in Albany, *xvii* 298, *xix* 91 ; supply of, in the Kleine valley, *xix* 28 and 33 ; on the allotment of Mr. Shaw, *xix* 319 and 320 ; is plentiful in the George district, *xix* 351 ; for washing wool, *xix* 353
- Water communication : difficulties of, in the colony, *xix* 246 and 255
- Wathall, Mr., undersheriff of Grahamstown : has charge of the Scutt Kraal, *xvii* 60 ; alleged bad character of, *xvii* 68, 290, and 499 ; abuses permitted by, in the prison, *xvii* 254 ; trial of, for using insulting language to Mr. Geary, *xvii* 255 ; acquittal of, *xvii* 257 ; is appointed first messenger in the landdrost's office, *xvii* 258
- Watney, John Pigott, settler : gives prolonged shelter to Mr. Parker, *xx* 62 ; is at last compelled to eject him, *xx* 63
- Weeks, James, settler : returns to Mr. Osler's location, *xvi* 39 ; grant recommended to, *xvi* 476
- Wehr, Doctor T. H. F. C. L. ; inquest held, and report given by, *xvi* 381 ; is allowed to prolong his stay in Europe, *xix* 469
- Weights and Measures : in use at the Cape, sets of, are transmitted to England, *xvi* 417
- Wells, Sergeant W. O., of the 49th regiment : acts as market-master, *xx* 182
- Wentworth, William, settler : land to be granted to, *xvi* 477. *xvii* 3 ; solicits a loan for the purchase of stock, *xix* 14
- Wentzel, W. A. : *xix* 103
- Wesleyan Missionary Society : work of, in South Africa, *xix* 457
- Wesleyville, missionary institution : progress of, *xix* 457
- West India Islands : instructions to the governors of, *xvi* 445
- de Wet, F. W., clerk in the fiscal's department : *xvii* 162
- de Wet, Henricus, advocate : is appointed to plead Mr. Theron's case, but neglects it, *xx* 88 and 89
- Whale and Seal Fisheries : proposed development of, *xx* 95
- Wharf : in Table Bay, repair of, *xvi* 66 ; at Simonstown, extension of is necessary, *xvi* 111, 291, 297, and 313, *xvii* 105 to 107 : cost of extension of, cannot be borne by the naval department, *xvii* 242
- Wharf Department : list of officers of, with dates of appointment and salaries, *xix* 51
- Wharfmaster : appointment of, at Simonstown, *xvii* 233. *xviii* 191
- Wheat : price of, *xvi* 431, *xviii* 205, *xix* 409 and 442 ; tender of, to Somerset farm, by Mr. Pringle, *xvii* 87, 90, and 91 ; cultivation of, in the Kleine valley, *xviii* 203
- Whiskin, John : appeal of, before His Majesty in Council, *xvi* 113
- Whiston, J. H. : is cited as a witness by the fiscal, *xvii* 207 ; signs the memorial for a free press, *xviii* 58 ; is a friend of Mr. Edwards, and visits him in prison, *xviii* 91 and 112
- Whitaker, Doctor : *xvi* 9

- White, General : recommends the case of Mr. Hart, *xvii* 473
- White, Richard, settler : land to be granted to, *xvi* 477, *xvii* 3 ; complains that he is not allowed to remove, *xvii* 141 and 174
- White, Lieutenant T. C., settler : statement of grievances of, *xvi* 428 ; removes from his first location at Zonder End to the Zuurveld, *xvi* 429, *xix* 112, 309, and 310 ; engages in a military survey, *xvi* 430 ; receives a promise of extension of grant from Sir Rufane Donkin, but cannot obtain it from Lord Charles Somerset, *xvi* 433, 456, and 457 ; appeals to the commissioners of enquiry, and finally returns to England, *xvii* 5 and 15, *xviii* 61, *xix* 137
- Whiteford, Mr., aide de camp and private secretary to the governor ; complaints against, by Mr. Edwards, *xvii* 269 and 392 ; is cited by him as a witness, *xvii* 376 and 389 ; is present at the inquiry concerning Mr. D'Escury's charge against the governor, *xviii* 444
- Whitham, Mr. : mention of, *xviii* 91 and 112
- Whitshed, Mr. : is appointed agent of the East India Company at the Cape, *xvi* 201
- Whittle, T. : land solicited by, *xix* 116
- Widows : of Dutch Reformed ministers, fund for, *xix* 212 and 501 ; government pension for, *xix* 229
- Wiggle, Mr., settler : distress and relief of, *xviii* 380
- Wilkinson, George, settler : death of, *xvi* 476
- Williams, Lieutenant : is agent on *La Belle Alliance*, *xvi* 347
- Williams, Mr., missionary : death of, *xix* 364 and 471
- Williamson, Thomas : is a member of the committee for erecting a church at Port Elizabeth, *xvii* 360 and 361
- Willis, Mr. : clerk to Mr. Rivers, *xviii* 317
- Willshire, Lieutenant Colonel Thomas : policy of, subdues the Kaffirs, *xvii* 153, *xix* 313 ; supersession of, *xviii* 302 and 306 ; further mention of, *xviii* 125
- Willshire Barracks : traffic with Kaffirs at, *xviii* 179
- Willson, Mrs. : illness of, *xvi* 344 and 375 ; consideration is solicited for, *xvi* 350 ; may remain in Capetown, *xvi* 352 ; is taken to Simon's Bay and detained on board, *xvi* 354 ; begs for an order to return to England, *xvi* 361 ; family connections of, *xvi* 377
- Willson, Thomas : claims of, to the return of money deposited and papers, and to title deeds of land in Albany, *xvi* 8, 9, 22, 23, 45, 345, 352, and 353, *xvii* 213 and 246, *xviii* 497, *xix* 25, 86, and 122, *xx* 121, 368, and 398 ; disputes and difficulties of with his party ; abandons them on arrival, leaving them in charge of Mr. Boardman, *xvi* 10, 40, 334, 336, 337, 338, 339, 355, 359, 361, 362, 373, 409, and 422, *xvii* 214, *xix* 24, 77, 121, 123, and 124 ; land and documents are granted to, but money refused, *xvi* 16 ; pleads his public services at Algoa Bay, and requests payment, *xvi* 23, 24, and 366 ; claims of, are unfounded, *xvi* 333, *xix* 80, 117, and 126, *xx* 40 ; account of, with the commissariat department, *xvi* 335 ; requests a freehold grant of 1000 acres in Albany, *xvi* 339 and 369 ; is censured by the governor, *xvi* 340 ; defends his conduct, *xvi* 341 *et seq.* ; is disappointed at the position of his location, *xvi* 348 : requests a com-

- mission of the peace, or other office, *xvi* 347 and 350 ; on his arrival in Capetown in 1821 desires to land his goods without wharfage dues, *xvi* 365 ; requests the return of his winnowing machine, *xvi* 368 ; requests an appointment as wharf master, *xvi* 374 ; desires a passage home for his family, *xvi* 374 to 377 ; solicits a grant of land in the Ionian islands, with appointment as consul, *xvii* 247 ; is accused of defrauding his party, *xix* 23, 26, and 122 ; treatment of Mr. Boardman by, *xix* 82, *xx* 41 and 122 ; is arrested in England by returned settlers ; sufferings of, *xix* 163, 256, and 325 to 327 ; requests the services of the Solicitor General for his defence, *xix* 178 ; has submitted his accounts to the landdrost, *xix* 255 ; urges his claim to compensation, *xx* 42
- Wilmot, Benjamin : solicits compensation for the loss of his oxen from the Scutt Kraal, *xvii* 59 and 273 ; difficulties of, in obtaining a hearing for his case, *xvii* 62 to 65, and 274 ; memorial of, to the circuit court, *xvii* 64 ; desires to return to England, *xvii* 65 and 275 ; is recommended for compensation by the landdrost of Albany, *xvii* 274 and 278 ; complaint of, regarding rations, *xvii* 279 ; signs the memorial for a free press, *xviii* 58 ; is suspected of having posted the libellous placard against the governor, *xviii* 66, 67, 93, 95, and 117 ; denies the charge, *xviii* 96 ; dealings of, with Messrs. Scott, Holder, and Edwards, *xviii* 96 and 97 ; dwelling of, is searched for defamatory papers, *xviii* 99 and 100 ; visits Mr. Edwards in prison, *xviii* 113 ; is committed to prison, *xviii* 114 ; complains of illegal confinement, and asks for papers and a public trial, *xviii* 116 ; is released from his detention, *xviii* 118 ; charges Daniel Lee with perjury, *xviii* 119 ; is not cleared of suspicion, *xviii* 120 ; joins Mr. Willson's party, *xix* 89 ; cannot obtain tools or return of deposit ; unsuitable location, losses and grievances of, *xix* 90 to 92
- Wilmot, James, brother of Benjamin Wilmot : is recommended for compensation for the loss of cattle, *xvii* 278 ; complaint of, regarding rations, *xvii* 279 ; losses and grievances of, *xix* 89 to 92
- Wilmott, Mr. : *xvi* 343
- Wilson, John : settler, grant recommended to, *xvi* 476
- Wilson, H. W. : proposes to form a South African Company for agricultural and commercial purposes, *xix* 284, *xx* 95 to 98 ; requests another interview with the secretary of state, *xx* 131 ; solicits a grant of land in the frontier districts for the company, *xx* 347
- Windmills : farming of, *xvi* 236, 243, and 247
- Wine, Cape : additional duties on, are deprecated, *xvii* 116, 128, 131, and 133 ; manufacture of, and capital embarked in, *xvii* 129, 130, and 144, *xx* 120 ; suggested improvements in, *xvii* 487, *xix* 354 and 355, *xx* 116 ; carriage of, from the interior to Capetown, *xix* 255 ; annual prices of, from 1813 to 1824, *xix* 388 ; protection needed by ; further reduction of duty on, is requested, *xx* 114, 116 to 121, 357, 379, 380, and 381 ; export of, is a chief source of prosperity, *xx* 381
- Wine, Constantia : distribution of, to officers, *xx* 362 ; transport of, to England, *xx* 363
- Wine, foreign : trade in, is less advantageous to Britain than in Cape produce, *xvii* 131 and 132 ; reduction of duty on, *xx* 114, 116, and 381

- Wine Growers and Merchants : meeting held by, to protest against additional duties on Cape wines, *xvii* 116 ; memorial from, *xvii* 128 ; small profits of, *xvii* 226
- Wine Taster : appointment of, *xvii* 129
- Wine Taster's Office : list of officers of, with dates of appointment and salaries, *xix* 55
- Winnowing machine : belonging to Mr. Willson, apprehended loss of, *xvi* 368 and 371
- Winterbach, Jan Carel : *xx* 126
- Witzenberg Pass : making of, *xvii* 336
- Wium, W., heemraad of Stellenbosch : *xvii* 101
- Wolvegat farm : purchase of, by Mr. Buissonne, *xviii* 53 ; payment is requested for, *xviii* 54 and 55 ; location of settlers on, *xix* 111 ; is to be paid for by them in instalments, *xix* 112 ; purchase of, by government, *xix* 308 and 363, *xx* 39 ; disposal of, is recommended, *xx* 39
- Wood : growth of, for fuel, *xvi* 237
- Woodcock, Robert, settler : obtains possession of Mr. Parker's house and land in Kleine Valley, *xvi* 99 ; dispute of, with Mr. Parker, *xviii* 20, 206, and 276, *xix* 133 ; gives an account of the settlement of Mr. Parker's party, *xix* 27 ; declines to go to Albany, also unsuitable grant in the Kleine valley, *xix* 30, 132, and 134 ; has obtained no redress in four years ; losses and sufferings of, *xix* 31
- Woods and Forests : ranger is appointed for, in Graaff Reinet, *xix* 478
- Wool : cultivation of, *xix* 353
- Worcester : removal of the drostdy from Tulbagh to, objections to, *xvi* 226, 254, 256, 257, and 425, *xvii* 315, 338, and 351 to 356 ; is inaccessible in winter from rivers, *xvi* 228 ; first commission of circuit sits at, in 1822 ; small population at, *xvi* 229 and 230 ; expeditions from, against Bosjesmen, *xvi* 484, *xix* 19 ; list of officers in, with dates of appointment and salaries, *xix* 68 ; erection of public buildings at, *xix* 239, *xx* 15 and 66 ; post carrier is appointed for, *xix* 262 ; public executioner is appointed for, *xix* 270 ; particulars concerning the establishment of the sub-drostdy at, *xx* 68 to 72 ; tax upon slaves in, *xx* 136 and 370 ; return of erven in, on which dwellings have been built, *xx* 397
- Wrangmore, Miss : slaves sold to, *xvi* 396
- Wright, Reverend William : is a member of the committee for the relief of distressed settlers, *xvi* 264, 269, and 270 ; speech of, thanking the friends of the society in India, *xvi* 281
- Yan, a Chinaman : evidence of, *xvi* 19
- Yonge, Sir George, governor of the Cape Colony : proclamation of, concerning unauthorised societies and meetings, *xvi* 439, *xviii* 286, 287, 290, and 296
- Yunker Band, corporal of the Cape Infantry : captures a Hottentot and articles used in illicit traffic with Kaffirs, *xx* 90 to 94
- Zastron, C. M., clerk in the colonial secretary's office : *xvi* 468
- Ziervogel, C. E., first messenger of the court of justice : certificate from, *xvii* 416

- Zonder End River : inadequacy of land on, to maintain settlers ; Lieutenant White removes from, to the Zuurveld, *xvi* 429, *xix* 112 and 309 ; attempt to form settlement on, and location of parties, *xviii* 129, *xix* 112, 257, 309, and 363 ; land on, is abandoned by Lieutenant Griffith, *xix* 257 and 309 ; capabilities of land on, *xix* 308
- Zuurveld, the : Mr. Parker declines to proceed to, *xvi* 5 and 403 ; account of, by Mr. Francis ; climate and soil of, *xvi* 54 to 60 ; is unsuitable for an agricultural settlement, *xvi* 55, 56, 60, and 431 ; removal of Mr. Francis to, *xvi* 149, *xvii* 468 ; failure of settlements in, *xvi* 403 and 404, *xvii* 222, *xviii* 47 ; removal of Lieutenant White to, *xvi* 429 ; description of, from the *South African Journal*, *xvii* 117 to 122 ; reduced population in ; plan for the re-settlement of, *xix* 139 ; slave labour is prohibited on grants made in, *xix* 165 ; projected occupation of, by English settlers, *xix* 357 ; expulsion of Kaffirs from, in 1812, *xix* 361
- Zwellengrebel, Governor : publication of, respecting militia at the Cape, *xvi* 439

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