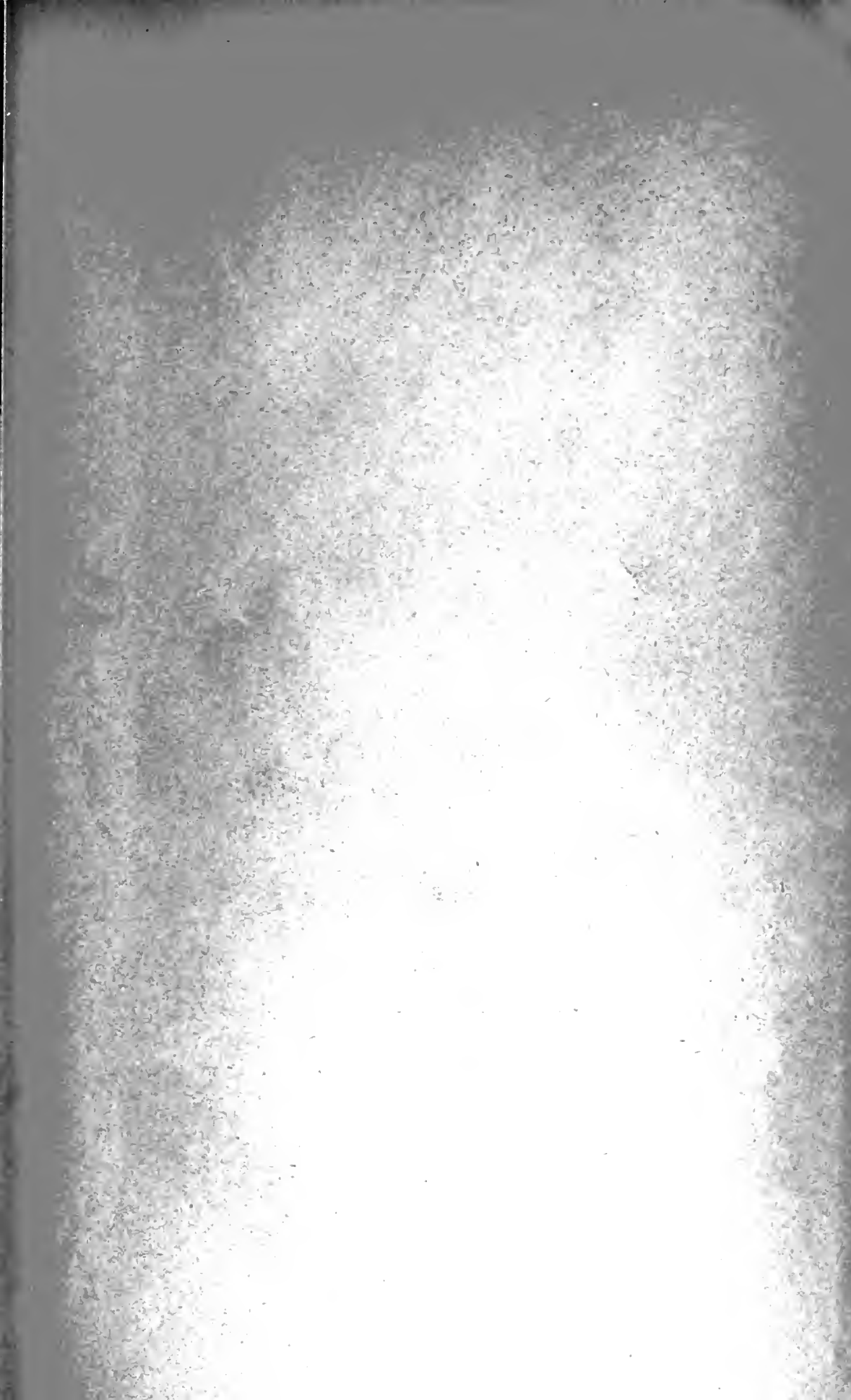
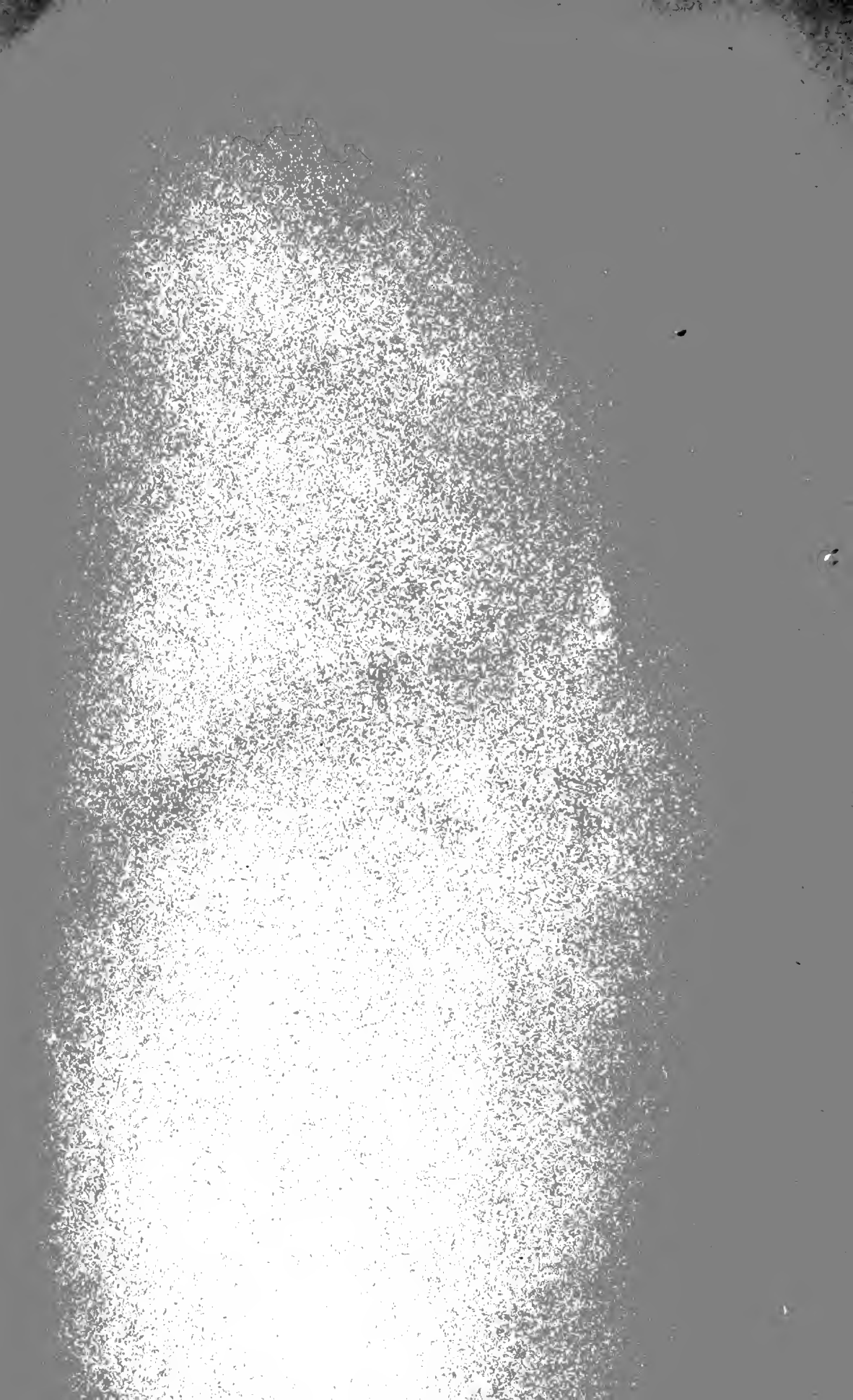


PRESENTED
TO
THE UNIVERSITY OF TORONTO
BY

*Colonial Secretary -
Capetown -*





RECORDS OF THE CAPE COLONY.

Digitized by the Internet Archive
in 2007 with funding from
Microsoft Corporation

SAF
T374r

RECORDS

OF THE

CAPE COLONY

From NOVEMBER to end of DECEMBER 1825.

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

BY
GEORGE M^cCALL THEAL, D.LIT., LL.D.,
COLONIAL HISTORIOGRAPHER.

VOL. XXIV.

63796
—
28/2/05

PRINTED FOR
THE GOVERNMENT OF THE CAPE COLONY.
1904.

LONDON:
PRINTED BY WILLIAM CLOWES AND SONS, LIMITED,
DUKE STREET, STAMFORD STREET, S.E., AND GREAT WINDMILL STREET, W.

CONTENTS.

	PAGE	
1825		
26 Nov.	Report of the Commissioners of Enquiry upon the case of Mr. Thomas Pringle	1
	Enclosures : Evidence taken	22
2 Dec.	Letter from Earl Bathurst to Lord Charles Somerset	50
„	Letter from Sir Richard Plasket to J. T. Bigge, Esqre.	51
„	Letter from Mr. D. P. Francis to R. W. Hay, Esqre.	52
3 Dec.	Letter from Earl Bathurst to Lord Charles Somerset	53
„	Letter from R. W. Hay, Esqre., to Mr. R. H. Adcock	53
„	Letter from the Commissioners of Enquiry to Sir Richard Plasket	54
„	Letter from J. T. Bigge, Esqre., to Sir Richard Plasket	55
4 Dec.	Letter from Earl Bathurst to Lord Charles Somerset	56
„	Letter from Sir Richard Plasket to the Commissioners of Enquiry	57
„	„ „ „ „	58
5 Dec.	Letter from Earl Bathurst to Lord Charles Somerset	62
„	Letter from R. W. Horton, Esqre., to Mr. William Greig	62
„	Letter from R. W. Hay, Esqre., to the Commissioners of the Navy	63
„	Letter from Sir Richard Plasket to J. T. Bigge, Esqre.	63
6 Dec.	Letter from R. W. Hay, Esqre., to W. Merry, Esqre.	64
„	Letter from the Landdrost of Albany to the Secretary to Government	65
„	Letter from Dr. James Barry to the Commissioners of Enquiry	66
„	Letter from Dr. James Barry to Earl Bathurst	67
„	Memorial of Mr. J. B. Ebden	70
7 Dec.	Letter from Lord Charles Somerset to Earl Bathurst	72
„	Report of the Commissioners of Enquiry upon the case of Mr. Bishop Burnett	72
„	Letter from the Commissioners of Enquiry to Earl Bathurst	107
„	Note from the Commissioners of Enquiry to Sir Richard Plasket	108
„	Letter from the Commissioners of Enquiry to Sir Richard Plasket	109

DATE		PAGE
1825		
8 Dec.	Note from Sir Richard Plasket to the Commissioners of Enquiry	110
„	Letter from R. W. Hay, Esqre., to the Commissioners of the Navy	112
„	Letter from Mr. R. H. Adcock to R. W. Hay, Esqre.	112
10 Dec.	Letter from Lord Charles Somerset to Earl Bathurst	113
„	Letter from Sir Richard Plasket to R. Wilmot Horton, Esqre.	114
11 Dec.	Letter from Lord Charles Somerset to Earl Bathurst	115
	Enclosure : Memorial of Roman Catholics in Capetown	116
13 Dec.	Letter from Mr. B. J. de Klerk to Earl Bathurst	117
	Enclosure : Memorial to the King	117
14 Dec.	Letter from R. W. Hay, Esqre., to Mr. R. H. Adcock	118
„	Letter from R. W. Hay, Esqre., to the Very Reverend Dr. Poynter	118
„	Letter from R. W. Hay, Esqre., to Mrs. C. Stretch	119
„	Report of the Commissioners of Enquiry on the Rate of Exchange	119
15 Dec.	Letter from the Reverend Dr. Philip to Mr. George Greig	123
16 Dec.	Letter from the Navy Board to R. W. Hay, Esqre.	132
„	Letter from Mr. Frederick Carlisle to R. W. Hay, Esqre.	132
17 Dec.	Letter from the Commissioners of Enquiry to Earl Bathurst	135
19 Dec.	Letter from R. W. Hay, Esqre., to T. P. Courtenay, Esqre.	136
20 Dec.	Letter from the Commissioners of Enquiry to Lord Charles Somerset	136
„	Letter from the Navy Board to R. W. Hay, Esqre.	139
„	Letter from Sir Richard Plasket to R. Wilmot Horton, Esqre.	139
„	Letter from Lieutenant-Colonel Somerset to the Secretary to Government	140
	Enclosure : Return of cattle captured from Kaffirs	141
„	Memorial of Mr. Martin J. Mulder	144
22 Dec.	Letter from Lieutenant-Colonel Bird to R. W. Horton, Esqre.	145
„	Letter from Harry Rivers, Esqre., to the Secretary to Government	146
23 Dec.	Letter from Lord Charles Somerset to Earl Bathurst	152
24 Dec.	„ „ „	153
„	Letter from Lord Charles Somerset to the Commissioners of Enquiry	153
„	Letter from R. W. Hay, Esqre., to Sir Rufane Donkin	156
„	Report of the Commissioners of Enquiry upon the differences between Lord Charles Somerset and Sir Rufane Donkin	156
	Enclosures relating to the above	173
25 Dec.	Letter from Lord Charles Somerset to Earl Bathurst	177

Contents.

vii

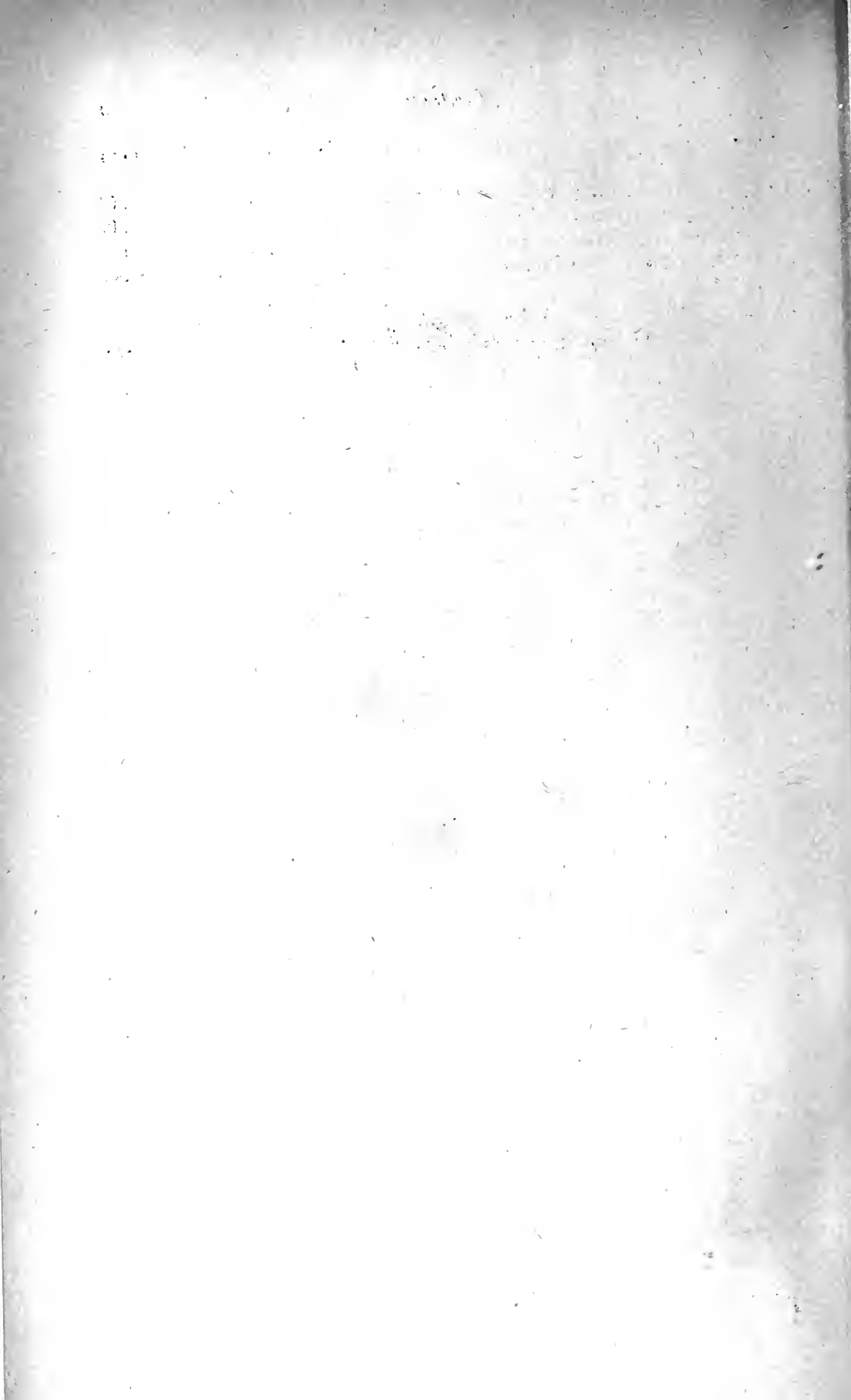
DATE		PAGE
1825		
26 Dec.	Letter from R. W. Hay, Esqre., to George Harrison, Esqre.	178
„	Letter from R. W. Hay, Esqre., to Mr. William Shepherd	178
„	Letter from the Commissioners of Enquiry to Earl Bathurst	179
27 Dec.	Letter from R. W. Hay, Esqre., to G. Harrison, Esqre. .	179
„	Letter from Lord Charles Somerset to the Commissioners of Enquiry	180
„	Enclosures concerning Newlands house	181
„	Second Report of the Commissioners of Enquiry upon the differences between Lord Charles Somerset and Sir Rufane Donkin	183
„	Enclosures relating to the above	203
29 Dec.	Letter from the Commissioners of Enquiry to Earl Bathurst	212
„	Memorial to Lord Charles Somerset from Swellendam . .	214
31 Dec.	Letter from R. W. Horton, Esqre., to Lieutenant-Colonel Bird	218
„	Minutes of a Meeting of the Committee of the Scotch Presbyterian Community in Capetown	219
„	Claims for Cattle lost by depredations of the Kaffirs since the year 1819	221
„	List of all Appointments made by Lord Charles Somerset during the year 1825	228
„	Revenue and Expenditure during 1825	232
„	Imports into the Colony during 1825	239
„	Exports from the Colony during 1825	247
„	Minutes of Council during 1825	254
„	Ordinances promulgated in 1825	343
ARREAR DOCUMENTS :—		
1804	Renewed Provisional Instructions for the Burgher Senate, in Capetown and its District	358
1805		
23 Oct.	Ordinance for the Administration of the Country Districts	367
1806		
11 Jan.	Proclamation by Sir David Baird	432
„	„ „ „	433
„	„ „ „	433
13 Jan.	„ „ „	434
„	„ „ „	435
„	„ „ „	436
„	„ „ „	437
14 Jan.	„ „ „	438
18 Jan.	„ „ „	439
26 April	„ „ „	439
30 May	Advertisement concerning postal arrangements	441

DATE		PAGE
1807		
30 June	Proclamation by the Earl of Caledon	441
1810		
24 Aug.	” ”	442
17 Sept.	” ”	443
1811		
23 April	” ”	444
”	” ”	447
”	Advertisement concerning trade with New South Wales and Ceylon	450
”	Advertisement concerning officials at George	450
”	Advertisement concerning officials at Zwarteberg	451
16 May	Proclamation by the Earl of Caledon	451
5 July	Proclamation by Lieutenant-General Grey	463
1812		
24 Dec.	Proclamation by Sir John Cradock	464
1813		
1 Jan.	” ”	465
”	Advertisement concerning remittances of payment for provisions to men serving on the recent commandos	466
15 Jan.	Proclamation by Sir John Cradock	467
5 Feb.	” ”	468
”	” ”	469
”	Advertisement concerning monopolies for raising the price of grain and flour	470
19 Feb.	Advertisement concerning the advantages of acquiring a knowledge of the English language	471
12 March	Proclamation by Sir John Cradock	472
19 March	” ”	473
26 March	Advertisement concerning the fraudulent importation of Slaves	474
21 May	Proclamation by Sir John Cradock	475
”	” ”	476
”	Advertisement concerning Prize Apprentices	477
1 July	Advertisement concerning the Bible and School com- mission	477
6 Aug.	Proclamation by Sir John Cradock	480
13 Aug.	” ”	481
3 Sept.	” ”	486
”	” ”	489
”	” ”	490
”	” ”	491
24 Sept.	” ”	491
25 Sept.	” ”	493
30 Sept.	Advertisement concerning the price of Wine	493
1 Oct.	Proclamation by Sir John Cradock	494
15 Oct.	” ”	499

Contents.

ix

DATE		PAGE
1813		
15 Oct.	Proclamation by Sir John Cradock	501
„	Advertisement concerning the Governor's tour	502
„	Advertisement encouraging the breeding of woolled sheep	502
31 Dec.	Advertisement naming the village at Zwarteberg Caledon	503
1814		
14 Jan.	Advertisement announcing a great reduction of the duties on Cape wine sent to England	503



RECORDS OF THE CAPE COLONY.

[Original.]

*Report of the COMMISSIONERS OF ENQUIRY to EARL BATHURST
upon the case of Mr. Thomas Pringle.*

CAPE TOWN, CAPE OF GOOD HOPE, 26th November 1825.

MY LORD,—On receipt of your Lordship's Instructions that we should investigate the complaints that had been preferred to your Lordship in the statements of Mr. Thomas Pringle, we did not delay to address a letter to Mr. Pringle, who has resided on the Frontier during the present year, and to intimate our readiness to enter upon such an inquiry; and in proceeding to report the result of the information that we have acquired upon the several points upon which he has urged his claim to compensation, we will consider them in the order in which they are discussed in his statement.

Your Lordship is already informed that Mr. Pringle emigrated to this Colony in the year 1820, as the Head of a Party of Scotch Agriculturists, who were located at a distant and disturbed part of the Frontier on the Baviaan's River in the District of Graaff Reinet.

He appears at first to have entertained other views in settling at the Cape, but to have relinquished them for a time, and to have accompanied his Party to that distant part of the Colony, where his intelligence and industry were conspicuously directed to the encouragement of his Settlers in surmounting the difficulties of their situation.

We have already had the honor of bringing the merits of this party under the consideration of your Lordship in our Report of the 25th May 1825, together with the testimonials of the

Magistrate of the District ; and we have had every reason to be confirmed in the opinion that Mr. Pringle's exertions were highly creditable to him, and were a principal cause of the union and success of his Party in a situation remote from Markets and exposed to depredations from Bushmen and Caffres.

In the correspondence referred to by Mr. Pringle as in our possession, he has himself borne such strong testimony to the encouragement and support he received from the Magistrates and from the Government, that we cannot elucidate this part of the subject more effectually than by quoting the observations that he addressed to us at a time that he had recently urged his complaints against other acts of the Colonial Government. In his letter to us of the 5th of October 1824 he states, "Having of late found myself imperatively called upon by peculiar circumstances to convey to you (with the confidential frankness your honorable Commission demands) very severe strictures on particular points in the recent Administration of the Colonial Government, I now turn with far more pleasant feelings to speak of its conduct towards my Party and myself, as Settlers, with almost unqualified approbation. Nor is this acknowledgement due from me to one or two Individuals only, but to the Heads of the Government and the Colonial Secretaries, not less than the Local Functionaries. From the day of our first arrival on the Location, down to the present time, our Party has experienced from the Local Authorities of the District, the Landdrost, &c., every possible attention to their comfort, safety and success ; and it is also my duty to state (nor shall any recent personal annoyances prevent me from freely and fully stating it) that His Excellency Lord Charles Somerset has continued towards the Scotch Party the same friendly support and encouragement which they constantly experienced from the late Acting Governor, and from the Colonial Secretaries Mr. Ellis and Colonel Bird."

In quoting these candid admissions on the part of Mr. Pringle, we are disposed to concur in the reasons assigned for the good understanding that uninterruptedly prevailed between the Government and the Settlers of his Party, and which he attributes to the character and disposition of the Magistrates, from whose Reports the Government were likely to have formed

their impressions of them. It was on the recommendation of these Magistrates that the Party were put into possession of more extensive Tracts of Land than were originally allotted to them, a measure that we consider to have been one of great importance, and the timely adoption of which in the District of Albany might have relieved the Government from reiterated complaints that have been made, and that in some instances yet remain to be redressed, of inadequate allotments.

In conferring these more liberal grants upon the Scotch Party, Mr. Pringle at the same time has strenuously disclaimed the recognition of them as an act of *Favor* on the part of the Colonial Government; and considering that the plan of settlement upon more limited allotments had been undertaken on its own recommendation to His Majesty's Government that had led to the impoverishment of the Settlers, and that the Colonial Government has continued to the latest period to make the most extensive Grants to the Boers in the immediate neighbourhood of the British Settlers, we are rather disposed to regret that the principle of extension has not been more generally applied, than to attach merit to the Grants conferred on the Scotch party, by whose industry the land acquired the only value that could be attached to it.

With these impressions, we abstain from scrutinizing with strictness the particular circumstances under which Grants were made to Mr. Pringle, which he was allowed to hold in trust, or to transfer to his Relations, considering that the Government has realized the reward of its liberality in the independence and success of the Party.

The remission of an inconsiderable debt for Rations, contracted by it, has been solicited by Mr. Pringle, and we conceive that it may be justly conceded. At the same time we are not conscious that Mr. Pringle has established any further *claims* to indulgence as a Settler, however creditable were his exertions before his views were directed to other pursuits.

Soon after the return of Lord Charles Somerset to the Colony in the year 1822, Mr. Pringle appears to have solicited employment from His Lordship in consequence of a strong recommendation from a literary character of great popularity and eminence, and in the same year he received an appointment of Sub-Librarian in the Public Library at Cape Town. In a

letter addressed by him to Mr. Fairbairn in November 1822, inviting him to the Cape, he alleged the smallness of his Salary (1000 Rixdollars a year) as a reason for undertaking a School, and for proposing to engage in literary pursuits.

From the tenor of this familiar communication, we are led to infer that Mr. Pringle entertained sanguine hopes of success, as well from the confidence that he justly felt in the strength of his literary resources, the absence of competitors, and from a reliance upon the support and patronage of the Government ; and in particular from Colonel Bird, the Colonial Secretary.

In the early part of the year 1823, Mr. Pringle, in conjunction with the Revd. Mr. Faure, a clergyman of the Dutch Church, addressed the Governor, in order to obtain his permission to publish the Prospectus of a Periodical Work, which they proposed to conduct with the approbation of His Excellency. This Letter and the Prospectus were submitted to the Governor by the Colonial Secretary on the 11th February, and their proposal was recommended by Colonel Bird from a persuasion of its utility, the competency of Messrs. Pringle and Faure, and their disposition to conduct the work upon principles which the Governor would approve.

The chief objections of the Governor appear to have consisted in his apprehension that the work might at some future period fall into improper hands, and be directed against the Civil and Political Establishments of the Colony, and in particular against the Established Church. Upon these general grounds, the proposal was, for the time, rejected.

Soon after our arrival in the Colony in 1823, Mr. Pringle submitted to us his Prospectus for a South African Magazine, which he had proposed to publish in conjunction with Mr. Faure. He was at first disposed to postpone it ; but in consequence of various solicitations to undertake the work, he appeared subsequently more urgent to commence it. Nothing however was done until the arrival of Mr. Fairbairn in January 1824, when the permission of the Governor was solicited and obtained for opening a school in Cape Town. Mr. Pringle and Mr. Fairbairn waited on the Governor to express their thanks for this permission, and on that occasion, Lord Charles Somerset renewed with Mr. Pringle the subject of his proposed Miscellany.

Lord Charles Somerset has explained to us that when the proposal was first submitted he wrote confidentially to Mr. Wilmot Horton for Instructions ; and in the interview above-mentioned His Lordship, having received an answer from Mr. Horton, read to Mr. Pringle an extract from the letter expressive of your Lordship's " concurrence in the publication, under the pledge given by the Parties in their Prospectus, that they would exclude from their work all topics of political and personal controversy."

This condition appears to have been understood by Mr. Pringle, who also entertained an impression that your Lordship had not been dissatisfied with the proposal.

The Prospectus that had been originally submitted to Government was not however considered by him, or by Mr. Fairbairn, to impose a strict obligation upon them to avoid the discussion of questions of political and personal controversy, or to imply more than a general information to the Subscribers of what the work might be expected to contain.

In this view, a different Prospectus was published with the first number of the *South African Journal*, which was signed by Messrs. Pringle and Fairbairn. The English Series being published in alternate Months with the Dutch Series, which was conducted by Mr. Faure. On this occasion the restriction upon the publication of topics of political or of personal controversy was not mentioned in the English Prospectus ; but a distinct reference is made to the contents of the former Prospectus ; and the contents of the two Documents are expressly to be considered as explanatory of each other.

These views are acknowledged by Mr. Fairbairn to have been impressed by him upon Mr. Pringle ; and that he had previously urged him to commence the Publication without waiting for an answer to the application made to Lord Charles Somerset, and which had been long delayed, conceiving that the Law did not restrict them from publishing without a Licence, or from the choice and introduction of any particular topics.

The verbal communication made by Lord Charles Somerset to Mr. Pringle was not followed by any official reply to his application, by which the Original Prospectus of the Work was formally recognised as the basis upon which the publication

was allowed. Nor do we observe in the account which Lord Charles Somerset has given of this interview with Mr. Pringle that any such condition was expressly declared to him, nor even implied, except by the mention of a condition that had been proposed in the Prospectus, that of excluding all subjects of political and personal controversy.

No official intimation to the Parties was recorded, nor made known to the Fiscal, by which the Prospectus was declared to contain the conditions on which the Government had sanctioned the Work. And the publication of a different Prospectus, did not appear to attract the observation of the Fiscal nor of the Government, either at that, or at any subsequent period.

We have been the more particular in our explanations upon this point from the circumstance that occurred upon the publication of the second Number of the *Journal*, in which exceptions were taken by the Fiscal to certain passages, on the ground that they contained strictures at variance with the conditions into which the Publishers had entered.

Mr. Denyssen has stated to us in his evidence, that he summoned Mr. Pringle "with a view to warn him of the consequences that might result from his continuing in the same strain of observation that he had commenced against the Colonial Government; and that he considered it a violation of the engagement he had entered into in his Prospectus."

At the same time it has been stated by the Fiscal that he conceived himself authorised, under an Instruction of the Batavian Government dated in the year 1803, to convey an official warning to Mr. Pringle that if he persisted in the publication of remarks reflecting upon the Government, or obnoxious to it, he would expose himself to the consequences of a prosecution.

He has since stated to us that he did not consider that Mr. Pringle had made himself amenable to the Laws by publishing the passages to which he made objection, nor in fact that such remarks could have made him liable to prosecution.

The passages that were chiefly objected to were contained in an Article that described the state of the Prospects of the English Emigrants in South Africa, in which, amongst the causes of their distressed situation at that time, were enumerated

an arbitrary system of Government, the abuse of power by Local Functionaries, and a vacillating and inefficient system pursued with regard to the Caffres.

The objection of the Fiscal appears to have been urged against the introduction or discussion of such topics, for the observations that immediately followed were intended to qualify the preceding strictures by attributing the evil consequences to a mistaken system, which having long been established, had been conscientiously upheld by the Colonial Authorities.

The recent proceedings in the case of Mr. Greig, the Publisher of a Newspaper that had been suppressed, may have prompted the Fiscal to this interference with another Journal. We certainly must consider it to have been injudicious, for admitting that Mr. Pringle had been legally bound by the conditions contained in his first Prospectus, or that the Fiscal had been instructed to construe as a law the condition which had been verbally announced to Mr. Pringle by the Governor, it can hardly be stated on a perusal of the article complained of, that the topics were controversially discussed, or if admissible at all, that the dissentient opinions of the writer could have been more moderately expressed. In the Article that immediately followed, a paragraph was inserted, conveying a direct compliment to the Colonial Authorities ; and Mr. Pringle has referred us to others. With these views of the nature of the Fiscal's interference, we are not of opinion that the course pursued by Messrs. Pringle and Fairbairn was either decorous or respectful ; as without any communication with the Colonial Government, they abruptly announced the suspension of their Journal "out of regard to their personal safety." By this measure they assumed that the Government were prepared to adopt the harshest measures with regard to them. They were certainly justified in supposing that the admonition of the Fiscal had been sanctioned by the Governor, but they could not have been ignorant that in the case of Mr. Greig, to which Mr. Pringle has alluded, the Warrant to compel him to depart from the Colony had been withdrawn ; and as an original permission to publish was accorded to Mr. Pringle by the Governor, in a personal communication, it was unnecessary to suppress a profitable work without a clear understanding that His Excel-

lency had directed the interference of the Fiscal, which was so injudiciously exercised. They would assuredly have been justified in stating any objections that they might have had to continue the publication under such restrictions, but there was no urgent occasion to suspend the work before they had ascertained the result of such a communication to the Governor, and in adopting this course on the ground that their personal safety was endangered, so many weeks before another number could be published, they weakened the force of any claim they might have had from the loss of the profits of their *Journal*.

We have not the least doubt that the displeasure of the Governor proceeded as much from the nature of this abrupt procedure as from any observations contained in the Article that had been objected to by the Fiscal.

A few days after this interview with the Fiscal, Mr. Pringle appears to have been sent for by the Governor, and the conversation that took place in the presence of the Chief Justice has been so differently reported by Sir John Truter and by Mr. Pringle himself, that we are much at a loss to decide upon the nature of it. On the 2nd of June Mr. Pringle detailed to us the particulars of this interview, in which he complained of having been reviled and reproved by Lord Charles Somerset in terms the most insulting, and this detail he has now referred to us as having been written under the impression of those feelings which had been excited in him by the taunting manner and expressions of the Governor. Sir John Truter, on the other hand, to whose testimony Mr. Pringle confidently appealed, appears to have retained a different impression of the tenor of the conversation that took place. He has stated in his evidence that he made no minute of the conversation, "conceiving that nothing had passed that could be required to be held in such careful remembrance, and that no observation had fallen from the Governor that could be supposed to affect Mr. Pringle's character."

It has been admitted both by Mr. Pringle and by Sir John Truter that the Governor requested and encouraged him to continue the publication of his *Journal* upon the terms of his original Prospectus; and Sir John Truter has stated that the Governor disclaimed having authorized the interference of the Fiscal, and having intended, or wished, to subject the

Journal to his Censorship ; an admission of this disclaimer has also been made by the Editors.

Mr. Pringle however objected to renew the Publication until the Colonial Press should be placed upon some more defined and permanent footing ; and he resigned the situation of Sub-Librarian on the ground that the Governor had accused him of insulting the Government in the Letter that he had written to the Fiscal, and of compromising his duty as a public servant in signing a Memorial to His Majesty for a Free Press.

We regret that we are unable to reconcile the contradictory Statements that we have received of this transaction. We certainly received Mr. Pringle's account of the interview some time after its occurrence, and as it related to a personal dispute, we did not think it necessary to take the evidence of Sir John Truter on the subject until directed by your Lordship to pursue this inquiry. But it may be of less consequence, as Mr. Pringle has himself assigned a distinct cause for the measure of declining to republish his *Journal*, and which consisted of the defective state of the Law. From his own account of his interview with the Fiscal, he appears to have been urgent to obtain some explicit declaration of the nature of the Law in force for the regulation of the Press, but which the Fiscal declined to afford, as on the other hand Mr. Pringle manifested a reluctance to pledge himself to the strict observance of the conditions of his unpublished Prospectus.

On the whole, we are induced to regret the notice that was taken by the Fiscal of the strictures contained in the second number ; and we do not doubt if a more comprehensive and liberal construction had been put upon the opinions that were expressed, and if a less abrupt and offensive course had been taken by the Editors, than the suspension of their Work "out of regard to their personal safety," the subsequent occurrences which led to the resignation of Mr. Pringle might have been avoided ; and as to any occasion for the adoption of such a course, we have no evidence to warrant a conclusion that the continued publication of the *Journal* would have been incompatible with the personal safety of the Editors ; altho' we have some reason to conclude that without the admixture of Political and Local Topics it would have ceased to yield them any profit.

As to any loss that may have been sustained by Mr. Pringle from the suspension of the work, we beg leave to refer your Lordship to the evidence of Mr. Faure, with whom Mr. Pringle was originally associated, and also to that of the Printer and the Publisher of the *Journal*. Mr. Faure, who has conducted the Dutch Series, has been enabled to continue the work, and even to increase the circulation of it, but without profit to himself. Mr. Pringle has admitted that at the time he suspended his *Journal* he had sustained a pecuniary loss; and according to the evidence of the Publisher this loss amounted to about 700 or 800 Rixdollars. That the list of subscribers had not increased after the publication of the first number, and that there was a diminished sale of surplus copies after the publication of the second. We do not therefore find it confirmed that the work had at that time acquired a popularity which would have justified the expectation of greater success than has attended the Dutch Series. At the same time that it would have much depended upon the manner in which the work had been conducted.

We are aware that the views and tastes of the Dutch and English part of the Community materially differ; and that altho' the exclusion of political topics may not have been unfavorable to the success of Mr. Faure's *Journal* with the majority of his subscribers, yet a more decided predilection for such topics might be expected to prevail with the English part of the Community. The temperate and judicious discussion of them might therefore have been found to be in some degree necessary to maintain the popularity of the work; and if the Fiscal had abstained from an injudicious interference, and the Editors had acted with less precipitancy, we think it probable that the countenance of the work upon such a principle would not have been withheld by the Governor, or that its revival would have been precluded with at least as great a latitude of observation as has since been exercised by the daily press. As to the principle itself by which the restrictions have been regulated, it would be irrelevant to enter upon the consideration of it in this place, or to do more than observe that we have no reason to suppose that in suppressing the publication Mr. Pringle made any sacrifice of anticipated profit, altho' he had certainly sustained a loss. And the strictures contained in the

second number upon subjects of Local and Political interest, we conceive to have been the consequence of a discovery on the part of the Editors that the exclusion of such topics in the first number had been unfavorable to the success of the work.

Altho' we are not of opinion that Mr. Pringle is entitled to claim any pecuniary compensation for the loss he has sustained, we conceive that his attempt to establish a useful Miscellany is deserving of encouragement, and we do not hesitate to recommend that if he should be induced to renew the undertaking the patronage of the Government should be extended to it.

The School that had been opened by Messrs. Pringle and Fairbairn in the month of January 1824 is represented by Mr. Pringle to have been flourishing, popular, and every day increasing in numbers until May of that year. And he further states that until July it continued to be prosperous, and to be attended by a large proportion of the children of the civil servants and of Military Officers ; but that in the course of a few months more than one half of the pupils were withdrawn by their parents, who were persons dependent on the Colonial Government. A decline that is attributed by Mr. Pringle to the disfavor of the Governor, and his professed "determination to thwart and oppose whatever they were concerned in."

On a reference to the books of the establishment, we find that in the course of the year 1824 there were 47 day scholars, that in the middle of the Month of May there were 36 scholars on the Books, and that from and after the 1st of June eleven new scholars were admitted. From this period, however, and indeed from the month of March, the children had begun to be withdrawn, and at the end of the year there remained only eighteen pupils.

The grounds upon which Mr. Pringle has asserted that the ill success of his school was attributable to the hostility of the Colonial Government are stated to be the following occurrences : that in a proposal in the month of August 1824 to form a Literary and Scientific Society in Cape Town, it was rejected by the Governor, who declared that he was determined to thwart and oppose everything whatever in which Mr. Pringle and Mr. Fairbairn were concerned. That when the name of Mr. Pringle was proposed to be included in the Committee for

superintending the erection of a Scotch Church in Cape Town, it was opposed and negatived on the alleged ground that he was obnoxious to the Governor. A third and more serious imputation is made by Mr. Pringle in proof of the hostility of Lord Charles Somerset, and of its effects: that his name was included in a Warrant signed by the Governor to search the papers of certain individuals suspected of posting up an infamous Placard, grossly reflecting upon the honor of the Governor.

Although we should not consider the confirmation of these charges to be conclusive proof that the hostility of Lord Charles Somerset had occasioned the decline of Mr. Pringle's school, we are nevertheless of opinion that he would be entitled to complain of the effects of such proceedings on the part of the Governor as prejudicial to his general reputation. And we proceed to report the result of our investigation into the truth of the allegations.

The proposals for forming a Literary and Scientific Society appear to have originated with Mr. Pringle and Mr. Fairbairn, who interested themselves with others in obtaining the support of some leading persons in the Community. At a Meeting that was held, it was proposed to address the Governor by a deputation, in order to obtain his Patronage, but it was suggested to Mr. Pringle, by Mr. Henry Cloete, an advocate in Cape Town, that as he had understood that the Governor was unfavorable to the project, it might be desirable to ascertain from a private interview the nature of His Excellency's objections.

Mr. Cloete accordingly waited on the Governor, who observed that he was determined to oppose the Society to the utmost from the circumstance of the establishment of it having chiefly proceeded from Messrs. Pringle and Fairbairn, who were decidedly hostile to the Government, on whose professions it could place no reliance, and who had broken a pledge that they had formerly given. Mr. Cloete acquainted Mr. Pringle with these sentiments of the Governor, and it being a prevalent opinion that the Society could not succeed without the support of the Government, the project was soon after abandoned.

It is stated by Mr. Cloete that the Governor expressed his regret that several persons connected with Government sub-

scribed their names, and as the Chief Justice was induced subsequently to withdraw his from the List, and which was announced in the Governor's reply to the Society, we thought it necessary to examine Sir John Truter as to the ground upon which he was also led to withdraw his grandson from Mr. Pringle's school. Upon this point Sir John Truter has explained that he had been induced to place his grandchild under the care of Mr. Pringle from the acquaintance he had formed with him as a member of the Public Library, but that he subsequently had occasion to observe that the child made no progress, and that he removed him at the solicitation of the parents of the child. Sir John Truter imputed the neglect more to Mr. Fairbairn than to Mr. Pringle, who was occupied by his attendance in the Library. Mr. Pringle has admitted that the management of the school was more immediately confided to his coadjutor, and (without intending to convey any reflection upon either) we think that their pursuits and avocations were not altogether compatible with that degree of attention which the business of Instruction required. On these grounds we think that the improvement of the pupils may not have fully answered the expectations of their parents, and that they may have considered that persons who were actively engaged as political writers, and who were involved, from whatever cause, in political discussions with the Government, were not favorably circumstanced for devoting their time and talents to the instruction of youth.

It would be impracticable to ascertain the extent to which a knowledge of the displeasure of the Governor might influence persons connected with the Government, altho' we can readily understand from the habits of this Community that such an influence might prevail, and especially where so strong an opinion had been declared by the Governor as was expressed by him to Mr. Cloete. We have however noticed the most prominent instance in the case of Sir John Truter, whose grandchild was withdrawn in the month of September 1824, soon after these occurrences, but as he has assigned other motives for withdrawing his countenance from the school we have no ground to consider that the Government was responsible for its decline, however much we may regret that Lord Charles Somerset should have considered it necessary to

oppose so strenuously the establishment of a Literary and Scientific Society, because Mr. Pringle and Mr. Fairbairn were associated in it, or to express himself with regard to them in the terms that he did in his conference with Mr. Cloete.

The apprehension that the Society would lead to political discussion was officially stated by the Governor, but we cannot suppose that a Society which included the names of many leading members of the Community, and amongst others of the President and two Members of the Court of Justice, could have been perverted to the ends of political faction, admitting the disposition of one or two individuals to have so involved it. At the same time we felt, and expressed our apprehension to the parties on their reference to us, that the discussions that had so recently agitated the public mind had rendered the moment unfavorable for such an undertaking, avowedly dependent, as it was admitted to be, on the patronage of the Colonial Government.

As Mr. Pringle has alleged that his zeal to establish the Society was branded as a breach of law and an insult to constituted authority, we shall proceed to notice the official correspondence to which this observation refers.

Some of the subscribers having met to consider of the expediency of forming a Literary Society, it was suggested to them to ascertain whether their Meetings might not be held to be an infringement of a Proclamation of Sir George Yonge for the prevention of meetings in the Town without Licence from the Governor. This Proclamation had been published at a time that the tranquillity of the Colony was threatened to be disturbed by internal rebellion and Jacobinical intrigue; and was quoted by His Majesty's Fiscal to the Government, as well as to ourselves, as an authority to justify the suppression of the meetings held by the British Emigrants in Albany.

In a letter that was written by the Secretary to Government to a gentleman deputed to present an introductory address to the Governor, it was stated that His Excellency "considered that he would greatly deviate from his duty in giving countenance to an establishment conducted by persons who had paid so little regard to the authorities and established regulations of the Colony;" and it was further stated that "His Excellency had Sir John Truter's authority for saying that he

desired to withdraw his name." The censure conveyed in this communication we do not think was deserved, and we consider that Mr. Pringle was justified in the opinion he expressed to us that the original concurrence of the Chief Justice was a sufficient assurance to the persons who were associated, that there was nothing illegal in their proceedings. Nor do we think that a preparatory Meeting, held for the purpose of considering of the formation of a Literary Society, could be justly regarded as disrespectful to the authority of the Governor.

The objection alleged by Mr. Pringle to have been made to the insertion of his name in the formation of the Committee for the Scotch Church, on the ground that it would be obnoxious to the Governor, we have been unable to trace to any authentic source. From the evidence of persons who were associated on that occasion, the name of Mr. Pringle did not appear to have been mentioned at their Meetings; but assuming that the observation was made by any member of the Scotch Committee that the name of Mr. Pringle being obnoxious to the Governor might be prejudicial to their object of building a church, the opinion of an individual could not be taken as the sense of the community, unless the name of Mr. Pringle had been proposed and rejected on this ground at a Public Meeting, and which, on the authority of the evidence we have quoted, would not appear to have been the case. We have since been relieved from all doubt on this subject by the admission of Mr. Pringle that his statement to your Lordship was erroneous, that his name was not brought forward at any Public Meeting, but that a private suggestion of Mr. Pillans that he should be proposed as a member of the Committee was objected to by Mr. Grant. As Mr. Pillans and Mr. Grant have both left the Colony, we are precluded from pursuing the inquiry, were it even of importance to do so.

We will now advert to the last and most serious charge of Mr. Pringle, in which he imputes the insertion of his name in a Warrant for the search of the Papers of some individuals suspected of being implicated in posting up an infamous placard levelled against the honor of the Governor. Mr. Pringle appears to have received an intimation from Mr. Jardine, his successor in the Public Library, that a Report was in circulation that his name was inserted in such a Warrant, and that

his papers would be immediately examined. The authority upon which Mr. Jardine made this communication to Mr. Pringle was the general rumour that he stated to be current, and the declaration of a Dutch Gentleman in the Public Library who observed in conversation that a Warrant would be speedily served on Mr. Pringle, and that he had seen it on the Fiscal's table. As Mr. Jardine has not been able to furnish us with the name of this gentleman, we are unable to trace the authority for such a report, and Mr. Jardine states that he had no other.

On receiving this information Mr. Pringle applied to his Majesty's Fiscal, and requested to be informed if the Report was incorrect. The Fiscal declined to inform him, and Mr. Pringle having made an offer by letter to submit his papers to the inspection of any honorable and impartial person, he received a summons to attend the Court and to give up the name of his informant, whom it was the Fiscal's intention to prosecute for defamation.

Mr. Pringle being informed in Court that his refusal to answer would subject him to a judicial decree of imprisonment, he obtained the permission of Mr. Jardine to declare him as his authority, and the intention to prosecute was relinquished when it was apparent that the Report had originated in surmise.

As Mr. Pringle has complained of this procedure on the part of the Fiscal, and has remained strongly impressed with a belief of the existence of a Search Warrant in which his name was included, we have thought it necessary to interrogate Mr. Jardine, and also the Fiscal, very closely on the subject of it.

A number of placards had been stuck up in the Town reflecting upon different individuals, and several had been brought to the Fiscal and retained by him, in the expectation that he might discover the authors of them. An infamous placard directed against the honour of the Governor, being reported to have been stuck up, it became the duty of the Fiscal to institute strict inquiry, and if necessary to make searches into the Houses of justly suspected individuals, with a view to the discovery of the authors.

In one of those searches he was so far successful as to discover and seize a copy of a placard, under circumstances that fixed a heavy suspicion upon another individual, and led to

the search of his lodgings, and we conceive that the practice of placarding and wounding the feelings of individuals had at the same period obtained such a height and inveteracy that measures of very strict, perhaps of severe scrutiny, were necessary for the detection of the authors.

The Fiscal has unequivocally declared that the name of Mr. Pringle was not included in any Search Warrant, nor in any list of suspected persons, and that he had no intention of applying to the Governor for any Warrant to search the papers of Mr. Pringle. The original Warrant (a copy of which we transmit) has also been produced to us.

As the authority of Mr. Jardine for the report would appear to have been very vague, we have thought it unnecessary to pursue the inquiry further, and more especially as it was not incumbent on the Fiscal to have negatived his intention with regard to Mr. Pringle in denying the existence of any Warrant in which his name was inserted.

In Mr. Pringle's account of the transaction, he has stated that his informant had originally declined mentioning the source whence he derived his intelligence, and that he has repeatedly expressed at subsequent periods his assurance that his information was derived from no erroneous source, and that it was not false. Mr. Pringle has also alluded to another authority for his belief, but he has not named to us the person. The direct disavowal of Mr. Denyssen is opposed to these imputations, and altho' we consider it strange that Mr. Jardine should not have recollected the person who made the observation in the Public Library which induced him to make the disclosure to Mr. Pringle, and altho' Mr. Pringle has assured us that Mr. Jardine expressed to him at the time the strongest reliance on the authenticity of the Report, we cannot upon these grounds adopt any other conclusion than that the name of Mr. Pringle was not inserted in any Warrant for the search of his papers, and we have no reason to believe from the evidence before us that his name was included in any list of persons who were suspected of being concerned in the infamous transaction which was the occasion of the search to which the papers of certain individuals were subjected.

We have thus stated to your Lordship the result of our inquiry into the grounds of Mr. Pringle's claim to indemnity.

fication for losses sustained in the suppression of his Literary Journal and in the failure of his school, and altho' we have found that in one instance Lord Charles Somerset had been led to declare his objection to a public undertaking on the ground that it had originated with Mr. Pringle and Mr. Fairbairn ; and altho' such a declaration from the Governor of the Colony might be expected to operate unfavourably to the interests of Mr. Pringle in this community, nevertheless we are not warranted from any facts that have been proved to attribute to this observation, nor to the hostility of the Governor, the disappointments of which Mr. Pringle has complained.

The suppression of his *Miscellany*, as we have already explained, was not the act of the Governor, but a measure abruptly taken by Mr. Pringle upon the injudicious interference of the Fiscal, and before he had communicated with the Governor, who expressly disclaimed having authorized that interference. And altho' this decline of the School might be attributable in some degree to the circumstances in which the conductors had been placed with the Government, there are other causes which have been assigned, for which the Government was in no way responsible, except in its appointment of Mr. Pringle to a situation in the Public Library which precluded him from giving that attention to the School which might be required or expected from a teacher. Certainly no blame can be attached to Mr. Pringle for having applied himself to the duties of the situation of Sub-Librarian, or to the management of a periodical Work which he held and conducted with the sanction of the Colonial Government, but his acknowledged inability to give his personal attendance to the school must be admitted to have divested him of any claim for losses arising from the failure of the undertaking, a claim that has not been preferred by Mr. Fairbairn, on whom the superintendence of the School more directly devolved, and who appears to have participated throughout in the consequences that have been attributed by Mr. Pringle to the hostility of the Governor. The expressions or acts by which Mr. Pringle has endeavoured to prove this hostility, and its effects in prejudicing the public mind against him, having been confirmed only in the instance of the opposition of the Governor to the Literary Society, Mr. Pringle has

referred us to an incident of recent occurrence, in which his brother Mr. John Pringle has been deprived by Lord Charles Somerset of the services of a prize negro who had attended him while an assistant to the Superintendent of a Government Farm on the Frontier, a circumstance that Mr. Pringle has ascribed to the hostility of his Lordship, and which has been thus extended to his unoffending relations.

On the late reduction of the establishment at Somerset, some Negroes attached to it were assigned to individuals for the remainder of the term for which they were bound to the Superintendent, and upon the abstract claim that has been urged by Mr. Pringle, and that was rejected by the Governor, we are not aware of any objection that existed to the grant of any indulgence to Mr. John Pringle that was allowed to the other assistants upon the Farm. On the contrary we conceive Mr. John Pringle's exertions as a public servant to have been creditable.

It only remains for us to notice the allegations of Mr. Thomas Pringle, that he was considered turbulent and disaffected because he signed an address to the King in Council for the privilege of a Free Press ; and because he came forward voluntarily to furnish information to us of various Colonial abuses.

In the letter that was addressed by Mr. Pringle to the Governor when he resigned his appointment of Sub-Librarian, he alluded to an observation that had been made to him by His Excellency, that in signing the address to the King he had acted incompatibly with his duty as a public servant, and in his Memorial to your Lordship we conclude that Mr. Pringle has referred to this observation as having induced him to resign his appointment. His connection with the Press, as the Editor of a Journal, and more particularly the circumstances that led to his suppression of it, will naturally account for his support to that address. And unless his duties as a Sub-Librarian were incompatible with his interests as a journalist, we are not aware of any impropriety in his having signed it. But tho' no blame attached to Mr. Pringle for desiring to extend the privileges of the Press, we are not aware of any claim upon His Majesty's Government arising from such a circumstance, unless it had been the wish of Mr. Pringle to regain the employment he had thus been prompted to relinquish.

In a letter that we lately received from him, he complained of the inadequacy of his salary as Sub-Librarian, and that he had applied in vain to Lord Charles Somerset to augment it previous to the opening of his School. He also proceeded to inform us that on the appointment of his successor, a considerable increase of the salary was speedily made, altho' it had been refused to him. We considered it of importance to investigate this charge, which was contradicted by the Governor, and from the result of our inquiries it would appear to be unfounded, and that Mr. Jardine (the successor of Mr. Pringle, and a person not improperly chosen for such an office) has never received any emolument from the Government excepting 1000 rixdollars a year, the same salary that was allowed to Mr. Pringle, whilst we certainly think he has paid an undivided attention to his duties.

The remaining allegation of Mr. Pringle that he incurred the hostility of the Governor for having afforded us information of Colonial abuses, has been one that we have considered it of material importance to elucidate, as involving the conduct of Lord Charles Somerset in relation to our Commission. We therefore beg leave to state to your Lordship that shortly after our arrival in the Colony Mr. Pringle submitted to us a statement of the circumstances that attended the removal of the Seat of Magistracy from Tulbagh to Worcester, after the storms of 1822, and the expences incurred in the erection of new buildings; a subject upon which we have already had the honor of reporting to your Lordship the result of our inquiries. Mr. Heatlie, who has become the purchaser of the old Government Buildings at Tulbagh, was the friend or connexion of Mr. Pringle, and they attended together at our Office to afford us further information on the subject. The imprudence of Mr. Heatlie had led him to mention to his acquaintances the subject of his communications to us, a circumstance that we had occasion to investigate at the time, and which was satisfactorily proved. And from this circumstance might have arisen a belief on the part of the Governor that his friend Mr. Pringle had been concerned in these communications. We have never however had the smallest reason to suppose that the fact had transpired; and in a letter that Lord Charles Somerset addressed to us on the receipt of Mr. Pringle's statement from

your Lordship he distinctly disclaims having been at all aware of it. It did not appear from our inquiries that Mr. Heatlie had brought forward the name of Mr. Pringle, and the inference could only have been drawn from the trivial circumstance of their having once attended together at our office.

We had held other conferences however with Mr. Pringle on the subject of his intended publication, and as it could never have been known, except from the parties themselves, whether they attended voluntarily or by summons, we really do not believe that it has ever been a subject of observation on the one part, or of attempted concealment on the other.

Mr. Pringle has admitted that in his communications to us relative to the transactions in which he was personally involved with the Government, he was never studious of concealment, (and these occurred at a subsequent period). His remark can therefore only apply to the information he gave us on our first arrival respecting the expensive nature of the buildings at Worcester, and from the nature of that information, had it been known to Lord Charles Somerset, we cannot doubt that it would have led to an earlier manifestation of his displeasure.

It is within our recollection that Mr. Pringle did not complain to us of Lord Charles' hostility towards him until after the interview that led to his resignation of the office of Sub-Librarian, and he had previously acknowledged himself indebted to His Lordship's indulgence towards him for the encouragement he had given to the establishment of his school, without prejudice to his appointment; an acknowledgement that he expressed after his interview with Lord Charles Somerset, in which he also obtained permission to publish a *Journal*.

On these grounds alone we should have been induced to believe that the mind of Lord Charles Somerset was not prejudiced against Mr. Pringle on account of any communications that he had made to us, and that in fact the Governor had no knowledge of such communications.

In Mr. Pringle's first address to your Lordship of the 15th of January, he solicited a compensation for the losses he attributed to the acts of the Colonial Government; but in a supplemental communication of the same date he appears to have limited his views to the encouragement that your Lordship may be

pleased to hold out to him as a Settler, presuming that his claims in that capacity will be fully admitted by the Colonial Government and by us.

This limitation of his views has not prevented us from entering into a full investigation of the grounds upon which Mr. Pringle has preferred to your Lordship a claim to compensation for the injuries he has alleged to have sustained ; and we have done so the more readily because we have not been able to determine that his exertions as a Settler have entitled him in strictness to any further compensation than that which he acknowledges to have received from the Colonial Government. These exertions were certainly creditable to Mr. Pringle during the period that he remained with his Party ; and when he relinquished his views as a Settler he was permitted to resign the lands that had been granted to him in favor of his relations.

As however Mr. Pringle has returned to the Frontier with an apparent intention of renewing his agricultural pursuits, we can have no hesitation upon general grounds in recommending that every encouragement should be held out to him, altho' we greatly doubt whether the limited advantages which this support could procure to him would attach him permanently to such views, and induce him to reject any proposal that would enable him to return to the enjoyment of Society and of Literary pursuits. We have &c.

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

[Enclosure 1 in the above.]

CAPE TOWN, 27th July 1825.

Sir John Andreas Truter examined.

Were you present at any interview that His Excellency Lord Charles Somerset had with Mr. Pringle, late librarian of the Public Library ?

Answer. I was, at the special request of His Lordship.

Did His Lordship inform you of the reasons for which he had solicited your presence on the occasion ?

Answer. His Lordship told me that it was with a view to

have some explanation from Mr. Pringle respecting his intention of discontinuing his *Journal* in consequence of the interference of His Majesty's Fiscal.

Did His Excellency inform you, or express a wish, that Mr. Pringle should continue that publication ?

Answer. Not before Mr. Pringle's arrival, he stated it in the course of his conversation with Mr. Pringle.

Have you a recollection of what passed at the interview ; and will you be so good as to state it, as nearly as you are able to recollect ?

Answer. Lord Charles began by calling to Mr. Pringle's recollection the proposals under which he had undertaken to conduct his *Literary Journal*, and pointed out some passages in a paper written respecting the settlers in Albany, which His Lordship did not think was conformable to those proposals, and concluded by observing that there would be no objection to his continuing the *Journal* provided that he would adhere to the conditions upon which he had professed to conduct it. His Lordship also added that the interference of the Fiscal with the Publication in question had been entirely without his (Lord Charles') authority.

Could you refer to the passage in Mr. Pringle's *Journal* to which Lord Charles Somerset made allusion ?

Answer. I think it comprehended the remarks on the state and prospects of the English Emigrants at the 159th and following pages, where the causes of their failure had been enumerated and were considered as attributable to the arbitrary system of Government, the vacillating and inefficient system pursued towards the Caffres, and the erroneous system of defence that had been pursued. Lord Charles Somerset informed Mr. Pringle that these observations were not conformable to the spirit of the proposals under which his *Journal* was undertaken. Lord Charles then called to the recollection of Mr. Pringle the various favors that had been conferred upon him and his brother, both in the public appointment that he himself had received and in the large extent of land that had been conferred upon his brother, and then observed that after such manifestations of the good will of the Local Government towards him, he thought that it was entitled to expect that he should neither write nor do anything that was offensive to it.

Do you recollect what reply Mr. Pringle made to these observations ?

Answer. Mr. Pringle begged to disclaim any intention of shewing disrespect to the Colonial Government in the remarks that he had made, and did what he could to explain them. He said that he was not unmindful of the favors that he had received from the Government. Upon which Lord Charles Somerset observed that as a servant of the Government he should have at least communicated his intentions, or learnt their wishes, before he put his name to a petition for the adoption of any measure in which they might not be supposed to concur.

What observations did Mr. Pringle make to this ?

Answer. Mr. Pringle said that as a British Subject he felt that he had a right to express his sentiments by Petition, and that if the situation that he held was supposed to prevent him from the free exercise of that right he would rather prefer to resign it.

What remarks did Lord Charles Somerset make upon this declaration of Mr. Pringle ?

Answer. I really cannot recollect what they might have been.

Did the conversation terminate, or proceed on either side, with any offer of Mr. Pringle to resign his situation, or any acceptance of that resignation by Lord Charles Somerset ?

Answer. Not further than I have already stated.

Did Lord Charles Somerset warn Mr. Pringle that in the future publication of the *Journal* he would be subject to the Censorship of the Fiscal.

Answer. By no means. It seemed contrary to His Lordship's wish.

Did His Lordship say anything to Mr. Pringle that might have led him to suppose that the act of putting his signature to the memorial for a Free Press was an unpardonable offence, and one that could not be overlooked ?

Answer. Certainly not.

Do you recollect whether Lord Charles Somerset made use of any expression that appeared to convey censure upon Mr. Pringle for this act ?

Answer. I do not. And upon leaving the room, it was with

the impression that nothing had fallen from His Lordship that could be supposed to affect Mr. Pringle's character. At the conclusion of the interview Lord Charles Somerset desired me to make a memorandum of the conversation that had passed. I neglected to do this, as I felt that nothing had occurred that could require to be held in such careful remembrance.

Having heard the account that Mr. Pringle has given of the interview in his memorial to Earl Bathurst, and in which he states that Lord Charles Somerset had censured him in a manner both severe and insulting, do you consider that Mr. Pringle is justified in applying those terms to Lord Charles Somerset's addresses to him ?

Answer. By no means.

Do you recollect whether Lord Charles Somerset accused Mr. Pringle of being one of those who thought proper to insult him and oppose his Government ?

Answer. I cannot recollect that his Lordship used such language to Mr. Pringle.

Do you recollect whether Lord Charles Somerset appealed to you to be witness of his offer to Mr. Pringle to continue the publication of his *Journal* upon the same terms as he had done previous to the interference of the Fiscal ?

Answer. I do not recollect such a particular appeal having been made to me, tho' it may have passed.

Had you had any previous acquaintance with Mr. Pringle, or knowledge of his character ?

Answer. I had such an acquaintance with him as I had derived from being a member of the Committee for conducting the Public Library, and in consequence of this acquaintance I entrusted him with the instruction of one of my grandchildren of which I had taken particular charge.

Had you reason to be satisfied with Mr. Pringle's care and attention to the tuition of your grandchild ?

Answer. I am sorry to say that I had not. I imputed it more to his coadjutors than to himself, for he was much occupied by his attendance upon the Library. I forbore to remove my grandchild for some time, out of respect to Mr. Pringle, but at last I yielded to the solicitations of the parents, who informed me that the child had made no progress. Upon removing him to the Finaiglian School, I found that he was not

sufficiently advanced to admit of his being placed there, and it was only as a favour that he was at last admitted.

(Signed) J. A. TRUTER.

[Enclosure 2 in the above.]

CAPE TOWN, 27th July 1825.

Mr. Henry Cloete examined.

Are you acquainted with Mr. Pringle ?

Answer. I am slightly acquainted with him.

Did he ever communicate to you any proposal for the establishment of a Literary Society in Cape Town ?

Answer. Some time last year Mr. Pringle called upon me, stating that he had consulted several other gentlemen resident here upon the expediency of establishing a Literary Society, that they had all approved of it, and he requested my opinion and coöperation. I approved of the proposition, and promised my best support, upon the condition that its objects should be purely scientific, and that all discussion upon political or theological subjects should be expressly excluded. Mr. Pringle said that this was precisely the object proposed, and said that a Meeting was intended to be held a few days afterwards at the house of Messrs. Cooke & Co., which he hoped I would attend.

Did he upon this occasion name to you the gentlemen who had already assented to the proposal and promised their support ?

Answer. I think he mentioned the names of Sir John Truter, Mr. Borchers, Mr. W. van Ryneveld, and some others.

Did you attend the meeting at Mrs. Thompson's ?

Answer. No, I was prevented by an engagement from doing so.

What was the next occasion upon which you saw or conversed with Mr. Pringle upon the subject of the Society ?

Answer. A few days after our first interview he called, stating that a second Meeting would be held at the house of Messrs. Cooke and Thompson, and then showed me a list of persons who had given their names as supporters of the Society.

Had the names increased ?

Answer. Considerably so. I think the list composed one part of the printed proposals.

Did you attend the second Meeting ?

Answer. No, I did not.

What were the circumstances that prevented the progress of the plan ?

Answer. On the day after the last Meeting Mr. Pringle called upon me in the morning, and stated that on the evening before the gentlemen assembled had come to a preliminary resolution of appointing a deputation to wait upon His Excellency the Governor, and to request his support and patronage. He informed me that Sir John Truter would be requested to be at the head of the Deputation, and that I had been added as one of the members. I signified my assent, but at the same time I informed Mr. Pringle that on the preceding day I had understood from some person who was supposed to have a knowledge of the Governor's sentiments, that he would refuse his sanction to the Establishment. I suggested therefore the propriety of learning, by a private interview, the nature of His Excellency's objections. Mr. Pringle acquiesced in this proposal, and I called upon Sir John Truter to acquaint him with his nomination, and suggested at the same time the propriety of endeavouring to learn His Excellency's sentiments.

Did you proceed to inform Sir John Truter of this ?

Answer. I did, and he fully concurred with me in the propriety of doing it.

What step did you take in consequence ?

Answer. I went direct from Sir John Truter to Government House, and meeting His Excellency as I approached, I entered upon the subject. I informed him of the wishes of the Association, and the Resolution they had come to.

What reply did His Excellency make ?

Answer. Immediately on mentioning the subject His Excellency admitted that he had seen the Prospectus and the list of persons who put their names to it, amongst which he said that he was sorry to see my name and that of several persons connected with Government, as he knew that the establishment of the Society had proceeded chiefly from Mr. Pringle, Mr. Fairbairn, and others who were decidedly hostile to the Government, persons upon whose professions the Government

could place no reliance, as Mr. Pringle had in a former instance broken a pledge that he had given to the Government, and that therefore, however specious the proposals were contained in the Prospectus, their spirit and terms would soon be defeated by such persons, who in such meetings succeed in acquiring a preponderance. Upon these grounds His Excellency said that he was determined to oppose the Society to the utmost.

Did you make a communication of this reply to any of the gentlemen who had associated, or had put their names ?

Answer. I immediately returned to Sir John Truter, and acquainted him with His Excellency's determination, and he joined with me in thinking that it would be both fruitless and unpleasant to address His Excellency by a deputation. I also acquainted Mr. Pringle with His Excellency's sentiments, and I also added my opinion that without the support of the Government no Society of the kind that was proposed would ultimately succeed.

Had you ever heard that a meeting of persons had been held at the Commercial Rooms antecedent to those you have mentioned, in which sentiments hostile to the Government had been expressed by some of the persons present ?

Answer. I never heard that such a meeting had been held.

Was the name of Mr. Pringle known as Secretary to the Society before you assented to join it ?

Answer. It was not known until after the second meeting, when Mr. Pringle informed me of the temporary appointment that had been conferred upon him.

Was it known that Mr. Fairbairn had taken a lead in the formation of the Society ?

Answer. I was not aware of it, but Mr. Pringle mentioned in the course of conversation that Mr. Fairbairn had been instrumental in establishing a similar Society in his native town in England, and that it had been successful.

Was it known at this period that Mr. Pringle and Mr. Fairbairn were connected with the publication of the *Commercial Advertiser* ?

Answer. I had heard that Mr. Fairbairn had written some leading articles in the more recent numbers.

From the conversation that you held with other gentlemen who intended to give their support to this Establishment, do

you conceive that they had entirely agreed in the expediency of excluding all political subjects ?

Answer. Everybody that I spoke to upon the subject was unanimous in this opinion.

(Signed) H. CLOETE.

[Enclosure 3 in the above.]

CAPE TOWN, 29th July 1825.

Daniel Denyssen, Esqre., examined.

You have been acquainted with Mr. Thos. Pringle, late librarian of the Public Library and conductor of the South African *Journal* that was published in the Colony ?

Answer. Yes, I have known him in those situations.

Did you at any time represent to him that one of the articles contained in a number of his *Journal* was objectionable, and did you warn him against a repetition of publications of the same kind ?

Answer. In the execution of the discretionary power that is vested in the Fiscal and the Prosecutor General in the Instructions to the Court of Justice, article 105, I sent to Mr. Pringle with a view of warning him against the consequences that might result from his continuance in the same train of observation that he had commenced against the Colonial Government in the second number of his *Journal*, especially in the article that described the present state and prospects of the English Emigrants in South Africa. Page 151.

What answer did Mr. Pringle give to your admonition ?

Answer. He declined giving any positive answer to my admonition, but told me that he would consider it.

Did he enter into any defence of the passages to which you had drawn his attention ?

Answer. No, he did not, and I did not give him any encouragement to do so, tho' I pointed out some of the passages that I thought objectionable.

Will you be so good as to refer to those passages ?

Answer. I do not recollect them at this time precisely, but I think I mentioned the passage in which he attributes the situation of the settlers to an arbitrary system of Government,

to abuses of power by local functionaries, and the vacillating and inefficient system pursued with regard to the Caffres.

Did you require Mr. Pringle to send you proof sheets of his intended publication ?

Answer. No, I did not.

According to the Law of the Colony, did you consider the passages you have quoted to be such as might justly render Mr. Pringle liable to punishment or restraint ?

Answer. I considered the passages as violating the engagement that Mr. Pringle had entered into in his Prospectus, and I rather meant my observations in the way of admonition than as shewing any intention to prosecute him. If I had thought that Mr. Pringle had made himself amenable to the Laws by publishing the objectionable passages, I should have felt it my duty to have prosecuted him.

Are you of opinion that by the laws of the Netherlands such observations as are contained in these passages referred to would render the author liable to prosecution ?

Answer. I hardly think it would.

Do you recollect the investigations that took place for the purpose of discovering the author of the infamous placard that reflected upon the character of His Excellency the Governor ?

Answer. I do.

Were they conducted by you, as exercising the duties of Fiscal and Prosecutor General ?

Answer. They were.

Had a great many placards reflecting upon individuals been found in the different streets of the town about the same time ?

Answer. A great many, some of which I have still in my possession, under the possibility of being able to discover the authors.

Did you under these circumstances think it necessary to institute any searches for documents and papers in the houses of individuals whom you had reason to suspect ?

Answer. I did.

Were your searches in any instance attended with success ?

Answer. Only in one instance. Upon searching the papers of Mr. William Edwards, then confined in the Gaol, we were so far successful that I found in his possession a copy of a placard

against Dr. Barry, which the Doctor had delivered to me, and which had been taken from the place where it was posted by an Inhabitant of the Town ; I found that it was written in the same style that I was told pervaded the placard in question. And upon shewing it to Captain Findlay, one of the two persons who, we were informed, had seen it before it was taken down, he declared that he thought the handwriting of both was very similar. The copy of the placard was found in one of Edwards' Portfolios on the visit of the Commissioner of the Court of Justice to the Gaol. It appeared to me to be in the handwriting of Bishop Burnett, and it is written on the back of a sheet of paper that contained a copy of one of Edwards' letters to Lord Charles Somerset, for which the former was prosecuted for a libel, and was transported to New South Wales.

Did any circumstances that had transpired induce you to apply to the Governor for a Search Warrant of the House and papers of Mr. Thomas Pringle ?

Answer. No, there did not, at least to my recollection.

Did Lord Charles Somerset ever convey to you his wish that the house of Mr. Pringle should be searched ?

Answer. I cannot recollect that he did.

When the application for a Search Warrant has obtained the Governor's signature, is it necessary to obtain the sanction of the Court of Justice before it is issued ?

Answer. It must be presented to the Chief Justice of the Court for the purpose of appointing two Commissioners to assist in the execution, according to the 82nd Article of the Instructions to which I have before referred.

Do you conceive that any discretion respecting the issue of a Search Warrant is given to the Chief Justice ?

Answer. From the circumstances of a very late case that has occurred, I think a discretion would be claimed by him.

In making application to the Governor for a Search Warrant, do you accompany it with any statement of the circumstances ?

Answer. The application itself contains a summary notice of the circumstances, and the Governor gives his Fiat.

Did Mr. Pringle ever complain to you that his name had been inserted in a Search Warrant ?

Answer. He once applied to me to know whether a Search

Warrant had been issued against him, and for what purpose, which information I of course declined to give him.

In a copy of a letter from you addressed to Mr. Pringle we find that you required him to give you judicial evidence of the information that he had received respecting the insertion of his name in a Search Warrant. Did he afford you such evidence ?

Answer. I obtained it myself by way of preparatory information, to enable me to determine whether I should prosecute his informer for defamation.

Did you find that the information had been given to Mr. Pringle, and by whom ?

Answer. I have before me a Proceeding in which the declaration of Mr. Pringle was taken before a Commissioner of the Court of Justice, and in which he states that his inquiry respecting the Search Warrant was founded upon the communication of a person who told him that he believed or guessed that such a Warrant did exist. Upon such information as this I conceived it right to drop the investigation altogether.

Was any Warrant issued about the same time in which the names of more than one person was included ?

Answer. There was.

Was the name of Mr. Pringle included in this Warrant ?

Answer. It was not. I have the original in my possession, which I am ready to produce for the purposes of inspection.

Was any Warrant ever prepared in your Office by your Instructions or order in which the name of Mr. Pringle was inserted ?

Answer. No, there was not.

(Signed) D. DENYSSEN.

Cape Town, 26th October 1825.

Mr. Denyssen re-examined.

Was the name of Mr. Pringle included in any list of individuals whose papers, persons, or premises were intended to be visited or searched under such a Warrant ?

Answer. No such list existed, nor had I any intention of making application to the Governor for the insertion of his name in such a Warrant.

(Signed) D. DENYSSEN.

Enclosure 4 in the above.]

CAPE TOWN, 31st July 1825.

Mr. A. Johnstone Jardine examined.

You are Sub-Librarian of the Public Library ?

Answer. I am.

Are you acquainted with Mr. Thos. Pringle ?

Answer. I am intimately acquainted with him.

Do you recollect a judicial inquiry that took place in the course of last year relative to some information that Mr. Pringle had received of his name being included in a Search Warrant ?

Answer. I do. I understood that such Proceedings were instituted by His Majesty's Fiscal, in consequence of some information that Mr. Pringle had received from me.

Will you be so good as to state the nature of the information which was communicated by you to Mr. Pringle ?

Answer. It having been generally rumoured in Cape Town that a Search Warrant had been prepared by His Majesty's Fiscal, in which the name of Mr. Pringle amongst others had been included, and that the Fiscal only awaited an opportunity for searching Mr. Pringle's house, I felt interested in preventing such an occurrence, in consequence of my knowledge of Mrs. Pringle's state of health, and the alarm it might occasion to her. A few days afterwards I was confirmed in my resolution to communicate these reports to Mr. Pringle, by the decided declaration of a gentleman in the Public Library, who in conversation with his friend observed that a Warrant would be speedily served on Mr. Pringle, and I disclosed to him what I had thus heard under a solemn injunction that he should not declare me to have been his informant.

Did the gentleman to whom you alluded appear to have any direct knowledge of the fact that such a Warrant was in existence ?

Answer. He appeared to speak from his own knowledge of its existence. I rather think he said he had seen it on the Fiscal's Table. He spoke in the Dutch Language.

Are you acquainted with the person who made this observation ?

Answer. I am not, and as I was engaged at the moment I did not particularly remark his person so as to identify him, altho' I attended to his conversation.

You did not then refer Mr. Pringle to any individual as an authority for the report ?

Answer. I did not.

Have you any other authority for the report that such a Warrant had been executed against Mr. Pringle ?

Answer. I have no other authority for such a report.

Have you any further grounds for believing that such a document was in existence, or had been prepared by the Fiscal ?

Answer. No other than the general reports to which I have already alluded.

Were you required to make any declaration in the Court of Justice on the subject of the communication you had made to Mr. Pringle ?

Answer. Never, my knowledge of the proceedings held in Court on the subject proceeded from Mr. Pringle having informed me that the Fiscal had required him to disclose his authority for the Report, on pain of commitment to prison within half an hour ; as I observed that he felt considerable embarrassment under the pledge of secrecy he had given to me I did not hesitate to absolve him from it, in order to save him from the alternative of imprisonment, and I am not aware that on his disclosure of my name as his authority that any ulterior proceedings were adopted.

Had you any interview on the subject with His Majesty's Fiscal subsequently to these proceedings ?

Answer. I had not.

In the information that you received and communicated to Mr. Pringle, was it understood by you that the Search Warrant directed against him was for the examination of his Papers as a person suspected of being concerned in the preparation of the infamous Placard ?

Answer. The information that I received and communicated to Mr. Pringle, had no reference, as far as I can recollect, to the subject of the Placard in question ; it was merely to this effect, that a Search Warrant had been prepared against him.

(Signed) . A. J. JARDINE.

[Enclosure 5 in the above.]

CAPE TOWN, 31st July 1825.

Mr. Andreas Richert examined.

What was the nature of the verbal communication made to you by Colonel Bird, sanctioning the publication of the *South African Journal* at the Government Press ?

Answer. I was sent for to the Colonial Office by Colonel Bird, and when I came there I saw him with Mr. Pringle. Colonel Bird asked me if it was possible for me to print the *South African Journal* at the Government Press. I said that we had much business to perform for the Government Offices. Colonel Bird said he was aware that there was much business to do, but he insisted that the *Journal* might also be printed, and observed that it would be very useful to the Public, and if it could not be done in the ordinary hours of business it should be executed at extra times. On this I undertook the work. The terms were left to me to arrange with Mr. Pringle.

Had you any subsequent communication with Colonel Bird on the subject ?

Answer. No, I had not.

To whom were the proof sheets sent by you for correction ?

Answer. They were sent to Mr. Pringle, and sometimes by his desire to Mr. Fairbairn.

Were any copies given out from the Office to any other persons previously to the delivery of them to the publisher ?

Answer. No copies were given out before they were delivered to Mr. Bridekirk for publication.

Did you peruse the papers before or after they were printed, and previous to their publication ?

Answer. I did not. Mr. Bridekirk, who was compositor, corrected the first proofs, and I did not send them till after they were published.

(Signed) A. RICHERT.

[Enclosure 6 in the above.]

CAPE TOWN, 31st July 1825.

Rev. A. Faure examined.

You have been engaged I believe in the publication of the *South African Journal* ?

Answer. I have conducted the publication of the Dutch Series of that *Journal*, which I undertook in conjunction with Mr. Pringle, who conducted the publication of the English part.

What was the nature of the engagement into which you entered with Mr. Pringle ?

Answer. It was understood between us that we were to retain the profits or bear the loss arising from the publication of this *Journal* that we respectively conducted, and that the Dutch and English numbers were to be published in alternate months.

Has the circulation of the Dutch *Journal* been increased or diminished since the commencement of the publication ?

Answer. It has increased, there are double the number of subscribers at present than at the commencement of the work. There are now about 260 subscribers, and the number is still increasing.

Can you state whether Mr. Pringle had as many subscribers at the outset for the English part of the *Journal* ?

Answer. I am not aware. I believe Mr. Pringle had more subscribers at the commencement than I had. I am sure that he had more in Cape Town.

Was the same charge made for printing the Dutch as the English part of the *Journal* at the Government Press ?

Answer. The same charge was made of 300 rixdollars for 600 copies that were engaged to be printed of each number, the paper being supplied by us.

Did you engage to publish under the same prospectus with that given out by Mr. Pringle ?

Answer. The same prospectus was translated and signed by me in Dutch that had been published by Mr. Pringle in English.

Were any of the articles contained in the English *Journal* republished in the Dutch ?

Answer. The article on the Zuurveld in the first number was translated and republished. I am not aware that any article from the second number was inserted in the Dutch *Journal*.

Have you at any time found it inconvenient to adhere to the terms of your prospectus ?

Answer. I never have, as the subjects proposed embraced

all the topics that were interesting to the majority of my subscribers and which tended to the general good of the community.

Has your *Journal* been a source of profit, or has it merely covered the expences of its publication ?

Answer. It did not at the commencement cover its expences, it does so at present, but it is not a source of profit to me.

Are you aware, whether Mr. Pringle had a sufficient number of subscribers to repay his expences in the publication of his two first numbers ?

Answer. I am not aware.

(Signed) A. FAURE.

[Enclosure 7 in the above.]

CAPE TOWN, 1st August 1825.

Mr. William Bridekirk examined.

Did you publish the *South African Journal* for Mr. Pringle ?

Answer. I did.

Can you inform me what was the number of subscribers before the first number was published ?

Answer. The subscribers in and about Cape Town amounted to 130, and 144 copies were sent to the different Districts on speculation.

What was the amount of each subscription ?

Answer. Two dollars and a half for each number.

Were those numbers sold that were sent on speculation ?

Answer. The agents to whom they were sent accounted to Mr. Pringle and not to me, I merely forwarded them.

How many were sold for cash ?

Answer. Fifty-six.

How many did you print of the first number ?

Answer. One thousand copies of the first number, and 750 of the second.

How many copies of the second number were sold ?

Answer. Thirty-two, independent of the number delivered to the subscribers.

Did you send any numbers to England ?

Answer. Three hundred were packed up and sent to Messrs. Underwood and Son, booksellers in London.

Have you received any account of the sales of these copies ?

Answer. They have been sent to Mr. Pringle.

Then it appears by the reduced sale of the second number that the popularity of the work had declined ?

Answer. It does so.

Did you observe that yourself at the time ?

Answer. I made that observation to Mr. Pringle.

Did the number of subscribers increase ?

Answer. Not at all.

Had Mr. Pringle lost money by the publication at the time that he discontinued it ?

Answer. He had, I think about 700 or 800 Dollars. The purchase of the paper was very heavy.

I see amongst the subscribers the names of several Government civil servants, did any of them withdraw their subscriptions or give notice of withdrawing them on the appearance of the second number ?

Answer. Not any of them.

Was it ever considered a popular publication ?

Answer. It was not.

Did you ever hear Mr. Pringle assign a reason for giving up the publication of the *South African Journal* ?

Answer. Yes, on account of an interview that he had with Lord Charles Somerset, in which he had expressed himself openly respecting the situation of the Settlers.

Did you ever hear Mr. Pringle express any opinion as to the propriety of his resigning ?

Answer. Yes, I have heard him express regret that he had sent in his resignation so hastily.

(Signed) W. BRIDEKIRK, JR.

[Enclosure 8 in the above.]

CAPE TOWN, 4th August 1825.

Mr. John Fairbairn examined.

At what period did you arrive at this Colony from England ?

Answer. It will be two years in October next.

I believe that you came to this Colony under the expectation of joining Mr. Pringle in the School that he had opened, and also in assisting in the publication of the *South African Journal* ?

Answer. I did.

Was it by the invitation of Mr. Pringle ?

Answer. It was.

Had Mr. Pringle informed you previous to your departure from England, or on your arrival here, that any restrictions would be enforced by the local Government upon the mode of conducting the *Journal* ?

Answer. Not previous to my arrival. On the contrary he pointed out to me the great probability of success from the field not being occupied, and from the general desire that had been expressed by the inhabitants for a publication of the nature that we contemplated.

Upon your arrival did Mr. Pringle inform you that any restrictions had been imposed upon him in the conduct or publication of his *Journal* ?

Answer. As I was in a bad state of health upon my arrival I desired that Mr. Pringle would undertake all the communications with the Government, and that I would contribute to the *Journal* in an equal proportion with the other Editors. I also represented that there was no necessity for making his Dutch *Journal* exactly similar to the English one, and I therefore proposed that Mr. Pringle and myself should join in the latter and that Mr. Faure should conduct the former. I understood that a verbal communication of some kind or other had taken place between Mr. Faure and Mr. Pringle and the Government before I arrived, and after my arrival (I think in the month of January 1824) I accompanied Mr. Pringle to the Colonial Office, where we had an interview with Lord Charles Somerset for the purpose of expressing thanks to His Lordship for the permission he had given us to open a school. Lord Charles then informed Mr. Pringle that he had something to communicate to him, and I left the room.

Did Mr. Pringle tell you what passed ?

Answer. He did.

Will you be so good as to state it ?

Answer. As far as I can recollect, His Lordship told Mr. Pringle that some short time previously he had received a letter from Lord Bathurst respecting the request that had been made to him to obtain his permission to publish a *Journal*. That Lord Bathurst thought that there could be no harm in it,

but that it might do much good. Mr. Pringle said that Lord Charles Somerset made his own comments upon different parts of the letter, so that Mr. Pringle professed his inability to distinguish between the opinions of Lord Bathurst and the comments of Lord C. Somerset. On the whole, he told me that he felt convinced that Lord Bathurst had not been dissatisfied with the Proposal.

Did Mr. Pringle and yourself receive any other intimation of the sanction of the Colonial Government to the publication of the *Journal* than what passed verbally between Mr. Pringle and Lord C. Somerset upon this occasion ?

Answer. None that I know of.

Do you recollect whether Mr. Pringle said anything of an objection made by Lord Bathurst to the discussion or introduction of Colonial Politics into the *Journal* ?

Answer. Lord Charles Somerset said that Lord Bathurst felt no objection to the publication, provided the persons concerned adhered to their plan.

Do you know whether this plan had been submitted to Lord Bathurst ?

Answer. I have reason to think from the tenor of Lord Charles' conversation with Mr. Pringle that the plan had been submitted to him, and that Lord Charles communicated the substance of His Lordship's answer to Mr. Pringle.

Were you made acquainted with the public notice of the views and intentions of Mr. Pringle and Mr. Faure, as announced by them in their advertisement in the *Cape Town Gazette* dated 17th December 1823 ?

Answer. Yes, I remember that notice.

I see that the name of Mr. Faure is not appended to the Prospectus of the first number of the *South African Journal*, dated Harrington House, 20th January 1824. Had the agreement that you have mentioned then taken place, by which the arrangement of the Dutch part of the *Journal* was left to him, and yourself and Mr. Pringle were to conduct the *English Journal* ?

Answer. It had.

Do you conceive that at this last date anything had passed between Mr. Pringle and Lord Charles Somerset in which the sanction of his Lordship to the introduction and discussion of

loc
giv
tha
int
not
by
pre
t
h

Copy, and also certain passages in the Review of Mr. Bigge's Report on the Colonies of New South Wales and Van Diemen's Land, and further many passages in the article on the State and Prospects of the English Emigrants that he considered obnoxious and contrary to the terms of our Prospectus.

Can you point out in the 2nd Number the several passages that the Fiscal objected to ?

Answer. I think that the Fiscal objected to the quotation from the work of the Civil Servant on the Government of One and the observations accompanying it. I think also that the Fiscal referred to the passage in the " Report on New South Wales " relating to the manner of granting lands and the observations upon the effect of engrossing land in a New Colony, and also to the observations of the Editors of the *Journal* upon the general weakness common to almost all men in power to impose taxes injurious to the Colonies when not restricted by the Home Government. He referred to the whole paragraph, beginning with " The great Majority of the Settlers " and ending with " entitles them to " at pages 154 and 5, and also the enumeration of the three first causes of the failure of the Emigration contained in Pages 159 and 160.

Did the Fiscal confine himself to an admonition of Mr. Pringle to abstain from a repetition of such observations in his future numbers ?

Answer. He did not. He demanded a pledge to be given to him by Mr. Pringle, that he would hereafter confine himself to the express terms of the Prospectus and avoid the insertion of offensive matter. Mr. Pringle requested that the Fiscal would communicate the restrictions in writing, and I believe that he repeated that request in writing, to which the Fiscal replied that it was not the custom of his office to give his answers in writing. He also said that if it had been known that such passages as those that he had pointed out were in the second No. the publication would have been prevented.

In what light did Mr. Pringle and yourself receive this intimation ?

Answer. I considered that it was equivalent to a censorship. The Fiscal having told Mr. Pringle that if the contents of the 2nd number of our *Journal* had been known the publication would have been prevented, made me suspect that means would

be taken in future to know the contents of every number, before it could be published.

How soon after this Interview had Mr. Pringle any conversation with Lord Charles Somerset ?

Answer. I believe about a fortnight or three weeks.

Did Mr. Pringle inform you of what took place at this Interview ?

Answer. He did.

Will you be so good as to state what you recollect of Mr. Pringle's Statement ?

Answer. I think I remember some of the expressions attributed by Mr. Pringle to Lord C. Somerset, as also the mode in which the interview began. Lord C. Somerset addressed Mr. Pringle by saying " So, Sir, you are one of those that take upon them to insult and oppose my Government." Mr. Pringle begged His Lordship to explain himself. His Lordship then referred to a note that Mr. Pringle had sent to the Fiscal, signed by Mr. Pringle and myself, in which we had stated that we found it inconsistent with our personal safety to continue the publication of the *Journal*. His Lordship continued " How did you dare to offer such an insult to my Government ?" He then mentioned to Mr. Pringle the favors that he had shewn him, namely the appointment to the Library and the permission to keep a School, altho' interfering in some degree with the former employment. He then asked him how he could sign the Memorial for a free Press, holding a situation under his Government, adding that such a memorial should have been sent to him or through him to Lord Bathurst. He asked Mr. Pringle, Why can't you abide by your Prospectus ? His Lordship made some allusion to the observation on the defence of the Frontier, and said that he had received compliments from many persons and from the Commissioners of Inquiry upon the subject. He said I don't accuse you of wilfully misstating things, but you have been grossly misinformed.

Did Mr. Pringle state to you that Lord Charles Somerset had expressed anything to him that was of an insulting nature ?

Answer. He did.

Of what nature was it ?

Answer. He seemed to upbraid him with ingratitude and to insinuate considerable contempt of his understanding. In

confirmation of this, Mr. Pringle said that His Lordship had expressed his belief that "he was led by some one, or by some Party," there were several other expressions of this kind that I have forgotten, but that were in themselves exceedingly contemptuous. The reply that Mr. Pringle told me that he had made to these observations led me to believe that they must have been insulting to Mr. Pringle, for he said that he was a free man, and did not consider himself a fit person to be taunted with observations so reviling. Upon coming away Lord C. Somerset said that he did not mean to taunt him, but Mr. Pringle observed that he could view what his Lordship had said in no other light.

Did Lord C. Somerset repeat his request to Mr. Pringle to continue the publication of the *Journal* ?

Answer. I think Mr. Pringle said that His Lordship asked him why he could not go on according to his Prospectus. "I do not wish you to stop it," or words to that purport.

Have you understood that Mr. Pringle made any memorandum of this conversation soon after it took place ?

Answer. I believe that he did soon after it took place.

Did Lord C. Somerset say to Mr. Pringle that the admonition of the Fiscal had been without his knowledge ?

Answer. I think he did, and I think he added that the Fiscal had no authority from him for the manner in which he had interfered.

Have you reason to suppose that this interview, or the hostility of Lord Charles Somerset, had any influence on the prosperity of your school ?

Answer. I have no particular proofs of this, but I think it a natural consequence of the relation in which we then stood with the Government.

(Signed) JOHN FAIRBAIRN.

[Enclosure 9 in the above.]

CAPE TOWN, 10th October 1825.

Mr. John Saunders examined.

I believe that you are a Member of the Committee of the Scotch Church ?

Answer. Yes, I am.

Do you recollect whether at any of the Meetings of the Committee it was proposed that Mr. Thomas Pringle should become a Member ?

Answer. No, I cannot recollect to have heard it mentioned.

Do you recollect whether at any General Meeting of the Members of the Scotch Church previous to the formation of the Committee Mr. Pringle was proposed as a Member ?

Answer. The first General Meeting was held at the Lutheran Church, and it was there that the Committee was chosen ; but I do not recollect that Mr. Pringle's name was mentioned or suggested on that or any other occasion.

(Signed) JOHN SAUNDERS.

[Enclosure 10 in the above.]

CAPE TOWN, 11th October 1825.

Mr. James Abercrombie examined.

You are a Member of the Committee of the Scotch Church in Cape Town ?

Answer. I am.

Were you present at the first Meetings that were held by the Members of that Church ?

Answer. I was not present at the first Meeting, which was a private one, but I attended the first Public Meeting that was held, and at which the Committee was elected.

Were the Members first proposed at that Meeting, or at the previous one at which you were not present ?

Answer. At the Public Meeting which I attended the names of several Gentlemen were submitted for the approval of the Meeting ; and so far as I recollect no objections were made to any of them. I think it more than probable that some discussion may have taken place at the previous Meeting, and which had led to the proposal of the gentlemen who were named for the Committee. I remember it having been observed to me by Mr. Grant before the business of the Meeting commenced that they had inserted my name amongst those whom they intended to propose to the Meeting as Members.

Do you recollect whether the name of Mr. Pringle was proposed or mentioned as a Candidate for the Committee at the Meeting that you attended ?

Answer. I do not recollect the name of Mr. Pringle having been mentioned at that Meeting. I cannot take upon myself to state whether his name was in the list of names proposed.

Did you hear that Mr. Pringle had been proposed by any Individual who attended the first Meeting ?

Answer. I did not.

Are you aware if Mr. Pringle was at that time in Cape Town ?

Answer. I am inclined to think he was absent at the time of the Public Meeting, but I am not certain.

(Signed) JAMES ABERCROMBIE.

[Enclosure 11 in the above.]

CAPE TOWN, 11th October 1825.

Captain John Findlay examined.

Are you a Member of the Committee for building the Scotch Church in Cape Town ?

Answer. I was appointed a Member at the first meeting at the Lutheran Church.

Was that the first meeting that was held upon the subject, or were there any private meetings amongst the Members of the Scotch Church before a general Meeting was called ?

Answer. I think that it was the first public Meeting that was held upon the subject. I had had conversations with Mr. Grant and others of my Countrymen who had taken the subject into consideration.

Are you acquainted with Mr. Thomas Pringle ?

Answer. I have a very slight acquaintance with him.

Upon the occasions to which you have alluded in your former answer, can you recollect whether the name of Mr. Pringle was ever mentioned or proposed as a member of the Committee ?

Answer. Never, to my recollection.

Do you recollect that any objection was made to him on account of his subsisting differences with His Excellency Lord Charles Somerset, or His Excellency's aversion to him ?

Answer. Never.

Do you think that if the name of Mr. Pringle had been mentioned, the Governor's aversion to him, or his known

hostility, would have caused his rejection as a Member of the Committee ?

Answer. I do not think that it would.

(Signed) JOHN FINDLAY.

[Enclosure 12 in the above.]

Record held before Walter Bentinck, Esqre., Commissioned Member from the Worshipful Court of Justice, on Saturday the 12th June 1824.

His Majesty's Fiscal together with Thomas Pringle having appeared before the Sitting Commissioner aforesaid, the former exhibits a letter sent to him by Mr. Pringle, and says that it is stated to him in the beginning of said letter that he (Pringle) has been confidentially informed that he (the Fiscal) is in possession of a warrant from the Governor or Court of Justice to seize his papers and examine them. That as such like information respecting matters which, in case they exist, ought from their nature to be kept secret, cannot flow otherwise than from a polluted channel, and subjects the author thereof to a prosecution, he the Fiscal has therefore considered it his duty to cause said Pringle to appear in order to give up his Informer.

Said Thomas Pringle having been informed by the above communication of His Majesty's Fiscal, and duly sworn, states that he was born in Scotland, and is thereupon examined by the Fiscal, and answers as follows :

Who is the confidential Informer from whom you received the report mentioned in the letter exhibited ?

Answer. In the first place I wish to state previously that I met many people in the streets some days ago who stated to me that it was reported as a rumour that my papers are either to be searched or were to be searched in consequence of a legal warrant. (This conversation I don't give as confidential.) Now I wish clearly to understand whether I am to give the names of those who stated the same to me ?

His Majesty's Fiscal hereupon says that under the present circumstances he must insist that the appearer shall state and

identify the person by name who communicated this information to him.

Thomas Pringle hereupon says : “ The Court will see that I am in a very unfavorable dilemma, and unless I am not forced to mention the name of the person who told it to me, I shall not do so. Besides I should much like to know the means of compelling me to mention a thing in case of my refusing to do so.”

On which His Majesty’s Fiscal informs him that if he obstinately continues to refuse to name the person who gave him the information, he will be compelled to do so by means of constraint.

Thomas Pringle having asked His Majesty’s Fiscal in what these means of constraint consist, and the Fiscal having informed him that he will be compelled thereto by a Judicial decree of Imprisonment, said Thomas Pringle states as follows :

“ The nature of the Information the person gave led that a legal warrant was in the hands of His Majesty’s Fiscal to search my papers. I told the gentleman previously, that I heard such report, and this gentleman told me he believed or guessed that such a warrant did exist, and advised me to see the Fiscal and ascertain it, which I followed.” The Fiscal’s answer to my interrogation appeared to me so equivocal as to affirm my opinion that such a warrant did exist. The reason why I thought so was because I considered it the duty of a Magistrate to have the minds of persons in such apprehensions relieved, by distinctly denying its existence. “ The individual who gave me the information is *A. Johnstone Jardine*, and he gave it on these terms, wishing me to ascertain whether it be true or not.”

Of all which this record has been made.

Done at the Cape of Good Hope, day and year as above.

(Signed) W. BENTINCK.

[Enclosure 13 in the above.]

FISCAL’S OFFICE, 28th October 1825.

GENTLEMEN,—I have the honor to acknowledge the receipt of your letter of this day’s date, requiring me to state by what Law Mr. Pringle would have been subject to the punishment

of Imprisonment for his refusal to give up the name of the person who had informed him that his name had been included in a Search Warrant, and in compliance with your desire I beg leave to state that the Judicial Decree of Imprisonment, which I alluded to, was by no means intended to be considered as a punishment.

Allow me, Gentlemen, to observe that the object of my Enquiry which occasioned me to require the evidence of Mr. Pringle was to discover the guilt of any such person as might be proved to have mala fide, and with the obvious intention to alarm the inhabitants, and bring the Government into disrepute, disseminated such false reports as I well knew the Report respecting Mr. Pringle's visionary Search Warrant was, and that in mentioning the Court's Decree of Imprisonment I have evidently alluded to the manner of executing the Judicial Decrees ordering Witnesses to give evidence, which has been recognized in the Crown Trial, and which is common to all other Judicial Decrees, for the prestation of facts, as may appear to you from the instructions for the Sequestrator, from the Ordination regulating the manner of proceeding in civil cases to which the Fiscal is referred in his Instructions of the 2nd July 1785, Art. 5, and from the several Commentaries and Treatises on the Law, of Van Leeuwen, Voet, Van der Linden, and other Dutch Authors. I have &c.

(Signed) D. DENYSSEN.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, *2nd December 1825.*

MY LORD,—I have had under my consideration the report of the Commissioners of Enquiry upon the complaints preferred by Mr. William Parker against Lieutenant Colonel Bird ; and I have perused with much surprize that part of the report of the Commissioners, an extract of which I annex, which relates to the grant made to him by Sir Rufane Donkin of a Building Allotment.

Under all the circumstances stated by the Commissioners I cannot but think that it was highly reprehensible on the part of an officer occupying the confidential situation which Lieutenant Colonel Bird filled under the Colonial Government to accept a Grant of Land, the alienation of which without the sanction of the Crown would have been extremely objectionable, even if it had not been so detrimental as the Commissioners have stated it to be to the Colonial Government. I have, therefore, to instruct your Excellency to take measures for cancelling the Grant of the ground in question, and for resuming it for the use of the Colonial Government. I have &c.

(Signed) BATHURST.

[Copy.]

*Letter from the SECRETARY TO GOVERNMENT to
J. T. BIGGE, ESQRE.*

IN SIR R. PLASKET'S OFFICE, *December 2nd 1825.*

MY DEAR SIR,—I should be very sorry to allude to any conversation that has passed between us where there is the smallest difference of opinion as to what took place. I therefore write you this private note. As far as my recollection carries me, I had a conversation with you one day in Mr. Gregory's room, wherein after my stating the impossibility of going on with Dr. Barry and the necessity of re-establishing the Medical Committee, you expressed your opinion that the duties of the Medical Department would be better entrusted to more than one Individual. I am not sure whether Major Colebrooke was in the room or not, but I think he came in while we were conversing, and the conversation then turned upon the propriety of Dr. Barry accepting a seat at the new Medical Board. I said he already acted under Dr. Lys. Colebrooke thought not, on which you replied, "Yes, it is very true, he does act in the Vaccine Committee under Dr. Lys."

I have no hesitation in stating to you the object I have in view in making this communication. It is to state confidentially to Earl Bathurst the subject of this conversation, pro-

vided we agree on the matter of it, to defend the Government and myself against the imputation of having suddenly abolished the office of Dr. Barry, and to shew that the subject was discussed by me with you, as the best friends Dr. Barry had in the Colony, independently of the pains Lord Charles took to arrange the matter with yourselves and others of Dr. Barry's friends, and also to shew your opinion as to the general question of the Individual Office, on public grounds. I remain &c.

(Signed) RICHD. PLASKET.

[Original.]

Letter from MR. D. P. FRANCIS to R. W. HAY, ESQRE.

MALDON, ESSEX, 2nd December 1825.

SIR,—Understanding that some new Arrangements are taking place in the Customs at the Cape of Good Hope, I take the liberty of drawing your attention to that Circumstance as probably there may be some appointment in that Department which could be selected for my Service.

I have been engaged Considerably in Mercantile Trade, and a Ship Owner for some years, consequently I am acquainted with the Shipping Interest generally. That I have no Employment whatever now, and should Earl Bathurst be pleased to give me an appointment in the above Department, my being here would give me the best Opportunity of receiving any Custom House Instructions which might be deemed necessary to qualify for that purpose.

I trust that the *absolute necessity* there is for my getting into employment with as little delay as possible will be considered a Sufficient excuse for my troubling you on this occasion.

I have &c.

(Signed) D. P. FRANCIS.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, *3rd December 1825.*

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatch No. 210 of the 30th of July last in which you report the measures which you had adopted for ensuring due protection and support to a considerable number of Mantatees and others of the Tribes of Natives inhabiting the adjoining Countries, who impelled by hunger and the persecution of their enemies had lately taken refuge in the Colony.

The measures which your Excellency has adopted for apportioning these unfortunate Individuals to the Farmers in such a manner as utterly to discountenance all attempts at the introduction or maintenance of a system of Slavery, appear to be extremely judicious, and well calculated to fulfil the humane object of granting an Asylum to those People. It will be proper, therefore, that you should continue to grant similar assistance to other unfortunate persons who may be driven by similar causes into the Colony ; although I do not think that it would be expedient to receive large bodies of them, as this could not fail to have the effect of inviting other Savage Tribes to follow their example. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. W. HAY, ESQRE., *to* MR. R. H. ADCOCK.

DOWNING STREET, *3rd December 1825.*

SIR,—I have laid before Earl Bathurst your letter of the 30th ultimo requesting that certain articles may be forwarded at the public expense to your Brother at the Cape of Good Hope, in order to enable him to carry on his trade in that Colony, and I am directed by his Lordship to desire that you will state the amount of the tonnage which will be required for the conveyance of the articles in question. I am &c.

(Signed) R. W. HAY.

[Copy.]

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

CAPE TOWN, December 3, 1825.

SIR,—We have had the honor to receive your letter of the 1st Instant, and we hasten to remove a misconception that you appear to have adopted in supposing that we referred to the subject of any private and unofficial correspondence that had passed between us, in addressing the inquiries to you that were enclosed with our letter of the 26th ultimo.

We beg to assure you that those inquiries were exclusively suggested by the public proceedings before us, and a reference to the advice or opinion given by you to the Governor became unavoidable, when we observed that your representations were so particularly noticed in the despatch addressed by Lord Charles Somerset to Earl Bathurst on the 5th ultimo relative to the changes made in the Medical Department.

We are well aware of the responsibility of the Governor for the measures that He may adopt either with or without the advice of the Secretary to Government, and that you are not responsible as Secretary for the opinion you may deliver as a Member of the Council, but when the Secretary of State is informed that the Representations of that Officer had convinced the Governor of the necessity of changing the constitution of a public Department, it becomes necessary to ascertain the nature of those communications, and acting upon the principle that you recommend to our adoption we considered it not unfit that the person who had made the communication to the Governor should be requested to state it again, for the information of His Majesty's Government.

However painful it may be to us to observe the reference that you make to the subject of our late private and confidential correspondence, and the doubts you seem to entertain of the motives that have led to our present inquiry, we feel too strongly convinced of the purity of the one and the importance of the other, involving as it does the security of every person who holds an Official Situation under the Government, to hesitate as to the course we ought to pursue, and without therefore

pretending to fix the point at which your character as Secretary to Government terminates, and that of Counsellor begins, it will remain for others to determine whether the Powers of our Commission have been duly exercised in the appeal that we have made to you, and whether that appeal has been rightly and constitutionally answered.

If we are to infer from your letter that it is still your intention to answer the Interrogatories that we had the honor to transmit to you, we shall readily defer the application that we proposed to make to His Excellency the Governor.

It will of course be competent for you to record any objections that you may have to answer particular questions, and we must be satisfied with the best information that we can obtain upon the public question, to which alone it was our wish to direct your attention. We have &c.

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

[Copy.]

Letter from J. T. BIGGE, ESQRE., to SIR RICHARD PLASKET.

CAPE TOWN, 3 December 1825.

MY DEAR SIR,—Although I certainly do not acquiesce on public grounds in the intended use of the conversation that passed between us, and of which you request the particulars, nor think that the public acts of this Government are to be justified by reference to them, I feel no difficulty in stating to you that I recollect you to have, even at an early period after your arrival, expressed to me your surprize at the degree of power that was vested in the Medical Inspector by the Proclamation of 1823, and that *I concurred in that opinion*. I have no very distinct recollection of the particular conversation to which you allude in your note, but I remember that both in the office and out of it you frequently mentioned to me, and in the presence of Major Colebrooke, your difficulties in holding intercourse with Dr. Barry; and upon one occasion your expressions went so far as to intimate that unless he was

dismissed, you would feel the necessity of resigning. I have no doubt whatever that I expressed an opinion that some of the duties entrusted to Dr. Barry would be better performed by more than one Individual, and I think it is very likely that I said that Dr. Barry served under Dr. Lys in the Vaccine Institution, but I must distinctly deny that I used or admitted that circumstance as an argument for removing Dr. Barry from the situation that he held, or for offering him a subordinate situation in a Committee. And now, my dear Sir, I must tell you that you are perfectly welcome to make use of this information, and at the same time I must add that I do not see its value. It has been surprising to me during the whole of our discussion that you have not perceived the grounds upon which we are proceeding in our public enquiry upon this subject, and that you still continue to think (as I perceive you do by your last public letter) that we are making an effort in favor of our Medical Attendant, and to gratify him at your expense. It has certainly been a subject of very painful feeling to Major Colebrooke and myself to think that we should incur such a suspicion, but relying, as I do, upon the discriminating judgment of Lord Bathurst, I feel perfectly satisfied that all we have said upon the subject, either publicly or privately, should be reported to him. I beg to remain &c.

(Signed) J. T. BIGGE.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, *4th* December 1825.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's dispatch No. 212 under date of the 1st of August last, in which you request my attention to the expectations which you have been led to entertain that an application would be made to Parliament for such pecuniary grants as should be necessary for maintaining an adequate number of clergymen and Teachers for the instruction of the Slave Population at the Cape.

As your Excellency has stated in your dispatch No. 166 under date of the 26th April last that it was your intention to bring the subject of Slavery under the consideration of your Council of Government in connection with the views of His Majesty's Government, as explained in my several communications to your Excellency ; and as I am also in expectation of receiving a Report from the Commissioners of Enquiry respecting the condition of the Slaves, it has appeared to me that it would be premature under existing circumstances to enter upon the subject of your Excellency's application, linked as it is with other weighty considerations arising out of the impoverished state of the finances of the Colony.

I have &c.

(Signed) BATHURST.

Copy.]

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

SANS SOUCI, *Sunday, December 4, 1825.*

GENTLEMEN,—In reply to your letter of yesterday's date relative to the misconception which you think I labour under with regard to the late Interrogatories put to me having any reference to the Private and Confidential (though not unofficial) Correspondence which passed between us, I can only report what I said before, viz., that as you have yourselves acknowledged you had coupled the fact and manner of Dr. Barry's removal from Office with the personal observation of mine which gave rise to that Correspondence, it is impossible for me to separate them in my mind, and I must, therefore, leave my judgment on this point to the impartial consideration of those who will peruse the two Correspondences together, and from the fact that until this occasion you have never addressed me since I have been in the Colony, but have always written to Lord Charles for every information you required, whether coming from my Office or not.

I have further to state that the only ground you have adduced for addressing me Individually, viz., that in His Excellency the Governor's letters to Lord Bathurst and to Dr. Barry He stated that He was about to *act on my Representations*, is quite untenable. It will not do for Commissioners of Inquiry to act upon one part of a Document, without considering the whole of it. And if you will take the trouble of reading those Documents, you will find in each of them that though the Governor had intended to have acted on my Representation, coupled with his own views of the subject, he did not do so, and that he did not do so at my earnest request, and for the sole reason that I had recommended it.

No effect, therefore, resulted from that application upon which you have thought proper to ground your Interrogatories to me, and I contend, (and I hereby make my formal protest against it), that as Commissioners of Inquiry you have no right whatever to make any Inquiry into or to act in any manner upon such declaration, and that the only fit and constitutional mode of obtaining information upon the subject of the late change in the Medical Department is by applying to His Excellency the Governor in Council, by whom such change was effected. I have &c.

(Signed) RICHD. PLASKET, Secretary to Government.

[Copy.]

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

Sunday, December 4, 1825.

GENTLEMEN,—As it appears from your letter of yesterday's date that the explanations of my views with regard to the Interrogatories you were pleased to put to me in your letter of the 26th ultimo are not satisfactory to you; and that you wish to have answers, at all events, whether giving information or not, to each of the questions separately, I have the honor, in obedience to your Instructions to that effect, to annex my answers accordingly.

At the same time I deem it necessary to observe, with reference to that letter, that the Office of Medical Inspector was established by Government Advertisement under date 21st September, 1821, and not under the authority of the Proclamation of 26th September 1823, as stated therein.

I have &c.

(Signed) RICHD. PLASKET, Secretary to Government.

Answers to the Interrogatories put to Sir Richard Plasket as Chief Secretary to the Government of this Colony, by His Majesty's Commissioners of Inquiry, enclosed in their letter of 26th Nov. last.

No. 1. Not that I am aware of, but I will order search to be made in the Records of my Office, and if any be found, they shall, with His Excellency's permission, be forwarded to the Commissioners of Inquiry.

2. Do. Do.

3. Do. Do.

4. My opinion most decidedly is that the duties entrusted by the Proclamations of 24th April and 18th August 1807 are of a nature and quality which ought on no consideration whatever to be invested in the hands of One Individual. The proposal of Dr. Barry alluded to did away the objection as far as it went, because it went to establish just what I wanted to establish, a Board. But he wished to keep his own Powers to himself, and to call in a Board in cases of difficulty only, which Board were to be paid by the Parties calling them in. Besides this only applies to the examination of Drugs, which is a very trifling portion of the duties prescribed by the Proclamation above-mentioned.

No. 5. This was long before my arrival in the Colony, but the Official correspondence shall be transmitted to the Commissioners of Inquiry.

No. 6. So much so that I have no hesitation in saying I would rather resign my situation than allow of a continuation of the system of abuse and improprieties which have pervaded Dr. Barry's conduct in his communications with Government and with me, not that I mean as far as concerns *myself*, because Dr. Barry never dared to say anything improper to me (except

indeed a foolish threat to make his dismissal from Office a personal affair, and which I ridiculed), but with regard to the local authorities. And on this subject I refer you to the Correspondence which has been asked for by you from the Council, and to my Private and Confidential Correspondence with you relative to Dr. Barry.

No. 7. I beg leave to refer this question to His Excellency the Governor himself, by whose direction the letter was written. As far as my own opinion goes, I have stated it above.

No. 8. With reference to this question I beg leave to refer to my Public letters of the 27th November and 1st December to the Commissioners of Inquiry, containing my reasons for not entering into the subject.

No. 9. Do. Do.

No. 10. Dr. Barry's letter had been forwarded to the Fiscal with orders to him to enquire into the apparently disgraceful transactions alluded to by Dr. Barry. His reply had not been received when the second visit to Aaron Smith was directed, consequently no allusion to it could have been made with propriety.

No. 11. As this contains a quotation from a private official letter which His Excellency Himself addressed in his own name to Dr. Barry, I think as a point of delicacy, it should not be explained by me. Indeed I have already stated my opinion on the subject under No. 6.

No. 12. I never informed Dr. Barry on the subject. I stated to him more than once, from myself, that if he persisted in his strain of improper correspondence, I must recommend the re-establishment of the Committee. I never thought for one moment of Dr. Barry's Salary. It was not a question of money, but of public expediency and propriety. I conceived it quite out of the question that Dr. Barry could be anything but a Member in the New Board, his inferior rank of Assistant Surgeon on the staff here preventing his sitting over the heads of those to whom he acted as Assistant in his Military duty.

No. 13. With reference to this question I beg to refer to my Public letters to the Commissioners of Inquiry under date the 27th Nov. and 1st Dec.

No. 14. I cannot answer for His Excellency's determination on this head. My views on the subject were that some allow-

ance should be given to each of the Members who had not civil situations, and had Dr. Barry taken a seat at the Board and conducted himself with propriety, I should have been one of the first to propose that part of his Pay as Colonial Medical Inspector should have been continued to him. But I certainly should have objected, at the same time, to his holding the situation of Superintendent of an Institution (the Leper Institution) situated 70 or 80 miles from Cape Town, and which I believe he has never visited since I arrived in this Colony.

No. 15. I did not establish the precedence, but as far as my opinion goes, I have given it under No. 12.

No. 16. As this question is addressed to the Colonial Government, it does not become me to give more than my own opinion, which undoubtedly is that Dr. Barry's reports have been very much exaggerated as to the state of the Prison and treatment of the Prisoners, although I by no means wish to deny that great improvement may be made in the system and practice. I never saw a better prison for its extent than the Criminal Prison here, nor did I ever see Prisoners more clean, quiet, and orderly, and well separated, than those I saw in the Criminal Prison. The Civil Prison (at least what is termed so here) is indeed very bad, but this arises from the total want of sufficient accommodation, and in my opinion the system of Dutch Law in allowing every Proprietor of a Slave to send him in to Prison at his pleasure for one Month, and also to be flogged when he pleases, is what requires alteration. How can it be expected that in a Town where there are nearly 7000 Slaves, subject to the above rules, and where every Hottentot (who has not a contract of Service) is sent to Prison to be kept there till he gets Service, the Prison which is now set apart by Government can be kept in anything like a cleanly state; and more particularly when from the low Salaries of the Persons employed in the Prison, and the high price of labour in the Colony, no respectable Persons can be selected, and when it has been customary to employ convicts as Constables. This is a subject upon which I have frequently spoken with Lord Charles, and lately with the Chief Justice. But it is not by listening to the exaggerated tales of Dr. Barry about the brutality of a Dienaar, or by going into the complaints of Individuals as to the state of and treatment in the Prison, under the present rule, that

can effect any good. The system itself must be attended to and altered. And I conclude this is one of the objects to which the Commission of Inquiry has been specially directed.

(Signed) RICHD. PLASKET.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 5th December 1825.

MY LORD,—I have the honor to transmit to your Excellency for your information and guidance with reference to the Cape Colonial Corps, copy of a Circular letter addressed to Officers Commanding Regiments of Cavalry and Infantry and Regimental Depots, together with three Copies of the Memorandum therein referred to relative to the stoppages from the Pay of Soldiers in Hospital. I have &c.

(Signed) BATHURST.

[Office Copy.]

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

DOWNING STREET, 5th December 1825.

SIR,—I regret very much the necessity for correspondence of this sort, which demonstrates the inconvenience of interviews, as compared with communications in writing on subjects of serious business.

I am not at all prepared to imply that you are intentionally incorrect, though I am at a loss to understand how you could found the assertion that compensation was unequivocally promised upon your own version of the conversation as detailed in your second letter of the 28th ultimo; at the same time I cannot allow that in that letter you have sent “a *literal* statement” of the conversation which passed between us.

With respect to my answer to your first question, beginning,—“As Mr. George Greig,” &c. I never used the word “advan-

tage" in the sense in which in your statement you have made me use it; viz. that I should have the advantage of you, because you did not know what your brother's losses were. My answer was to this effect, "that it could tend to no useful purpose to discuss the subject of compensation for losses of the nature and extent of which *neither party* were apprized at the period of such discussion;" and I have some recollection of having added, that if under these circumstances a complaint were to be made in parliament of such an answer having been returned by me to you, that I should have the advantage in argument over any person making such a complaint.

With respect to my last answer, your statement of it is substantially correct, except that you make me advise and direct your brother to memorialize the secretary of state; whereas I only said, that if he had suffered loss, and chose to memorialize Lord Bathurst on the extent of that loss, that memorial would be duly considered by his Lordship.

I remain &c.

(Signed) R. W. HORTON.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to the COMMISSIONERS OF THE NAVY.

DOWNING STREET, 5th December 1825.

GENTLEMEN,—I am directed by Earl Bathurst to request that you will provide Lieutenant Bance who has been appointed Port Captain at the Cape of Good Hope with a free passage to that Colony. I am &c.

(Signed) R. W. HAY.

[Copy.]

Letter from SIR RICHARD PLASKET to J. T. BIGGE, ESQRE.

5th December 1825.

MY DEAR SIR,—I have received your note of the 3rd instant, and have only to observe on it that it agrees perfectly with my

view of the conversation I held with you, excepting that I did not make use of the term *dismissal*, at least I think so, because I never should have recommended a man for another situation, whom I had thought should be *dismissed* from the one he held. What strikes me I did say was that I would rather resign my situation than allow Dr. Barry to go on in the strain he did in his public correspondence.

In regard to the latter part of your note, the subject is a very delicate one to touch upon, but unless I am right in my conjecture, I am perfectly at a loss to conceive upon what other grounds you could have ventured to assume Dr. Barry's assertion to be correct and mine to be incorrect, after I had myself not only positively denied it in writing, but had (on receiving your second note) run up to you and told you that Dr. Barry's statement was a complete falsehood from beginning to end. It surely was not from Dr. Barry's general character for veracity that you have acted so, because if you will apply to any of your friends you will find what that character is for gossip, tittle tattle and exaggeration.

Neither can I conceive (on other grounds) the cause of your allowing Dr. Barry to give his evidence in personal conversation while I was called upon for mine in writing. This is indeed a most unpleasant question, and the only one which rests upon my mind, for as to our *battle* on public grounds or public questions, I can fight and shake hands at the same time, but I do think you have not done justice to my *private character* in the correspondence alluded to. I remain &c.

(Signed) RICHD. PLASKET.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to W. MERRY, ESQRE.

DOWNING STREET, December 6th 1825.

SIR,—With reference to your letter of the 2nd instant requesting to be informed if any and what emoluments are attached to the appointment of Military Commandant and Civil Resident of Port Elizabeth, Cape of Good Hope, held by

Captain Francis Evatt, I have to acquaint you that the only advantage, independent of his Salary of 1200 Rixdollars per annum, which that officer derives from the situation in question, is a house for his personal residence. I am &c.

(Signed) R. W. HAY.

[Copy.]

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

GRAHAM'S TOWN, 6th December 1825.

SIR,—Agreeably to the directions contained in your Letter of the 4th Ultimo I have the honor to state for the Information of His Excellency the Governor, that after examining every official Document to be found in this Office of the occurrences of this District during the time of Captain Trappes' Magistracy, I am led to the conclusion that the dissolution of the Engagements entered into between Mr. Benjamin Wilmot and his Servants was ordered by Captain Trappes without any entry thereof in his Journal being made.

I have however made every inquiry that was possible in the case, and find that Mr. Wilmot and his Brother brought out four Servants, of whom only one now survives, from this one, whose name is John Doyle, I find that the dissolution took place from the utter inability of the Messrs. Wilmot to keep to the terms of their agreement, and that the impression formed on this man at the time of the dissolution taking place was, as stated by him, that the arrangement was voluntary on both sides, and not an arbitrary act on the part of Captain Trappes.

I have &c.

(Signed) W. B. DUNDAS, Landdrost.

[Copy.]

Letter from DR. JAMES BARRY *to the* COMMISSIONERS OF
ENQUIRY.

CAPE TOWN, *December 6th* 1825.

GENTLEMEN,—I have the honor to submit the enclosed Statement for your perusal, after which I shall feel obliged by your forwarding it to Earl Bathurst at your earliest convenience, accompanied by such Report and Documents as you may think meet, particularly as I have forborne to enter into more detail of Facts than were indispensably necessary to introduce my own case to His Lordship.

I know of no other mode of bringing the matter before him in all its points of view, as I am aware that *ex parte* Statements have already been sent to His Lordship. At a moment when my Department was under your examination and until such was completed I deemed it unfitting that I should make any more, as on your unprejudiced and impartial Report I confidently rely for the restoration to my Office, or at least to be replaced at the Head of my Department.

All the circumstances relating to and connected with the abolition of my Office, you, Gentlemen, are intimately acquainted with. You have investigated my duties, and you have had not unfrequent opportunities during your residence here of actually witnessing in what manner many of those duties were performed.

It is almost unnecessary for me to say how much this unprecedented and disgraceful dismissal from my Office has affected me, an Office which I submit has been conducted with acknowledged integrity, and without any alleged cause, except indeed that my correspondence was not carried on in the Forms of the Colonial Secretary's Office; no inquiry whatever having been instituted as to the duties of my Department, nor my exertions nor capabilities to perform the same. But all these particulars have come to your notice, therefore I have only further to say, that I fearlessly await the result of any and every inquiry into the conduct of my Department.

Nor is there the least foundation for the malicious insinuations of "Public Clamour" being against me, on the contrary

it is well known that the public and private astonishment at, and disapprobation of the measures used in my regard, have been expressed in the most unqualified manner. I have &c.

(Signed) JAMES BARRY, M.D.

[Original.]

Letter from DR. JAMES BARRY to EARL BATHURST.

CAPE TOWN, *December 6th 1825.*

MY LORD,—I have the honor to state that in December 1817 I was appointed Physician to the Vaccine Institution and to His Excellency the Governor's Household, the duties of which I continued to perform till March 1822, when His Lordship appointed me Colonial Medical Inspector, an office represented as permanent and subsequently (I believe) confirmed by your Lordship; requesting me at the same time to give up the Army altogether, which upon consideration I declined.

Immediately after my appointment I turned my attention to the state of the Department, and endeavoured according to the best of my judgment to effect what I considered would advantage the Public, as far as it was compatible with my office. I therefore recommended the Inspector of the Lepers, the Tronk (Town Prison), Somerset Hospital, Robben Island, &c., &c., to be added to my other duties, my predecessors never having professionally interfered with these establishments. It requires nothing short of ocular demonstration to credit the very lamentable state of these Institutions. I made many and various reports thereon to Government, and I regret to say, too often without effect; however as I now and then gained some little point, I felt it my bounden duty to persevere.

It might here, my Lord, be considered out of place, were I to bring under review my Public Services in the conduct of my Department, as they are now before His Majesty's Commissioners of Inquiry, to whose report upon the same I must beg to refer your Lordship, confidently trusting that they will not be disapproved of. I must here again say, that I have had frequently cause to complain of, and remark upon, the appalling

state of the Town Prison, both verbally and in my Official Reports to Government, without the beneficial results which might naturally have been expected. Your Lordship must therefore be aware that these Duties have often brought me into very unpleasant collisions with His Majesty's Fiscal and the Officers under him.

On the 25th of August last I was ordered by His Excellency the Governor to visit the Town Prison and report upon an Individual confined there, (a supposed lunatic). This man, upon inspection, I found bruised and wounded; and having inquired into the cause from the other Prisoners and from the man himself, who was at that time perfectly sane, I learned that he had received these injuries, and much ill-treatment, from a Dienaar (or Constable). I accordingly reported the circumstances to Government, and after a period of eighteen days had elapsed, I was again instructed to make another report upon the same person. I did so, and I beg here to remark that no comment nor observation whatever was made upon my first report.

But to my utter astonishment, the same day of my making my second report (and 18 days after my first) I was summoned to appear before the Sitting Commissioner of the Court of Justice, at the instance of His Majesty's Fiscal, to be examined by them respecting my report to His Excellency the Governor. I attended, but declined giving any answer to questions arising out of a Report ordered by, and made to Government, considering it my duty so to do. And in consequence of my persisting in this refusal, I was sentenced to Civil Imprisonment, which Sentence was immediately upon my representing to His Excellency the Governor suspended, and eventually set aside.

This proceeding of His Majesty's Fiscal and of the Court having excited great disgust, and caused much discussion in the Town as to its legality, I two or three days after waited upon Sir Richard Plasket, the Colonial Secretary, requesting him to procure for me the *sentence and other documents relating to my trial*, as I had it in contemplation to submit them to His Majesty's Commissioners of Inquiry for their Investigation.

Upon which intimation, Sir Richard Plasket declared "that if I did so, I *should* be dismissed from my office, and that he

would recommend it." Subsequently he commenced a correspondence, the particulars of which will appear in the report of His Majesty's Commissioners of Inquiry, animadverting upon certain observations made by me respecting His Majesty's Fiscal in my first report. This was followed up by a Letter, announcing the intention to bring the correspondence before the Council, with a view to do away with my Office, and to re-appoint a medical Committee as in 1807.

And thus was the turn of an expression in my Report, which report, I contend, was absolutely necessary for the Public good, in as much as it tended if not actually to ensure the safety of Prisoners from wanton brutality, yet it brought such proceedings to the notice of His Excellency ; this, I say, was made the pretence for abolishing my Office, and totally destroying my hardly earned and hitherto highly estimated professional character, and blighting my fair prospects in life. And a prominent feature in this proceeding is that the whole arrangement, and disposal of the seats in this New Committee, were effected by Sir R. Plasket in his own and the Governor's name, previous to the decision of Council.

Of these particulars I was informed by public rumour, and by Sir Richard himself, who said to me, "*We intend giving you a seat in our Committee.*" Upon this, the Secretary's intimation, I forthwith wrote to His Excellency Lord C. Somerset, stating that it would be impossible for me to reconcile to my feelings the acceptance of any subordinate place in the proposed Establishment, should it have received His Lordship's approval that such a place should be offered to me ; and in this event I begged respectfully to tender to His Excellency my resignation of the Civil Situation I held under his appointment, and I requested to be made acquainted with His Lordship's final intentions before they were made public, in order that I might make the arrangements that would become necessary under such an alternative.

I subsequently prayed the Council to be permitted to explain the nature and necessity of the imputed objectionable part of my correspondence, which was denied, and in short, without any inquiry into the manner in which I discharged my duties, or into the nature of those duties, upon the 29th of October last it was officially notified to me that my appointment as Colonial

Medical Inspector was to cease upon the first of the ensuing month.

Thus in the midst of public and important duties, scarcely yet completed, I was disgracefully virtually dismissed from my Office. And I must here repeat, to the utter ruin of my professional character and prospects in Life. As to the temporary inconvenience of pecuniary matters, I have not, I do not give them a thought. I had indeed flattered myself that I was bartering my time, my health, and my talents, (such as they are) to the Public Benefit, for honest fame, not sacrificing them to infamy.

Under these circumstances I trust that whatever opinion your Lordship may form of the particulars of my case, from any statement that may already have reached you, Your Lordship will be pleased to suspend your judgment 'till His Majesty's Commissioners of Inquiry, thro' whom I have solicited to transmit this statement to your Lordship, should have forwarded their Report, accompanied with such documents as they may think most proper for your Lordship's consideration and ultimate decision. I have &c.

(Signed) JAMES BARRY, M.D.

[Copy.]

Memorial of MR. J. B. EBDEN.

To His Excellency General Lord Charles Somerset, &c., &c.

The Memorial of John B. Ebden Sheweth

That having directed his attention to the state of the Finances of this Colony, Memorialist respectfully begs leave to refer your Excellency to the copies of correspondence relative to the currency of the Cape of Good Hope and the Establishment of a Bank in this Colony, and to state that it is his intention, with the sanction of your Excellency, to establish a Bank to be called "The Cape of Good Hope Bank," as therein referred to, he having previously to his leaving England made the necessary arrangements for that purpose ;

That Memorialist returned to this Colony after an absence of nearly seven years in the month of October last, by the *Enterprize* steam packet, by which vessel Memorialist imported a quantity of specie (gold and silver coin of Great Britain) for the use of the Cape of Good Hope Bank ;

That Memorialist is a proprietor of Landed Property in this Colony ;

That the transactions of the Bank will, with a due regard to local circumstances, be confined to the regular and legitimate objects of Bankers in general, and will be conducted at , totally distinct and apart from any other business in which Memorialist is engaged ;

That on the basis of a metallic currency, Memorialist will be content to rest his claims to the confidence of the Public and the support of Government, upon the soundness of the principles on which the Bank will be founded, and upon the mode in which its transactions will be conducted ;

That Memorialist has the honor to submit for the inspection of your Excellency specimens of the promissory cash notes of the "Cape of Good Hope Bank," intended for circulation here, which with a view to the prevention of forgery and to meet the alteration in the currency of the Colony as promulgated by the Order in Council bearing date 23rd March 1825, have been executed at a considerable expence, after communicating with the Lords of His Majesty's Treasury on that subject ;

That with every deference to your Excellency it is submitted that the convertibility of the notes at the will of the holder is the best and most effectual security that can be offered to the Public, but in the event of any further security being deemed necessary, Memorialist humbly prays that, upon such security being given as the Government may consider sufficient, your Excellency will be pleased to issue an order to the executive authorities throughout the Colony, directing the notes of the Cape of Good Hope Bank to be received in payment of the public contributions, such notes being at all times convertible, if required, into the currency of the Colony.

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

(Signed) J. B. EBDEN.

[Original.]

*Letter from LORD CHARLES SOMERSET to EARL BATHURST.*CAPE OF GOOD HOPE, *December 7th 1825.*

MY LORD,—I have the Honor to transmit to your Lordship the General Monthly Return of the Forces under my command to the 25th November 1825. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

*Report of the COMMISSIONERS OF ENQUIRY upon the case of MR. BISHOP BURNETT.*CAPE TOWN, CAPE OF GOOD HOPE, *7th December 1825.*

MY LORD,—In pursuance of the instruction that accompanied the voluminous correspondence of Mr. Bishop Burnett, and other documents that were communicated to us at your Lordship's request by Lord Charles Somerset, we proceed to submit to your consideration our report upon the complaints that were addressed to us by Mr. Burnett in the course of our visit to the Eastern District at the close of the year 1823.

We have further noticed the principal points that he has urged in the course of his subsequent correspondence with Mr. Wilmot Horton, and the petition, that at a more recent period has been presented in his name to the House of Commons.

We have already stated to your Lordship that we had distinctly apprized Mr. Burnett, in the year 1824, that our inquiries into his grievances would be limited to those that had an apparent or real connection with the operation of the existing laws and institutions; but that we could not hold out to him any expectation of speedy redress, more especially if we should find that he had neglected or omitted to avail himself of those modes of obtaining it that the laws of the colony afforded.

The principal cause of his complaints appeared to be founded in the alleged injustice and illegality of certain decisions pronounced by two members of a commission of circuit, who tried several actions in which he was plaintiff or defendant at Graham's Town in the year 1823 ; the severity and oppressive conduct of his opponent in these actions ; the act of the sequestrator in prematurely publishing his insolvency in the Gazette, and the general effect of these measures upon his character and credit.

Mr. Burnett also very strongly complained of the partial and irregular system by which the commissariat department made its purchases of green forage for the supply of the cavalry of the Cape Corps ; and the injurious effects of this system upon the efforts of the emigrant settlers to avail themselves of the only market that was open for the produce of their lands. He also complained of the rejection of a claim that he had made upon the same department for several loads of grass that had been cut upon his land for the use of the Cape Cavalry, which he alleged that Major Somerset, who commanded the corps, had promised to discharge before he took his departure from Graham's Town in the year 1822.

We perceive that upon later and more public occasions he has denounced certain other practices in the commissariat department, deduced from its connection with the establishment called the "Somerset Farm," which has lately been done away ; and that he has adverted to the influence alleged to have been exercised by the Governor over the disposal of government bills by the commissary, and the regulation of the periods of drawing, both of which, if attended with the inconvenience or effects stated by Mr. Burnett, have been removed by the enforcement of the regulations issued by the Lords Commissioners of the Treasury ; and by the facility that is now afforded in the exchange of paper currency for government bills at a certain fixed rate.

We do not consider it necessary to take any particular notice in this place of the complaint that was made by Mr. Burnett of the refusal of the local government to include him in the general issue of rations provided for those settlers who had emigrated under the guarantee of pecuniary deposits, which were to be reimbursed to them on the fulfilment of certain

conditions. Mr. Burnett had withdrawn himself before he left England from the engagements into which they had entered, and arrived at the Cape with an entire freedom of choice as to pursuits or destination, with a claim upon Government, in consequence of your Lordship's recommendation, for a grant of land proportionate to the means that he brought, or should be able to prove that he brought with him for its cultivation. Several memorials from him upon these subjects are recorded in the office of the chief secretary to this government, and couched in vehement and frequently offensive language; but we find, that at a subsequent period, Mr. Burnett partook of the issue of rations, by order of the magistrate at Graham's Town, to the amount of 720 rix-dollars, for which he is still indebted to the government. He proceeded to the district of Albany, after having received information that the lands at the River Knysna, upon which he was desirous of settling, were not in the disposal of government, early in the year 1820. He took a lease of a farm named "Doorn Valley," advantageously situated in the immediate vicinity of Graham's Town; and in consequence of an application to the acting Governor, Sir Rufane Donkin, he received a grant of land adjoining this farm. Although our inquiries respecting the means and resources brought into the colony by Mr. Burnett have not been of a direct nature, we are led to conclude that they were very limited, and chiefly, if not entirely, consisted of the credit that he might possess in England, in consequence of his relationship to some of the members of a respectable mercantile house near London.

Through the recommendation of the acting Governor, the superintendent of the government farm at Somerset was induced to advance to him a certain quantity of stock and grain, amounting to the sum of nine hundred rixdollars; and it appears that he obtained similar advances from a subordinate officer of the same establishment.

Mr. Burnett repaired to his farm, and applied himself with activity to the production of green forage for the use of the cavalry of the Cape Corps stationed at Graham's Town; having been encouraged in this pursuit by the great demand that Lieutenant-Colonel Somerset informed him existed for green forage, and by the facility with which it was supplied

from the gardens and allotments of the officers of the corps, and of the inhabitants of Graham's Town.

A lease of this farm had been executed by Mr. Hart, the owner, dated 13th June 1820, in favour of Mr. Burnett, in which it was stipulated that he should have possession of it for three years, at an annual rent of six hundred rixdollars, commencing on the 6th of May then past, with an option of renewal at the end of the term for three years longer, and a power of purchasing the farm, at any time during its continuance, for the sum of seven thousand rixdollars. Mr. Burnett entered upon the land; and, in consequence of an application that he made to the acting Governor, Sir Rufane Donkin, he received in the same year a grant of land, consisting of 1,200 acres, as well as a building allotment at Bathurst, subject to a condition of locating seven persons on the former as soon as he could obtain them from Cape Town, and of constructing a house upon the latter within three years from the date.

Although Mr. Burnett had expressed himself greatly dissatisfied with this grant in several memorials, and had importuned the colonial government for an extension of it, yet he himself bears testimony to its value, in letters dated 9th August and 1st November 1820, that he possessed "a place under such singular advantages that he could not but foresee a most prosperous issue to his undertaking; and that from its command of wood and water, and its contiguity to Graham's Town, it was considered the finest and most valuable grant on the frontier."

Mr. Burnett immediately commenced the cultivation of his land, and employed a considerable number of labourers and workmen in throwing up fences, and in the improvement and embellishment of some garden-ground on the farm of Mr. Hart, as well as in repairing some small cottages that he found upon it. He also built an ornamental rustic lodge, and surrounded a large portion of his garden ground with park palings. Having established a connexion with a mercantile house in Cape Town, he continued to receive supplies from them, consisting partly of articles that were wanted in the district, but that were not of a description that would tend to augment or improve the agricultural value of his farm.

About the commencement of the year 1821, he received an application from Mr. Hart for the payment of his account for advances, which, as he was unable to liquidate, became the subject of judicial process issued from the Court of Justice in the month of February of that year. It is necessary here to observe, that on the 24th of the same month Mr. Burnett had executed, before the secretary of the district of Uitenhage, an assignment of all his property, including credits, in favour of the mercantile house at Cape Town that had made pecuniary advances to him.

Information having been received by this house respecting Mr. Burnett's credit in England that was not satisfactory, and the bills that he offered them in payment having been tendered for sale without success in Cape Town, they were induced to accept the assignment and mortgage of all his property of every description, which he was further empowered to occupy and retain for their benefit, transmitting to them an annual account of their proceeds. The instrument was executed before a notary of a neighbouring district, with a view to avoid the injurious effects that the notoriety of the transaction, if it had passed in his own district, would have produced.

In the meantime the action that Mr. Hart had instituted against him was proceeding; and as Mr. Burnett did not repair to Cape Town according to the summons, or employ an advocate there in his defence, sentence was pronounced against him on the 26th July 1821, by default, after four separate summonses had, according to the practice of the court, been duly served upon him by the messenger of the district of Albany. It has been asserted by Mr. Burnett that these forms were conducted in the Dutch language, which he did not understand; but we have every reason to believe that they were accompanied by English translations, a practice that is observed in all cases where there are English parties; more especially as to every one of the summonses that were served by the messenger, Mr. Burnett invariably replied in English, and in a manner that proved his entire acquaintance with the nature of the proceedings. The sentence of condemnation of payment was transmitted by the sequestrator (the officer who executes writs) to his agent in the Albany district, on the 27th October 1821.

On being summoned to point out property in payment of

this debt, Mr. Burnett produced before the landdrost of the district (the agent to the sequestrator) a notarial act of assignment of all his property to the firm of Messrs. Ebden and Eaton, together with a power of attorney from them to act as their agent in the administration of the property. He further declared, that since the passing of this deed, no property of any description had become *bonâ fide* his, and that he had no property of which he could render an inventory.

Considering this declaration to be somewhat unusual, the sequestrator required that it should be confirmed by the oath of Mr. Burnett; a precaution that had been already taken by the agent. A similar declaration having been made by Mr. Burnett, in answer to another sentence that was issued against him, the sequestrator proceeded to advertise, in the Cape Town Gazette of April 1822, a notice to the creditors of Bishop Burnett to send in their claims in consequence of his insolvency.

In a conversation that took place between the sequestrator and the principal creditor of Mr. Burnett at Cape Town, on presenting the account of his claims, the former, having but an imperfect knowledge of the English language, seems to have mistaken a declaration of this creditor's wish to defer the sale of the property of Mr. Burnett, for an undertaking to arrange the payment of his debts, and under this belief despatched an order to his agent to suspend the proceedings against Mr. Burnett, and to call his creditors together, and submit to them the proposals he had made for the gradual payment of their claims. These proposals having been withdrawn by Mr. Burnett himself, and no satisfactory adjustment having been made with the sequestrator, his agent at Graham's Town, at the instance of Mr. Hart, (who contended that he was entitled to the possession of his farm) proceeded to a valuation of the improvements that Mr. Burnett had made upon it. The valuation was made by two persons appointed by the landdrost; but no other steps appear to have been adopted for Mr. Burnett's removal.

Both parties feeling dissatisfied with this state of things, Mr. Hart being disappointed in not being able to recover his debt, or the possession of his farm, and Mr. Burnett having been injured in his credit by the public declaration of his insolvency, addressed complaints to the government and to the Court of

Justice, and brought actions against each other before the Court of Circuit in the year 1822, the first to cancel the lease and to eject the tenant on account of his insolvency ; and the latter, to recover damages for illegally attempting to eject him, and for serving him with notice to quit.

In the first action Hart relied upon the declaration of Burnett's insolvency, and produced a Gazette in proof of it ; but Burnett having alleged that he had no opportunity of obtaining the documents necessary for his defence, and as the court found upon referring to the landdrost of the district that a correspondence was still open with the sequestrator upon the subject, resolved that the further consideration of the case should be postponed, and that time should be allowed to the defendant to disprove the allegation of insolvency.

The action of Burnett against Hart for illegally attempting to dispossess him was deferred by consent, and upon a suggestion from the court that the entry of the cause should be amended by making the sequestrator a party to the defence. It is alleged by Mr. Burnett that the commissioners of circuit in the year 1822, made a formal declaration of the irregularity of the proceedings of the sequestrator, but we do not find that any mention of such a declaration is entered upon the records of the court. It has been stated by a very competent witness that he heard one of the commissioners of the court declare that the proceedings were irregular for want of a schedule of the debts and credits ; but even if this declaration had been so made, it would not have had the effect of superseding the act of the sequestrator, for the terms in which the postponement of the trial was granted implied a necessity of obtaining further evidence. We have referred to the commissioners of circuit upon this point, and find that although they differ in their recollection of what was said by one of them upon this occasion, yet they have finally concurred in thinking that the consideration of the question of insolvency was suspended and left open to future discussion ; we cannot therefore concur in the assertion made and often repeated by Mr. Burnett, that his insolvency had been declared by the court in 1822 to be irregular or unjust.

Mr. Burnett was thus enabled to retain the possession of the farm for another year, and he has asserted that he made a

tender of the rent to the secretary of the district, but it is positively asserted by the secretary that Mr. Burnett only requested to know whether he would receive the rent, and upon his declining it as not being part of his duty, Mr. Burnett retired and did not repeat his request.

In the month of May, of the year 1823, Mr. Hart renewed his action of ejectment before the court of justice in Cape Town, but his claim was referred to the then ensuing commission of circuit that arrived in Graham's Town in the month of October. Previous to this period, cross-actions had been entered before the district clerk, amounting in number to nine, but which were reduced to six by the court with consent of the parties. The order in which it determined to hear them, was opposed by Burnett on the ground of its disturbing the arrangement he had made for his defence, which was framed upon an understanding that the priority that had been given to each cause by the district clerk would be observed in the hearing. The court however having considered that the causes that had been postponed from the former year ought to have precedence, resolved to proceed in the trial of the action of ejectment brought by Mr. Hart for recovering the possession of his farm, and for cancelling the lease under which it was held, intimating at the same time, that it would give no decision upon any of the causes until all had been heard.

In the action of ejectment, the plaintiff Hart relied upon the declaration of Burnett's insolvency; and now added for further ground of action, the breach of a condition in the nonpayment of rent for two years. The lease contained no positive terms for the payment of the rent, yet Mr. Hart contended that the words "annual payment of six hundred dollars" clearly implied that this sum was to be paid in every year. In support of this position he was permitted to exhibit a certificate of the notary by whom the lease was drawn, attesting that at the time of its execution an understanding prevailed between the parties that the payment of the rent should be annual. It was contended by the defendant Burnett, that the lease bore an opposite construction; that no rent was due until the expiration of the first three years; that it was optional with him to extend his occupation of the farm until the end of the following three. He offered no evidence, and

the court at the termination of their session, decided that the plaintiff was entitled to enter on the possession of the farm, and condemned the defendant to quit it immediately.

In the next action that was tried, Mr. Bishop Burnett was plaintiff, and complained of the illegal warning that had been given him by Mr. Hart to quit the farm, and of an absolute order that he had received to leave it in the month of April of the current year. It was agreed to join to this case an action that he had entered for damages arising from these notices. Proof was given of the interruption of the labourers whom Mr. Burnett had employed in procuring bark and preparing charcoal in his own grant of land, in consequence of the receipt of the notices, and proof was also given of the profits that might have been derived from the sale of green forage, but dependent always upon the opportunities that might exist of disposing of it. The court rejected the plaintiff's claim for damages in consequence of the notice given by the defendant, who justified it by the public declaration of the plaintiff's insolvency, and of the expiration of the lease in the month of May 1823, and the court also condemned the plaintiff to pay the costs.

The action brought by Burnett against Mr. Hart, and the sequestrator, for damages arising from their having illegally conspired to eject him from the farm called Doorn Valley, and which had been deferred in the year 1822, was next heard. The plaintiff proved that an order had been given by the sequestrator to his agent at Graham's Town, dated 28th January 1822, stating that in consequence of the firm of Messrs. Ebdon and Eaton having declared that Mr. Bishop Burnett was not their agent, but that he was indebted to them in a considerable sum, he was forthwith to proceed in seizing and selling all his property. This order had been attempted to be enforced by the landdrost, but had been met by a protest of Mr. Burnett against it as illegal, and a declaration of his intention of retaining possession of the farm until compelled by actual force to quit it. On the part of one of the defendants, Hart, it was contended that no conspiracy was proved; that he had done no act in conjunction with the sequestrator; that he had repaired to Graham's Town in consequence of an order from the landdrost to take over the farm, and was there informed that in consequence of subsequent orders that proceeding was to be

suspended, and a valuation of the improvements on the farm was to be made.

The same defendant further contended, for the legality of his proceeding against the plaintiff, who had attempted to defeat the claims of just creditors, by making over all his property to one individual, and had thus exposed himself to the consequences of a declared insolvency ; one of which was the avoidance of the lease, and of all right to continue in possession of the farm. A memorial was submitted to the court on behalf of the sequestrator, that the lateness of the notice of trial precluded his attendance ; and independent of this circumstance he contended that the plaintiff should have qualified himself to bring this action by first obtaining a "*veniam agendi*," a form that is observed in the colonial courts whenever a public officer of rank is summoned. The court, in pursuance of a power given to them by a proclamation of the year 1813, referred the cause to the decision of the full court.

In an action for rent brought by Hart for the occupation of the farm, the sum of one thousand two hundred rixdollars was decreed to be paid to him by Burnett, together with interest, from the 25th May, the day on which the lease expired.

The next action was brought by Mr. Hart against Burnett, to recover damages for removing fruit trees from his farm, and for destroying two buildings that were standing upon it at the commencement of his lease, and the loss of the harvest of the current year, in consequence of the defendant having continued to occupy the farm beyond the expiration of it. After hearing the evidence the court rejected the claim for damages, but compensated the plaintiff by allowing him rent from the expiration of the lease on the 25th May 1823 to the period of the defendant quitting the farm in the month of October. The plaintiff, however, was condemned in the costs of the action.

The defence to these actions was made by Mr. Bishop Burnett in writing, and was permitted to be read to the court. It abounds in violent invective against the government, and some of the public functionaries ; and some passages were considered to be so calumnious as to induce the commissioners of the Court of Circuit to transmit the document to the cognizance of the fiscal ; but it does not appear that any prosecution was founded upon it.

When the trials were concluded the memorials of certain creditors of Bishop Burnett were heard, complaining of the delay in executing the sentences they had obtained against him ; and, in one of them, a charge was made against Burnett of having committed acts that were in fraud of his creditors : the Court of Circuit ordered that Burnett should again be summoned to give an account of his property to satisfy the demands of his creditors, and that in failure thereof an inventory should forthwith be taken by the landdrost, and forwarded to the sequestrator. The charge of fraud that had been made against him was committed to the inquiry of the landdrost and heemraden of the district.

Against all these decisions, except the last, Bishop Burnett entered appeals ; but instead of prosecuting them before the High Court of Appeal, he transmitted a memorial to the Governor, charging the two commissioners of circuit with gross ignorance of their judicial duties, and with corruption, partiality and injustice.

Shortly after the proceedings had been concluded the sale of Burnett's property took place, and produced the sum of four thousand five hundred and fifty rixdollars, which was given for the grant of land that was conferred upon him by the acting Governor : a great part of the personal property had been disposed of by Burnett himself, between the period in which the first inventory was made and the conclusion of the proceedings by the commission of circuit. In the same interval, also, very heavy storms of rain had occurred, by which, the improvements that he had effected upon the farm, and in the garden of Mr. Hart, had suffered great injury ; and one of the houses that had been injudiciously placed near the course of the river was destroyed.

We have been induced to enter thus minutely into the circumstances of these proceedings, as Mr. Burnett has made them the principal ground of his complaint, both in this colony and in England, and the pretext for a very violent representation to the Governor, for which he was called upon to answer criminally before the Court of Justice. In his first complaint he adverted to the vindictive spirit by which Mr. Hart was actuated in compelling payment of his claim for nine hundred rixdollars, and his attempt to appropriate to himself the

improvements he had made, and was making, upon his farm. If it were necessary to seek a justification of this proceeding on the part of Hart, it might, we think, be naturally found in the very questionable transaction that has in fact, as well as in law, been the cause of all Mr. Burnett's difficulties. After his drafts upon England had been publicly declined at Cape Town, and after he had incurred debts to two individuals for the means of cultivating his land, he made an assignment of all his property for the purpose of securing a particular creditor, and avowedly for that of defeating the just claims of others. He further states that an attempt was made by Mr. Hart to obtain possession of the land contiguous to his farm that had been granted to him by the government, and has complained of the injustice of making it liable to execution, when the grants of other settlers were not liable until the expiration of three years, at which time they were to receive their titles. Mr. Burnett forgets, however, to state, that he received the title to his grant at the expiration of the first year, at the solicitation of the creditor to whom he very soon after assigned it, for the twofold purpose of enabling him to give security for the advances that had been made to him, and to protect the property from the claims of others ; he justified this proceeding, we observe, by a reference to the preferential nature of the debt, in which we can by no means concur. The debts for which he was pressed by Mr. Hart and another creditor, arose from the supplies of cattle and stock, by which he was enabled to cultivate his farm, while the debt of the commercial firm consisted partly of a pecuniary advance made to Mr. Burnett on his arrival in the colony ; of furniture for his house, and of a certain quantity of tea, which was evidently intended for the purpose of retail or commercial profit in the district.

Mr. Burnett alleges that he had expended the very considerable sum of twenty thousand rixdollars upon the farm of Mr. Hart, and that it was an act of great injustice in him to attempt to appropriate such a sum to himself ; but it is necessary to observe, that the improvements that were made by Mr. Burnett were not such as to increase the value of the farm in the opinion of a practical settler, nor were they made with the knowledge and consent of Mr. Hart the landlord. The rustic lodge that he built was a fanciful structure, and the garden was laid out

more with a view to embellishment than to profitable cultivation. The number of fruit-trees, however, was greatly augmented, and some pains were taken to select the best kinds.

Much stress is laid by Mr. Burnett upon the incompetence of the persons who were appointed by the landdrost of the district to appraise the improvements ; one of them we find was a builder, and the other was the veld cornet of the district, and persons who, from their habits, might be considered competent to appraise the value of the ordinary buildings and agricultural improvements in the district.

Upon a review of the evidence that was given respecting the value of these improvements before the Court of Circuit, and allowing for the novelty of some of them, we do not conceive that the sum of one thousand three hundred and fifteen rix-dollars, fixed by the appraisers, was too low an estimate.

We have had occasion to advert to the declaration that was made upon oath by Mr. Burnett, before the agent of the sequestrator, of his possessing no property, and of having assigned it to a mercantile house in Cape Town for their benefit. It appears to us that much of his embarrassment is attributable to these acts. They, in the first place, furnished a just ground, in the absence of any explanation by which they could be palliated or justified towards other creditors, for a declaration of insolvency, and we do not find that either in the first trial that took place during the circuit of the year 1822, or during those that occurred in 1823, any evidence was offered by Mr. Burnett to negative or disprove that fact.

On the first occasion the trial was postponed to give him time to procure evidence respecting it ; but on the second he never offered any that tended to show that the property that he had been allowed to hold was sufficient to discharge the debts that were brought against him, or that his creditors were willing to accept terms, or enter into arrangements for future payment. He loudly complained of the infraction by Mr. Hart of the terms of the lease, in demanding payment of the rent before it was due ; but on this point he had nothing to oppose to the strong facts of having paid the rent for the first year, and having made a delusive tender of it for the second ; nor to the equitable construction of the lease in which the farm is

described to "be let for the space of three years certain, at the rate of six hundred rixdollars per annum;" nor yet to the certificate of the notary who drew up the deed, that the parties had fully agreed, and understood that the payment of the rent should be annual.

If any doubt had remained on our minds respecting that fact, it would have been removed by perusing the contents of a letter, addressed by Mr. Burnett to his commercial friend in Cape Town, dated 2nd March 1821, in which he expresses his hope that remittances from England, or his sales of green forage, will enable him to discharge Mr. Hart's demand for nine hundred rixdollars, "as well as his rent, *due the end of May.*" With this evidence before them, it cannot be matter of surprise that the commissioners of the Court of Circuit should have held that the notice of the ejection was legally given; that the lease was cancelled for the nonpayment of rent, and that Mr. Hart was entitled to be put into immediate possession.

Mr. Burnett has also complained of the conduct of the sequestrator, both in publishing his insolvency, and in suspending the proceedings after it had been declared; and he has imputed the last of these acts to some sinister influence of a person whom he does not name. From the best view we have been able to take of the order of suspension that was issued by the sequestrator, we are led to believe that it arose out of his mistake of the intentions of Messrs. Ebden & Eaton with regard to Mr. Burnett, and his imperfect knowledge of the language in which they were conveyed, and further from not having given clear instructions to his agents at Graham's Town. It is attributable also to certain defects in the constitution of the sequestrator's office, and the mode in which the business of it was conducted.

It remains for us to consider the vehement accusations that Mr. Burnett has brought forward against the commissioners of the Court of Circuit in the year 1823. We have already had occasion to notice the arrangement that was made by these gentlemen respecting the priority in which the several causes should be taken, and the reduction that was proposed in the number of them, and acquiesced in by the parties. They gave precedence to the action that had been postponed at the

circuit of the former year, both on account of its importance to the parties themselves, as well as of that which it derived from having been made the subject of special reference to them by the Court of Justice, before whom it had been brought in the month of May preceding.

Mr. Burnett alleges that it was the duty of the commissioners to have decided at once upon the question of his insolvency. This point was certainly at issue in the year 1822, when the action of ejectment was brought by Mr. Hart, and when time was given to Mr. Burnett to disprove it ; but during the interval that had elapsed between the circuit of 1822 and 1823, more than two years rent had become due ; Mr. Hart was allowed to add this claim to his former grounds of action ; the court was of opinion that the payment of rent was annual and not triennial, and the action and sentence of ejectment was maintained upon this ground, although no declaration to that effect appears in the sentence. We should not, indeed, have ventured to assert the grounds of this decision, if we had not been able to collect them from a subsequent explanation afforded us by one of the commissioners, who has declared that it was the opinion of the Court of Circuit that the question of insolvency could not be fairly tried unless the sequestrator was made a party. By a colonial law of rather recent date this officer combines the executive duties that in England are performed by the sheriff, with those of conservator and judge of bankrupt and insolvent estates. An indefinite kind of appeal is allowed against his decisions to the Court of Justice, where they do not appear to receive that prompt consideration which the nature of such references require. In this case, however, instead of addressing himself to the Court of Justice against the declaration of insolvency of which he so much complained, Mr. Burnett transmitted a memorial to the Governor, by whom it was referred to the landdrost and agent of the sequestrator in the Albany district, as well as to the sequestrator himself for explanation. The Court of Justice therefore was never in possession of the question of insolvency until the action above mentioned had been referred to their cognizance by the commission of circuit.

It is necessary to observe, that as no professional assistance is to be obtained in the several districts of the colony, the

proceedings of the Court of Circuit are not conducted with the regularity that is desirable, and that parties frequently suffer from their ignorance of the forms, which however, are in themselves exceedingly simple and intelligible. On the present occasion the parties conducted their own causes, and Mr. Burnett delivered a written defence, in the course of which he indulged in a strain of virulent abuse of Mr. Hart, which the court found it difficult to check. The interrogation of the witnesses appears to have been irregular ; and although every opportunity seems to have been given by the commissioners of circuit for the investigation of the grounds of action, and of defence, a studious silence and reserve of their opinion is, however, observable upon the question of insolvency, which was undoubtedly mixed up with the others, notwithstanding the references that they subsequently made of it to the full court. Appeals were entered by Mr. Burnett to the court of the Governor, against all the decisions, at the same time that the agent of the sequestrator was instructed by the president of the Court of Justice, and after communication with the Court of Appeals, to proceed to the execution of the sentence of ejectment, and the sale of Mr. Bishop Burnett's property, in satisfaction of the other sentences that had been obtained against him, and which had been long delayed.

It was found that the personal property had been much diminished, and certain articles of merchandize that had been sent by Mr. Burnett to Cape Town for sale, were arrested by the sequestrator in the hands of the consignee, and the proceeds were added to the estate for the benefit of the creditors.

From the account that has been rendered by the sequestrator, it appears that the assets, after the deduction of the costs and duties payable to government, amount to 4,431½ rixdollars ; and that after the payments of the preferent debts there will be a deficiency of 7,061 rixdollars.

We have already had the honour to state, that the decision upon the action brought by Mr. Burnett against the sequestrator and Mr. Hart for conspiring unlawfully to eject him from the farm, was referred by the commissioners of circuit in the year 1823 to the consideration of the full court. The tenor of a very recent communication from the president and members does not enable us to state in direct terms the nature of their

decision, but from the evidence that has been submitted to them, and that is to be found in the proceedings, we have no reason to doubt that the charge of conspiracy either will be or has been dismissed. The investigation that was ordered to be made into the charge against Mr. Burnett, of fraud against his creditors, was returned to the Court of Justice some time ago, but the consideration of it has been ordered to be postponed until the liquidation of the estate by the sequestrator has been effected.

We think that this system of perpetual reference and delay is much to be regretted, although the decision of the question of fraud will not materially affect the scheme of distribution of the proceeds of the estate, that has been submitted by the sequestrator to the creditors, and is now waiting the result of another tedious reference to the Court of Justice.

With reference to the pecuniary resources that Mr. Burnett might have possessed, or to his ultimate hope of being able to extricate himself from embarrassment, we think it is clear that his sole dependence, either for the means of reimbursing the advances that had been made, or for payment of the debts that he had incurred, was the annual produce of his farm. To the failure of the harvest in 1820 he imputes his incapacity to discharge the debt of Mr. Hart, and his disappointment in the amount of the produce that he had estimated at seven thousand rixdollars. He speculated at the same time on the purchase of Mr. Hart's farm, when he had no means of effecting it, and was making preparations for establishing a distillery of spirits from the fruit of trees that he had planted, without any reasonable assurance of becoming the future owner of the land upon which they grew.

Respecting the question of insolvency, which Mr. Burnett has always made a prominent one, (and there can be little doubt that the publication of it, as well as the notoriety of the action brought against him by Mr. Hart, had a fatal influence upon his credit in the district,) we are unable to discover the grounds upon which it could be impeached or set aside. The speculative value of his own grant, or the contingent interest that he claimed in Mr. Hart's farm, could not be taken into calculation by the sequestrator as affording a satisfactory means of adjusting the pressing claims of creditors.

If the farm had been given up by Burnett when possession was demanded, in the year 1822, his creditors would have had the benefit of the improvements that had been made upon it, but he persisted in holding it until the end of the year 1823, when their value had been entirely destroyed, and much of what had been constructed in wood had been removed by himself.

From the impression that we have received from the evidence and statements laid before us, we have been led to consider that the injury and loss of which he complains, were imputable to his too sanguine reliance upon sources of credit that proved to be precarious, to the bad calculations he had made of the produce of agricultural labour in the district in which he settled, and to a want of economy in conducting it.

The judicial proceedings of which he complains have certainly furnished us with grounds for proposing future improvements in the several branches of the judicial administration, and although we find that they are marked with the same defects of uncertainty and delay that we had occasion to observe in other cases that have been brought before us, yet we are not prepared to say, that under a more perfect administration of the laws the result to Mr. Burnett would have been different ; while on the other hand, we are firmly convinced that the proceedings furnish no grounds whatever for the charges that he has made of injustice, partiality or corruption.

Mr. Burnett has endeavoured to connect with these proceedings the refusal of Lieutenant Colonel Somerset to allow him a certificate of the receipt of a certain quantity of grass that he alleged to have been cut from his estate for the use of the Cape Cavalry ; we do not find that the circumstance has any direct connection with the judicial proceedings ; for, although we observe that Mr. Burnett has alleged to your Lordship that he mentioned his claim upon the commissariat department for payment of this grass to the landdrost and agent of the sequestrator, as a means of discharging his debt to Mr. Hart, and that he protested against the landdrost's refusal to receive it, yet we find that this assertion is positively contradicted by the landdrost ; and we think it extraordinary, that when Mr. Burnett was required to declare upon oath what property he possessed that was applicable to the payment of the debts that

were judicially demanded, he should not at the same time have made an exception of this claim upon the commissariat department, which, if admitted, and certified to be just, would have enabled him to relieve himself in some degree from his embarrassments.

Mr. Burnett has contended that the foraging parties of the Cape Cavalry cut from his estate, at different times, quantities of grass, amounting in value to the sum of 1,280 rixdollars ; and that although he has frequently applied to the proper authorities, he has never been able to obtain an authentic receipt or certificate, by which alone he could obtain payment from the Commissariat Department. In the year 1821, he brought an action for the purpose of compelling the officer then in command of the cavalry, to deliver to him a certificate for two hundred and fifty-six loads of grass. Upon previous application the officer had declared, that although he found that grass had been taken from Mr. Burnett's land contrary to his strict injunctions, yet, after the strictest inquiry, he could only find that forty-four loads had been taken, and for these Mr. Burnett received the sum of 220 rixdollars in payment. It appears that this grass had been taken at a period in which the landmarks of his grant had not been fixed, and the foraging parties had not observed the boundaries that divided it from a tract of government land to which they were accustomed to resort for grass. The court, not deeming the officer responsible for any quantity that had been taken subsequent to the period of his command, relieved him from the claim, but reserved to the plaintiff Burnett the right of instituting his action against such other persons as in law were liable. Mr. Burnett then made application to Lieutenant-Colonel Somerset for a certificate of the quantity of grass that had been taken during his command. It is admitted by Lieutenant-Colonel Somerset that he gave a promise to Mr. Burnett that he should obtain a receipt for such quantity of grass as appeared by the regimental books to have been received. On Lieutenant-Colonel Somerset's departure, this inquiry was left to the care of the officer who succeeded him, and who, when called upon, excused himself from responsibility for any quantity of grass that was cut after he ceased to be in command. Mr. Burnett was thus left to his remedy against Lieutenant Colonel Somerset, to whom

he more than once made application, both personally and through another person, who overtook him on his road from Graham's Town to Uitenhage. We observe that Colonel Somerset has not alluded to this interview, nor has he pointedly contradicted the assertion that he promised to give the certificate. We think it most probable, that any promise that he did give was conditional ; but on the other hand, it is much to be regretted that a claim of this nature had not been immediately brought to decision by some more formal and satisfactory mode of investigation than that which he had assigned to it. The complaint was preferred to the acting Governor, Sir Rufane Donkin, who declined to interfere in it, or order payment of any military account without a proper certificate ; and it was preferred, at a later period, to his Excellency Lord Charles Somerset, who in an interview that is correctly described by Mr. Burnett, promised to use his best exertions in his behalf. The result of this interview was a proposal to submit the investigation of the claim to a regimental board of officers, which Mr. Burnett declined, and the question remains still subject to dispute. The discussion of it has given occasion to Mr. Burnett to notice in strong terms the mode in which the green forage was supplied to the Cape Cavalry, and the unjust and partial exclusion of himself and others from a share in the supply.

The quantity of green barley and oats grown by persons who, from their contiguity to Graham's Town, could advantageously dispose of it, was very small, and in the year 1820 much below the regimental demand. Until a late period it had not been usual to give notices of the quantity required, but those persons who had any to offer tendered it to the officer of the commissariat department, who kept in his office a list of the names of the suppliers, and the days upon which the grass would be ready for cutting. The quarter master of the regiment received his instructions from the officer of the commissariat department to take his forage from the suppliers according to the rotation in which they stood in the list ; and if it happened that the oats or barley of any individual grower were not sufficiently, or too much matured, the crop of the person next in rotation was taken. With the exception of Mr. Burnett, no complaint was made to us during our stay at Graham's Town of

undue preference shown by the commissariat department ; and it appears upon the explanation furnished by Lieutenant-Colonel Somerset, as well as by a letter of Mr. Burnett, addressed to his correspondents in Cape Town, that his disappointment in furnishing the expected supply, although caused by Lieutenant-Colonel Somerset, was not intentional on his part, and that it principally arose from the badness and scattered state of his crop, and the difficulty that was experienced in cutting and gathering it. For the quantity that he proved to have delivered, he received from the commissariat department the sum of 435.7.4. rix-dollars. To a person who had rated his annual profits upon the production of this article alone at ten thousand rix-dollars, and had expended a considerable degree of labour in cultivation, the competition of several individuals who were enabled to avail themselves of the momentary demands which the failure of their neighbours had created, was a serious impediment ; we believe that nearly two-thirds of the quantity of green forage consumed by the Cape Cavalry were furnished by the officers of the regiment, to whom it had been customary, in consideration of the very insufficient accommodation that the barracks afforded, to allot small pieces of ground in the immediate vicinity, for the purpose of enabling them to build cottages and houses according to their means, and which they have been allowed on their retirement to transfer to other officers who succeeded to them. This indulgence was extended to officers of other corps who were stationed at Graham's Town at different times, and had received local appointments.

It is to be remembered, that Graham's Town had originally been selected as a military station in the year 1814, for the force appointed to defend the frontier, and that the accommodation of the troops had therefore been a primary object ; but it must be admitted to have considerably impaired the quantity of disposable land that might have been appropriated gratuitously by the government to the settlers, or to mechanics who were desirous of establishing themselves in the town, after it had been fixed upon as the seat of magistracy of the new district.

It is also to be observed, that as the officers had a priority of selection they secured the best situations in the town, and the government has been on more than one occasion reduced

to the necessity of purchasing from them an accommodation for public purposes, which a greater degree of caution would have enabled it to command. We had occasion to observe also, that allotments near Graham's Town had been conceded to military officers who had held temporary commands in the district, as well as to others, without any condition or stipulation for their occupation or improvement. In case of their being uninclosed and cultivated, they form a great temptation to the trespasses of the town herds, occasioning a tax upon the inhabitants for the damage sustained by each trespass; and in some instances they are retained by the grantees in an unoccupied and unimproved state, until the increase of population shall have augmented their value.

The situation of the land near Graham's Town that was granted to Lieutenant-Colonel Somerset, we observe, has been adverted to by Mr. Burnett. This land has been built on and enclosed; but we cannot omit to express the strong sense that we entertain of the inexpediency of conceding lands contiguous to the towns, and possessing the advantages that are peculiar to this grant, in the temporary accommodation that it affords in pasturage and water for the cattle of the boers who frequent the market, and which, under the name of "Uitspan," is ordered by several instructions to be held in perpetual reserve, as indispensable to the public convenience.

The establishment of the Somerset Farm, and its immediate connection with the commissariat supplies that is noticed by Mr. Burnett, had been a source of perpetual dissatisfaction to the English settlers, from their location in the district of Albany in the year 1819, while the manner in which the purchases were made by the superintendent deprived them of the advantages of disposing of the very small surplus that the effect of the blight and depredation had left to them, under the system of open tender, by which the supplies to government are usually purchased. The establishment of this farm, in the year 1814, originated in the disappointments that were experienced by the different detachments of the military force stationed on the frontier in receiving their supplies, and in the objectionable manner in which they were made.

From the representations of an individual who had given some attention to the state of the frontier district, an expect-

tation was entertained, that by the establishment of a farm in an advantageous position, under the control and support of the colonial government, means might be devised of obviating disappointment to the troops, by the timely formation of a depot for grain and animal food, to which also the farmers of the frontier district would be glad to contribute by the sale of their stock and produce; and it was hoped, that by the progressive cultivation of land and rearing of stock, the farm would enable the colonial government to relieve the British Treasury of all expense in the subsistence of the troops employed in the defence of the frontier.

As the interests of certain individuals who had shared in the former defective system of supply were found to be opposed to the success of this establishment, it was deemed necessary to give it the benefit of all the protection and support that the government could afford. We accordingly find that an order was issued by the commander of the forces, dated 3rd October 1816, announcing, "That the government had taken upon itself the supply of the troops on the frontier districts from its own farm, as far as its resources would allow, and declaring that his Excellency was determined to visit with the severest penalties any person who should presume to throw obstacles in the way of the government agent in furnishing the supplies, or who should not be found ready to lend the most effectual aid to a measure of such importance to the troops and the colony."

With a view to facilitate purchases from the farmers, and at the same time to provide for their demand for articles of consumption that they with difficulty procured at that period by indirect means from Cape Town, the agent of the farm there was authorized to make purchases of goods, which were disposed of at the farm in barter for cattle and corn, or were paid away in the shape of wages to labourers.

An advantageous position was chosen in the north-western boundary of the district, that was then called Uitenhage, and some expense was incurred in the erection of buildings, the collection of agricultural implements, and the clearing of land for tillage. The combination of these advantages enabled the colonial government to aid the supply of the troops on the frontier, and to render it more independent of accident, but

not to supersede the necessity of a commissariat establishment. While the Somerset Farm had to contend with the disastrous visitations of blight, with which the agricultural establishments in the country were affected, the assistance of the commissariat department was resorted to for supplies of grain in times of scarcity, which were sold by them to the farm at cost price, and conveyed in the colonial vessels from Cape Town to Algoa Bay. The superintendent, therefore, acted as purveyor of a certain portion of the military supplies, at rates and prices that were fixed by the commander of the forces, while the colonial government was enabled to combine the profit of the contractor with greater regularity of supply than had been experienced from the intervention of such persons, but without the security against failures that the usual conditions of a contract afford.

The price of the rations delivered by the Somerset Farm to the commissariat department was fixed in the year 1818, by the commander of the forces, at thirteen stivers and four-fifths, (*6d.* sterling), but was afterwards regulated by the average rate of the contracts for which the supplies that were not furnished by the farm had been taken, varying from sixteen and a half stivers to eighteen and one-fifth stivers per ration. From the month of June 1820 to the same period in 1821, the supply of five stations, that had been taken by contractors at an average of eighteen and one-fifth stivers per ration, was abandoned by them after notice in April 1821, and new contracts were entered into for the remainder of the year, (not exceeding two months), at an average of twenty-three and one-sixth stivers per ration. This is the period selected by Mr. Burnett in his petition to the House of Commons, in which he states that he should have been glad to have furnished the rations at ten stivers. We conceive that this assertion is sufficiently refuted by the fact we have just stated, of the abandonment of so many contracts, and the formation of the only one that was subsequently made at a much higher rate than that which Mr. Burnett has specified; a reference also to the very high prices of wheat, and the difficulty of procuring it at the same period, negative the probability of any contract being successfully executed for the supply of the frontier districts at ten stivers. From the month of June 1821 to the month of December 1822,

the Somerset Farm was paid for the rations it supplied at the rate of nineteen stivers ; and for the next six months ending July 1823, the price of the only contract that then existed being reduced to thirteen stivers, a corresponding reduction took place in the rate of charge made to the commissariat department by the farm, amounting to thirteen stivers ; but as it appeared to the commander of the forces to be unjust to regulate the price of supplies made on the detached and distant stations by the Somerset Farm, by that of the supplies procured in a place (Algoa Bay) that possessed peculiar facilities, and at which consequently the rate of contract was always lower than any where else, an order was issued by which the commissariat department was directed to be charged for rations supplied by the government farm, from the period commencing 25th December 1822 and ending July 1823, at nineteen stivers, being the prices at which they were paid for in the preceding year. On the application of the officer who succeeded to the commissariat department in July 1823, the supply of the European troops was allowed to be opened to public tender and contract for the year 1824, and which was effected at the rate of thirteen stivers per ration at Graham's Town, and eighteen stivers at the advanced posts. Until September 1824 the Somerset Farm continued to ration the Cape Corps ; but during the present year the native as well as the European troops upon the frontier have been supplied by open tender ; and such has been the combined effect of the measure, and of the increased resources of the district, that the whole military force is now supplied with rations at *fourpence-farthing sterling*, being a fraction more than two-thirds of the deduction of sixpence that is made on that account from the daily pay of the soldier.

From a reference to the accounts of the Somerset Farm, it appears that very considerable balances have accrued in favour of the colonial government, from the supplies that it made through this establishment to the commissariat department. These balances have amounted, in the period commencing 30th August 1816 and ending 31st December 1824, to the sum of 442,631 rixdollars ; and they may with propriety be attributed to the economical system upon which the purchases were conducted, the low rate of wages for which the

labour on the farm was procured, and to the prices that were ordered to be paid for the supplies.

We are not aware that the advantageous circumstances under which these supplies were made were directly brought to the knowledge of the Lords Commissioners of the Treasury until the month of July 1823, although the additional trouble and expense that the system occasioned, and the authority under which the prices were charged and paid for the rations by the British Government, had been made the subject of incidental communication. The deliveries are stated to have been made in a satisfactory manner by the superintendent of the Somerset Farm, upon a very extended line of frontier; but we have not been able to ascertain that any saving was occasioned to the British Government, or any greater degree of facility in the supply, than might have been fairly expected from an ordinary degree of attention paid by the officers of the commissariat department. On the other hand, as the resources of the frontier districts began to expand, and a competition for the supply of carriage had been established in the course of the third year after the arrival of the British emigrants on the eastern coast; and as the continuance of the Somerset Farm was observed to operate unfavourably to their interests, it was with satisfaction that we learnt the decision of this government to put an end to the establishment, to dispose of the stock and materials, and to convert the house of the superintendent into a residence for the landdrost, secretary, and district clerk of the new district of Somerset, that was formed out of a certain portion of those of "Graaff Reynet" and "Albany." The arable lands were laid out in allotments, and have been sold advantageously at long credits.

Upon examining the accounts of the Somerset Farm, our attention was directed to the considerable amount of the sums that had been remitted by the superintendent to Cape Town. In the early periods of the establishment; viz. from 1814 to 1818, the accounts, after giving credit for the proceeds of every thing that was sold, exhibit balances against the colonial government; but from the month of July 1819 to the end of the year 1824, in the course of which the number of rations issued to the army as well as to the settlers had greatly increased, the annual balances were considerably in its favour. Remit-

tances were made by the superintendent of the farm to the colonial secretary, and were either placed to the credit of the land revenue, or to that of the Somerset Farm account that was kept at the Discount Bank. From the 25th January 1820 to the 27th February 1821, the period in which the government was administered by Sir Rufane Donkin, the sum of one hundred and eighty-five thousand rixdollars was carried to the credit of the land revenue, and blended in the public accounts with other sources. We do not, however, find that the colonial auditor has ever noticed in his annual reports, either the augmentation that was thus made to the general revenue, or the causes of it; but he attributed the diminution of the land revenue that took place in the year 1820, to the effect of the general blight that produced a failure in the crops. The sum of one hundred and sixty-seven thousand and thirty-six rixdollars was expended partly in the payment of articles for the use of the farm, and merchandize, in discharge of part of a debt due by the farm to the commissariat department on account of supplies, and in the purchase of a stallion. The sum of ninety-five thousand and eighty rixdollars was expended in the construction of barracks at Graham's Town; of a custom-house and store for the reception of goods at the mouth of the river Kowie, and in payment of a quantity of wheat that was sent to the Albany district, in a period of scarcity for the use of the settlers; although we see no objection to the appropriation that has thus been made of the several sums that were placed at the disposal of the colonial government, yet we cannot help observing that the sources from which they arose do not seem to have been sufficiently explained to His Majesty's Government; and that for such portions as were placed to the credit of the Somerset Farm account at the Discount Bank, the mode of drawing that was adopted by means of drafts of the town agent, countersigned by the colonial secretary, was utterly at variance with the instructions of the Lords of the Treasury, under which, all payments out of the colonial revenues are required to be regulated and made by the warrant of the Governor alone.

The manner as well as the periods in which the officers of the commissariat department drew their bills upon the British treasury, previous to the introduction of the late regulation, by

which the rate of exchange of bills drawn upon the British treasury is fixed, has been a subject of observation by Mr. Burnett; and he has stated that they were made subservient to the interests of the Governor, who was thus enabled to avail himself of the most advantageous opportunities that the fluctuations of exchange presented, both in the operations of drawing for money on England, or of remitting it.

It has been stated to us by the gentleman who was at the head of the commissariat department from the year 1815 to the month of April 1823, that after an estimate of the money required for the public service had been made out (generally in every month), and afterwards approved by the commander of the forces, an advertisement for the amount required either in specie or colonial currency was inserted in the Gazette, to be paid in bills drawn upon the Lords of the Treasury, and for which tenders were required; these tenders were for some time opened in the presence of the commander of the forces; but by a later order of the Lords Commissioners of the Treasury, they were opened in the presence of the officer at the head of the commissariat department, and the commissary of accounts. A schedule of the tenders was then made, and accompanied by a report of the officers of the department, was submitted to the commander of the forces for his approval.

It is further stated by the same officer that the highest tenders were always accepted, but that he invariably found a disposition on the part of Lord Charles Somerset to resist the combinations that he alleged to have been frequently attempted, by the most opulent and influential members of the commercial community, to raise the price of specie, or to obtain an influence over the disposal of bills in the market.

As the rate at which the salaries of those of the civil servants who were paid in sterling was regulated by the average amount of the tenders that had been made to the commissary during each preceding quarter, it has been the subject of frequent observation that the interests of this class of the colonial servants, at the head of whom was the Governor, would naturally dispose them in favour of a system that was calculated to afford the highest rate of conversion for their salaries in colonial currency, and that no measures of an opposite tendency were likely to be adopted by them, however important to the

interests of the colony. Mr. Burnett, however, has gone a step further, and has insinuated that the fluctuations that have taken place in the rates of exchange have alternated with the personal interest and convenience of the Governor, both at periods of drawing or remitting.

Without denying the existence of an interested motive in the civil servants for keeping up the rate of exchange at which their salaries were paid, yet we do not admit that the Governor, in his capacity of commander of the forces, would have been justified in opposing himself to the very systematic vigilance that was shown by the officer at the head of the commissariat department in obtaining the highest rate of premium for the bills that he drew upon the British treasury.

We have not found that the Governor ever sanctioned the application of any pecuniary influence of the Lombard Bank, or restricted its accommodations with a view to raise the competition for bills at the approach of the periods for drawing. It has been with truth observed by the president of the bank, that as its accommodations depended solely upon the amount of the commercial deposits, the former necessarily became liable to restriction at a period when the deposits were required by the merchants for the purchase of bills.

It appears that in aid of the public service, the commissariat officer was in the habit from time to time of claiming payment of debts due by the colonial government; and at different periods, especially during the last three years, considerable sums have been received; but at no period were these payments made under circumstances that justify any suspicion of an attempt to raise the premium on bills by diminishing their number; on the other hand, we have not been able to trace the occasional depressions that may have taken place in the rates of exchange to the exertion of any personal interest in the Governor, or to the use of any power, or the adoption of any measures by which such an effect could be produced. Upon the general question, we have already had occasion to express our regret that efficacious measures for repressing the progress of the evils of a depreciated currency had not been resorted to at an early period by the colonial government.

The grievance with which Mr. Burnett concludes his statement, relates to the criminal prosecution that was instituted

against him by the fiscal for addressing a memorial to the Governor, in which he charged the commissioners of circuit who tried his causes at Graham's Town in the year 1823, with gross ignorance of their duty, injustice, oppression and corruption. A translation of the proceedings is annexed, and we find that the memorial in which these charges were made was transmitted by the secretary to government to the fiscal, with a direction to him to prosecute Mr. Bishop Burnett for his libellous attack upon the character of the two commissioners, Messrs. Truter and Borchers. The prosecution was delayed for some time on account of the distance of the district of Albany from the seat of judicature at Cape Town; the illness of Mr. Burnett after his arrival, and the application that he made for the attendance of a witness, and copies and translations of the proceedings of the Court of Circuit.

He complained that his applications to the secretary of the Court of Justice had not been attended to; and it appears that under the expectation of his arrival in Cape Town, an immediate answer was not sent, and the copies were not undertaken until he had made two applications through the secretary of the Court of Justice, who gave orders that they should be made for him, provided he would point out the documents that he required. While the copies and translations were in course of preparation, he stated to the commissioners of the Court of Justice, that if they were ready to pronounce sentence upon the case as it stood, he was prepared to receive it, and would dispense with the copies that he had required.

The commissioners declined to give any pledge as to the course they would pursue at the trial, and Bishop Burnett declared that he was ready to appear before them, and to receive judgment. Notwithstanding this declaration, he prayed for further time, until the copies should be executed; and without making further complaint of not having received them, he declared his willingness to appear on the day that was ultimately fixed by the court. We find that the translations were delivered to him before that day, and that they were in his possession during his attendance.

An admission having been made by Mr. Burnett of his having composed and sent the memorial to the Governor, the fiscal addressed to the court some observations upon the nature of

the offence that was stated in the act of accusation, in which Mr. Burnett was charged with maliciously intending to expose to public contempt the judicial dignity of the commissioners of circuit, and with having defamed them, by publishing and presenting a certain libellous writing in the form of a memorial, addressed to his Excellency the Governor of this colony, praying that he would order a revision by the Court of Justice of the proceedings held before the commission of circuit, and accusing the two members of prejudice, partiality and a corrupt violation of the laws, and declaring that they had been guilty of manifest injustice, and a wanton assassination of his character, tending to prejudice the causes wherein he was appellant, and to forestal a corresponding judgment; and that he had further declared the proceeding against him to be one of flagrant injustice, of legal error and perversion of extra-judicial procedure, of scandalous oppression and intolerable persecution.

The fiscal stated to the court that the prosecution was founded upon the Roman law, which, as subsidiary to the Dutch law and to local regulations, he contended was the rule by which the courts of the colony were bound, and had been accustomed to proceed both in civil and criminal cases. He denied the right of Mr. Burnett to appeal to English authority upon this charge, or that of being tried by any other law than that which was in existence at the period of the last surrender of the colony to the British arms, or had since received the sanction of the British Government. He then quoted the 45th and 47th laws of the 10th title and 47th book of the Pandects, in the first of which it is declared, that any person who shall have attacked the reputation of another in a writing delivered to the chief of the government, shall be liable to be prosecuted for the crime of "injuria scripta;" and in the second, where extraordinary punishments are declared to be annexed to this offence, varied according to the condition and motive of the criminal, and in which that of temporary banishment is included.

He closed his address to the court with a claim for its sentence and condemnation of Mr. Burnett to banishment from the colony for the space of five years, and imprisonment in a place of security until an opportunity offered for carrying the sentence into execution.

Mr. Burnett in his defence denied the application of the prin-

ciples and enactments of the Roman law to the charge that was made against him, and appealed to certain decisions of the English courts, by which it had been determined that memorials addressed to the king or parliament, complaining of injustice or oppression, and praying for redress, are not punishable as libels. He declined entering upon any discussion of the judicial treatment he had experienced from the judges or from the government, as he conceived that such a course would only expose him to further prosecution, and to more severe punishment.

The court in its sentence declared him to be guilty of an open violation of the laws, tending to disturb the internal tranquillity of the colony, and to lessen the dignity and power of the judicial authorities. It therefore condemned him "to be banished from the colony for five years, on pain of more severe punishment in case of his return, and to be confined in some secure place until an opportunity should occur of his being sent away."

Referring to the former proceedings of the colonial courts, as well as to the positive enactments contained in proclamations of the Dutch governors, no doubt we think can be entertained of the authority upon which this prosecution was founded.

It has been frequently declared that the colonial courts were to be guided by local proclamations; by such of the Batavian statutes as were received and promulgated in the colony, and by the laws of the several states of Holland, explained by the Roman law, to which appeal was to be made where the former laws are silent, inapplicable or obscure. The fiscal has stated to us that he was not able to find any enactment in the Dutch or Batavian statutes, or yet in the local proclamations that was directly applicable to the case. The laws of the United States of Holland and Flanders were founded upon the Roman law, and these systems in combination have received the appellation of the Roman-Dutch law, and form the subject of a treatise composed by a learned civilian of Holland that has been translated into the English language, and under the auspices of your Lordship, has been introduced as authority into the tribunals of those colonies that have been added to the British dominions, and in which the Dutch laws have been retained.

We believe that the British settlers, with whom Mr. Burnett emigrated to this colony, were duly informed before their

departure from England of the nature of the laws by which their conduct was to be regulated in it ; and we are not aware that the right that Mr. Burnett claimed on his own behalf, and that of the other emigrants, of being tried by the British laws, has been conceded to British subjects removing voluntarily from their own country to a British colony in which a system of foreign law had been found to exist, and had been continued under the authority that His Majesty derived from conquest and cession.

In the present instance Mr. Burnett undoubtedly was made to feel the difference between the system of law under which he had lived, and that to which he had thus voluntarily subjected himself, and by which the act of addressing a memorial to the Governor of the colony, complaining in violent and contumelious language of the conduct of certain functionaries, and praying for a redress of the injuries he had suffered, was in itself, and independently of all other circumstances attending it, considered, and punished as a criminal act. By the authority of the law quoted by the fiscal, its criminal character and its punishment were defined ; and although we cannot concur in the description, or in the consequences that are ascribed to the offence, in the act of accusation, that of being “ a public violation of the laws, and tending to disturb the internal peace of the colony,” yet it is impossible not to discover in the composition of the memorial, an intention on the part of Mr. Burnett to defame the characters of the persons denounced in it, and a desire of gratifying personal vengeance, cloaked under the specious pretext of denouncing injustice and of obtaining redress.

It will not, however, have escaped your Lordship’s observation, that Mr. Burnett had entered appeals against the several actions, in which he asserted that the injustice and corrupt partiality of the commissioners of circuit had been manifested, and it was, therefore, competent to him to have pursued those appeals, and to have claimed the professional assistance that is always accorded to those whose poverty entitles them to seek it. He, however, neglected to pursue any course that might have enabled him to take advantage of this ordinary mode of redress, and suffered the term of twelve weeks to elapse, within which appeals from sentences delivered in the

district of Uitenhage to the High Court, are required to be prosecuted. We are not aware of any equitable ground upon which Mr. Burnett ought now to be admitted to recover his right of appeal ; nor do we think that in the event of any new investigation being instituted, it would be followed by different results. The plea, therefore, of being compelled to apply to the Governor by memorial, and to represent the conduct of the commissioners in its true light, by the use of the terms set forth in the act of accusation, is destitute of foundation, and it is only necessary to refer to the memorial itself for an exposition of the real motives that gave rise to it. Censurable as these were, and criminal when coupled with the act itself, and tried according to the principles of the Roman law, we think that as there is no proof that the memorial was attended with any greater degree of publicity than that of addressing it to the Governor, the fiscal would better have consulted the feelings of the community if he had exercised the discretion with which his instructions invest him, and had declined a prosecution that had the effect of exciting the public attention, and perhaps its sympathy, in favour of a person who by his violence of language and demeanour had deprived himself of all claims to public estimation and respect.

During our residence in the Albany district, in the early part of the year 1824, we observed a general disposition amongst the respectable classes of the settlers to withdraw themselves from all connection with Mr. Burnett, and to disclaim all community with him in any public proceeding ; and we believe that neither the termination of his connection with the district, nor the embarrassments in which he had involved himself, excited any feelings of pity or regret.

In the interval that took place between the pronouncement of the sentence of banishment and his departure from the colony, Mr. Burnett resided in Cape Town, and was suspected of having been concerned in the composition and publication of an infamous libel, that had been seen by only two persons in a conspicuous part of the town, and that reflected grossly upon the honour of the Governor. A very creditable feeling was evinced by all classes of the inhabitants upon this occasion, and a great anxiety prevailed to discover the persons concerned in such an act of infamy. In consequence of information that he

received from three persons, the fiscal applied to the Governor for permission to search the lodgings of Mr. Burnett, as well as of certain other suspected individuals, and upon this permission, authority was given by the president of the Court of Justice to a commissioner to proceed in execution of the warrant ; these forms being always observed when any search of the houses of persons of the rank of burghers is considered necessary by the fiscal.

The application for the warrant was founded upon the sworn and direct testimony of an Irish servant of William Edwards, who was confined in the gaol, and under sentence of transportation to New South Wales, for addressing two libellous letters to the Governor, and it was found that Mr. Burnett had paid frequent visits to him, in company with others who had incurred the suspicions of the fiscal, and whose names were also included in the search warrant. Nothing material transpired from the search of Mr. Bishop Burnett's lodgings, but on proceeding to the prison-room in which Edwards was confined, a paper was found, containing a copy, in the hand-writing of Burnett, of a placard that had been recently discovered and brought to the fiscal by the officers of the police, written on the same sheet of paper that had been used by Edwards as a cover for his letters to the Governor. Mr. Burnett acknowledged that the hand-writing was his, but that he had been able, from memory, to furnish it for the amusement of Mr. William Edwards, after a very cursory perusal of another copy that he had accidentally seen. In consequence of further information received by the fiscal, he obtained permission to make a second search in the lodgings occupied by Burnett, when, amongst his papers, was found a composition reflecting severely upon the character of his Excellency the Governor, the late landdrost of the Albany district, and upon that of a most respectable individual, now deceased, who had filled the situations of fiscal and president of the Court of Justice. No judicial notice was taken of these documents, but the fiscal having considered that Mr. Burnett was abusing the indulgence that had been shown to him, by being allowed to be at large after his appeal had been decided by the full court against that part of the sentence of the commissioners which required his confinement in a place of security until his banishment from the colony could be effected, gave

orders to the officers of police to arrest him. Mr. Burnett succeeded for some time in eluding their attempts to seize his person, and at last obtained a passage in a vessel that conveyed him from the colony. We have, &c.

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

[The annexures to the above report would fill a volume, and are not now of sufficient interest to warrant the expense of publication.—G. M. T.]

[Original.]

Letter from the COMMISSIONERS OF ENQUIRY to EARL BATHURST.

CAPE TOWN, 7th December 1825.

MY LORD,—We have the honor to transmit to your Lordship our Report on the various complaints that have been addressed from time to time by Mr. Bishop Burnett to your Lordship, as well as to the Colonial Government.

The variety of matter they contain, amplified as it has been in a late petition to the House of Commons, has imposed upon us the necessity of recurring at this period to facts and circumstances that form the subject of several observations, that will be embodied in the general Report that we shall shortly have the honour of submitting to your Lordship. We regret that any delay should have occurred in the execution of the additional duty thus imposed upon us, but in justice to ourselves we are compelled to state, that the very imperfect condition of the Records of the Court of Justice kept in Cape Town, and the necessity it induced of making repeated references to the remote District of Albany for the attestation of judicial acts that have taken place since our visit to that part of the Country in 1824, has occasioned a serious impediment to our endeavours to meet your Lordship's wishes.

With reference also to the elucidation that we have been able to give to Mr. Burnett's views and proceedings from the perusal of a correspondence that passed between him and a

Member of a Commercial House in Cape Town, and that was submitted to us by the latter with permission to take copies, we beg leave to suggest that as we are not aware, that Mr. Burnett has ever been apprized of the use that has been made of them, the correspondence forming the document No. 13 should not be included in those that may be published for the information of the House of Commons. We have, &c.

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

[Copy.]

Note from the COMMISSIONERS OF ENQUIRY to SIR RICHARD PLASKET.

The Commissioners of Inquiry have no wish or intention whatever to revive the subject of their late private and confidential correspondence with Sir Richard Plasket, and which they desired so earnestly to terminate, but as he persists in his resolve to blend it with their public proceedings, it becomes their duty to protest against the admission that they manifested any undue bias in assuming the probability that Dr. Barry was correct in his statement of the occurrence that had called forth the threat of dismissal from his situation.

The statement of Dr. Barry from the first was *direct* and *decided*, and his appeal to a person who had advised him to pursue the course of submitting his case to the Commissioners produced an equally strong and clear admission of this fact from a most respectable and impartial quarter.

It is true that Sir Richard Plasket did not hesitate to declare Dr. Barry's statement to be totally unfounded in fact, but it is equally remarkable that in the postscript of the same letter he manifested the same want of recollection of the subject that he had acknowledged in the first instance.

It is but common justice to Dr. Barry to assert that on this subject he has always expressed himself to the Commissioners with moderation, and it has occasioned no little embarrassment to the Commissioners that Sir Richard Plasket's notes should

have contained expressions so harsh and insulting, as applied to Dr. Barry, expressions which they certainly could not allow themselves to be the medium of conveying from one gentleman to another.

As the personal feelings of Sir Richard Plasket towards Dr. Barry could not be a subject with which the Commissioners had anything to do, they were bound to judge impartially from all that was before them, and they must assert that at the time they inclined to concur in Dr. Barry's recollection of the subject in dispute, Sir Richard Plasket had not expressed himself decidedly or definitively; but he had coupled a positive contradiction of Dr. Barry's statement with an acknowledgment of doubt in his own mind respecting the subject.

The Commissioners consider therefore that they were fully justified in inclining to the strongest testimony, but they protest at the same time against the inference that they had any intention of weighing the *credibility* of one gentleman against that of another. They must disavow entirely their belief that either Sir Richard Plasket or Dr. Barry had wilfully misrepresented the facts, and they have much reason to complain that Sir Richard Plasket (whatever he may think of Dr. Barry) should have made his correspondence with the Commissioners a vehicle for imputations which, if they were known to Dr. Barry, he would be bound as a gentleman to resent.

CAPE TOWN, *Wednesday, 7th December 1825.*

[Copy.]

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

CAPE TOWN, *December 7, 1825.*

SIR,—We have the honor to acknowledge the receipt of your letter of the 4th instant, accompanying the answers that you have given to the Interrogatories that we had the honor of transmitting to you on the 26th ultimo.

We beg leave to return you our thanks for your attention

to our request, as well as for the explanation of your views respecting the present system of imprisonment and management of the Gaol.

We shall not fail to notice the Protest you have entered against our right of Inquiry into the nature of the representations that were made by you to His Excellency the Governor, and that have been specially relied on in a public Despatch to Earl Bathurst, of which His Excellency was good enough to transmit to us a copy. We have, &c.

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

[Copy.]

Note from SIR RICHARD PLASKET to the COMMISSIONERS OF ENQUIRY.

Sir Richard presents his compliments to the Commissioners of Inquiry. He is equally anxious with themselves to put a stop to all correspondence relative to Dr. Barry, and he would not have deemed it necessary to have replied to their note of yesterday, were it not for a most extraordinary imputation which is contained in the latter part of it, where Sir Richard Plasket is charged with making the Commissioners of Inquiry the medium of reflections on Dr. Barry's character, which, if reported to Dr. Barry, must lead to personal explanation.

Sir Richard Plasket begs leave to refer the Commissioners of Inquiry to their first letter to him of the 31st October, and to state that if they, in the execution of the duties entrusted to them, deemed it necessary to cause an official Investigation to be made into his conduct from information that had been obtained by them through common Report, and afterwards refused to give up the names of the Persons who gave them such information, but continued their official Investigation, Sir Richard Plasket really is at a loss to conceive through what other medium than the Commissioners of Inquiry he was to repel the unjust and unfounded attacks which had been made upon him.

Do the Commissioners of Inquiry mean to say that they are only to be the medium of attack and not of defence? or do they mean to insinuate that if any statement made to them, and on which they Institute an Official Inquiry, proving to be totally unfounded, the Party accused, to whom the Commissioners apply for explanation, is to go to the accusing Party and explain matters personally with him, instead of replying to the Commissioners of Inquiry and stating to them the real facts of the case?

Sir Richard Plasket in his Correspondence with the Commissioners of Inquiry has asserted Dr. Barry's statements relative to him to be unfounded in fact, and his Reports to be exaggerated, and in a private Note to one of the Commissioners, Mr. Bigge, he referred to the general character of Dr. Barry for tittle-tattle and exaggeration. Is there anything uncommon in this for a man who is defending himself against the most unjust and unfounded attacks by Dr. Barry against his official conduct, and in a case which the Commissioners of Inquiry have thought of so much importance as to bring before His Majesty's Government?

The Commissioners must be well aware of the numerous attacks which have been made through their medium upon His Excellency the Governor, and of the necessity which His Excellency has been under, on many occasions, to deny the truth of the statements that have been alledged as facts against him, and He has made these denials through the medium of the Commissioners of Inquiry without having incurred any such imputation.

Sir Richard Plasket stands in the same predicament. He has been attacked through the Commissioners of Inquiry by an Officer late in the Civil Service of Government. That Officer made statements relative to Sir Richard Plasket which were totally unfounded, and Sir Richard Plasket has had no hesitation, nor will he ever have any, of stating them to be so.

Had they been asserted in private or in public society he would not have troubled the Commissioners of Inquiry with any remarks on them. But as they brought them forward by making them the subject of official Investigation, Sir Richard Plasket has taken the same manner of repelling them.

With this explanation Sir Richard Plasket will with great

satisfaction drop all further correspondence with the Commissioners of Inquiry relative to Dr. Barry, subject of course to such Instructions as he may receive from them on Public Questions.

December 8th 1825.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to the COMMISSIONERS OF THE NAVY.

DOWNING STREET, 8 *December* 1825.

GENTLEMEN,—I transmit to you enclosed a list of persons settled at the Cape of Good Hope who have solicited the assistance of His Majesty's Government with a view to enabling their wives, children or relations to join them in that Colony, and I have to request that you will consider and report to me for Earl Bathurst's information the amount of the expense which would be incurred by the conveyance of the individuals in question to the Cape. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from MR. R. H. ADCOCK to R. W. HAY, ESQRE.

21 OLD COMPTON STREET, SOHO, 8th *December* 1825.

HON'BLE SIR,—After some inquiry as to the bulk and weight of the articles which the friends of my brother propose sending to him at Graham's Town, I find they will not exceed five Tons tonnage or about one ton actual weight; should this meet the approbation of Earl Bathurst it will confer a great obligation on them: and I have most sincerely to thank you for your kind attention. Remaining &c.

(Signed) R. H. ADCOCK.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 10th December 1825.

MY LORD,—I have had the honor to receive Your Lordship's Letter of the 3rd August last with the accompanying Memorial from the Directors of the London Missionary Society, and I have, according to your Lordship's desire, forwarded the same (together with your Lordship's former communications on the subject under date 24th October and 30th December 1824 with the several Enclosures therein referred to) to the Commissioners of Inquiry.

I have already informed your Lordship in my Despatch of the 8th June last, that the Lands adjoining to Bethelsdorp, which the Missionary Institution at that place was so desirous to obtain, have been given over to it.

On the subject of the Lands in the neighbourhood of the Theopolis Institution, I have the honor to inform your Lordship that an additional Extent to the amount of 3000 acres has been set apart for the Establishment should your Lordship approve of its being so disposed.

In regard to the complaint made in the last Memorial, relative to the Missionary at Bethelsdorp being called upon to collect the Tax for Head Money on the Hottentots on the List of that Institution in the same manner as is practised by the Head of the Moravian Institution at Enon, I have to express my Regret that the Directors of the Missionary Society in London had not been informed at the date of their Memorial that on Mr. Kitchingman representing the circumstances to Government, an arrangement was entered into with Dr. Philip, relative to the payment of the abovementioned Tax to Government, which both he and Mr. Kitchingman stated to be perfectly satisfactory.

With regard to the Caledon Institution, the Missionary who had been appointed to superintend it from the London Missionary Society conducted himself in such a manner as to induce the Commissioners of Inquiry to recommend his being removed, and as the Institution was not originally founded by the London Missionary Society, I had it in contemplation to

place it under the Superintendance of a Missionary from the Moravian Institution, being firmly of opinion that the Hottentots derive more real improvement and become more useful Members of Society under the Moravian Institutions than under those of any of the other Missionary Societies.

I therefore requested the Revd. Mr. Halbeck to assist me with one of the Missionaries from the Genadendal Institution, and he had promised on the arrival of some Brethren, daily expected from Europe, to appoint a Superintendant to the Caledon Institution, to which appointment the London Missionary Society can have no claim. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from the SECRETARY TO GOVERNMENT *to* R. WILMOT HORTON, ESQRE.

CAPE OF GOOD HOPE, 10th December 1825.

MY DEAR SIR,—When I transmitted to you in my letter of the 23rd ultimo the private and Confidential Correspondence that had passed between the Commissioners of Enquiry and myself and which had been closed at their earnest request, I little thought the subject would have been brought up again by them under a new shape and in an official form.

I now inclose for Earl Bathurst's information their letter to me, giving cover to certain Interrogatories which appeared to me to be very irregularly put to me Individually, (and particularly considering what had before passed on the subject), together with the Correspondence which has resulted therefrom.

I can only say that ever since my arrival here I have supported the Commissioners of Enquiry and assisted them in every possible way, and I really think they might have found plenty of important matter to engage their time and attention here, without attacking me.

I trust Lord Bathurst will not suppose that I have had the smallest intention of keeping any information from them, and you will I am sure do me the justice to say that whatever my

opinion may be, right or wrong, relative to the Acts of this Government, I never conceal them from you.

I can only account for their Conduct by the personal influence which Dr. Barry exercises over both of them, and it is still more extraordinary in Mr. Bigge, as he agreed with me perfectly in opinion on public grounds that too much power was invested in the Colonial Medical Inspector, and that his duties would be better performed if entrusted to more than one Individual.

I beg leave to inclose for Earl Bathurst's information a Memorandum relative to the official Conduct of Dr. Barry, and which forced me to remonstrate against him; and I have further to beg of you to refer to Sir Jas. McGregor for his conduct in his military professional Character, and which I understand has been frequently complained of, by His Superior Officers.

I have only one thing to say in Dr. Barry's favor (and it was this which made me go very far to endeavour privately to bring him to a sense of the impropriety of his Conduct), viz. that he has been spoiled by Lord Charles originally, and by the Commissioners of Enquiry latterly, who have allowed him to do and say just what he pleased.

From the manner in which I have constantly written to you about the Commissioners of Enquiry, both in their public and private character, you will feel with me the unpleasant situation which this Correspondence has placed us in, which I believe they regret as well as myself. All I have to say is that it has been forced upon me, that it has been most irksome to me, and has interfered materially with the attention I ought to have paid to my other Duties, and that I have only acted in self defence. I have &c.

(Signed) RICHD. PLASKET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 11th December 1825.

MY LORD,—I have the honor to transmit to Your Lordship a Copy of a Memorial from the Churchwardens of the Roman

Catholic Chapel in Cape Town, soliciting my assistance in procuring the Appointment of a Roman Catholic Minister in this Colony with such Salary as the British Government may think proper to grant. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

CAPE TOWN, 31 *October* 1825.

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

The Memorial of the Church Wardens of the Roman Catholic Chapel at the Cape of Good Hope Humbly Sheweth

That in consequence of the great influx of Settlers (chiefly Irish) the community of this persuasion has within these few years greatly increased and the number of individuals forming the two communions exceed at present Eight Hundred exclusive of the military in the garrison.

That this community not having had the assistance of a minister during the last eighteen months has been for that period and is still utterly debarred the privilege of public worship, which cannot but influence in an alarming degree the morals of many of its members, who being as sheep having no Shepherd are led to deviate from the paths of good order and morality and gradually to relinquish those virtuous feelings which the superintending presence of a Pastor and the inculcation of Religious principles are calculated to inspire.

That under these distressing circumstances and entertaining the highest confidence in the benevolence of your Excellency,

We humbly solicit your assistance in procuring the appointment of a minister of the Roman Catholic Faith and with such an annual Salary as the British Government in its wisdom shall think proper to grant.

And your Memorialists as in duty bound will ever pray.

(Signed) J. DE LETTRE
JOS. HEINRICH
A. CHIAPPINI
J. W. BÖHMER
M. DANAUGH
FRANS MABILLE.

[Translation.]

Letter from MR. B. J. DE KLERK to EARL BATHURST.

DISTRICT SOMERSET, 13th December 1825.

MY LORD,—I take the liberty respectfully to send to your Lordship a memorial drawn up by me, and signed by me and one hundred and eleven inhabitants, with a humble request that the same may be laid at the feet of our most gracious King George the Fourth. I have &c.

(Signed) B. J. DE KLERK.

[Enclosure in the above.]

To His Majesty the King of Great Britain.

The undersigned Citizens and inhabitants of the territory of the Cape of Good Hope, set forth, with all due respect,

That, to our great sorrow, we saw, in the public papers, that complaints had been made by certain persons in Parliament, against our Governor, although he has promoted religion amongst us, as well as learning, whereas before his time we grew up without religion or the possibility of learning any other science.

We are indebted to our Governor for the improvement in the breed of cattle, through which our incomes have been increased; in a word, to our present excellent Governor we owe our good fortune and prosperity.

On this account it is our humble and sincere request that it might please your Majesty to continue this Government to His Excellency our most worthy Governor Lord Charles Henry Somerset, notwithstanding the complaints against his Government &c. We find ourselves on this account compelled to take the liberty to address your Majesty, knowing that none of us can bring any charges against so good a Governor. Indeed, on the contrary, it is well known that since His Excellency has had the direction of this Government our possessions have increased, our wishes have been furthered, and our incomes bettered, and what is still more we have,

through the schools established by His Excellency, been enabled to proceed with the education of our children.

We have &c.

(Signed) B. J. DE KLERK,
and 111 other persons of the Colony.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. R. H. ADCOCK.

DOWNING STREET, 14 December 1825.

SIR,—With reference to your letter of the 8th instant I am directed by Earl Bathurst to acquaint you that the Commissioners of the Navy have been directed to provide Tonnage for the conveyance to Cape Town of Five Tons of Articles consigned to Mr. Adcock of Graham's Town; and it will be requisite that Mr. Adcock should be directed to provide for the conveyance of the Articles from Cape Town to the latter place. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to the REVEREND DR. POYNTER.

DOWNING STREET, 14 December 1825.

SIR,—Earl Bathurst having had under his consideration the note which you delivered to Major General Bourke on the 24th of August last as well as your communication to me of the 27th of October, I have received his Lordship's directions to acquaint you that he will direct the Governor of the Cape of Good Hope to issue an allowance of One hundred Pounds per annum to each of two Roman Catholic Clergymen, who having been recommended by you shall receive his Lordship's sanction to proceed to that Colony; and I am further desired to acquaint you that a passage will be provided for them at the Public expense. I have &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MRS. C. STRETCH.

DOWNING STREET, 14th December 1825.

MADAM,—I am desired by Earl Bathurst to acknowledge the receipt of your Memorial dated the 9th instant, praying that a passage at the Public Expense may be granted to your niece Miss Sarah Devenish, and I am to acquaint you in reply that although that indulgence was granted to you under the peculiar circumstances of the case, yet his Lordship regrets that he cannot extend a similar accommodation to another Member of your family without giving rise to claims from other persons whose misfortunes or situation in life give them an equal title to the favourable notice of His Majesty's Government. I am &c.

(Signed) R. W. HAY.

[Original.]

Report of the COMMISSIONERS OF ENQUIRY on the Rate of Exchange.

CAPE TOWN, CAPE OF GOOD HOPE, 14th December 1825.

MY LORD,—In the Report that we had the honor of transmitting to your Lordship on the 7th Inst. upon the various Complaints of Mr. Bishop Burnett, we briefly noticed his insinuation of the undue influence that had been exercised by the Governor over the Rates of Exchange by rendering them subservient through the Commissariat Department to his own Personal advantage, either at the periods in which he received his Salary or at those in which he might wish to remit it to England.

Upon our inquiry into the manner in which the Commissariat Drawings were regulated, we found that uniform efforts had been made by the Officer at the head of the Department to obtain the highest Premiums for the Bills that he drew upon the Lords of the Treasury, deeming such a course to be consistent with, as well as conformable to the Instructions that he

had received from them, and to which he has more particularly referred us.

We had the honor to observe that although we had no proofs of undue influence having been used by the Governor in support of this System, yet we admitted that His Lordship's personal interest, in common with that of the other Civil Servants whose Salaries were paid in Sterling, must have been in favor of it, and we expressed our doubts whether in his Capacity of Commander of the Forces, Lord Charles Somerset would have been justified in opposing himself to it.

Since our Report was dispatched, we have had an opportunity of ascertaining the circumstances of a transaction that took place between the Officer at the head of the Commissariat Department and a Commercial House at Cape Town, and that subsequently received the Sanction of the Commander of the Forces, which we believe is relied on by those who have suffered from the depreciated value of the Paper Currency in Exchange with England, as a proof of the determination of the Governor to resist all attempts to raise it.

In the Month of June 1822 one of the usual Advertisements appeared in the *Gazette* for Tenders for Bills on the Lords of the Treasury for the Sum of Ten Thousand Pounds. The Tenders that were made were few in number, but at a Rate that did not indicate any great depression in the Market since the preceding period of drawing. One of the Merchants was allowed to withdraw a Tender that he had made, before the time for receiving them had expired; and it was observed that two Tenders were sent in very soon after for the Sum of £3000, and £1000, at a Rate of 80 per Cent lower than any of the others, and in the names of the Clerks of the same Person whose Tender had been allowed to be withdrawn. It appeared to the Officers of the Commissariat Department that an attempt had thus been made to exercise an undue influence over the Market to the prejudice of Government, and to the advantage of an Individual; and they therefore recommended to the Commander of the Forces to reject the two Tenders, which after some remonstrance from the Merchant (Mr. Hamilton Ross) who acknowledged that the Tenders made by the two Clerks were for himself, His Excellency determined to do.

This occurrence has been much relied upon by the Members

of the Commercial Community as affording proof of the Governor's opposition to all attempts to reduce the Rates of Exchange, and to rescue the Paper Currency from continued degradation ; and it has been a very common observation, that the influence exercised by the Governor over the Discount Bank enabled him to afford temporary accommodation to the Commissariat Department, whenever the Premiums tendered for Bills upon the Treasury fell short of the Amount that had been offered on preceding days of drawing or (as it happened in this instance) were below the Rate that had been obtained in the Market during the interval.

By referring to a Return that we have obtained from the Commissariat Department of the several Sums that have been drawn in pursuance of Advertisements of every year during a period of 18 years, we find that the variation in the Amount of Money drawn at each period since the year 1819 has been less than in those that preceded it ; but that in no instance it was so great as in the Month of June 1822, the date of the Transaction to which we have alluded. We find also that between the 20th of that Month and the 6th August following, when the Commissariat again drew upon the Treasury, a Sum amounting to 74,187 Rixdollars was paid into the Military Chest by the Receiver General either on account of disbursements that had been, or that were to be made by the Commissariat on account of the Colonial Government. The Commissary has explained that a principal part of these payments were for remittances made thro' the Commissariat for Colonial Disbursements on the Frontier. The Government were always greatly in advance to the former on account of supplies made to the Cape Corps and various other Branches of the Public Service, and it was competent at all times to the Officer at the Head of the Commissariat Department to demand repayment of the Colonial Government whenever the means of effecting it were at their disposal. We have reason to believe that these occasions were not frequent, and that the exigencies of the Colonial Treasury were such as to preclude that degree of accommodation that would have been necessary to render the Military Chest independent of its ordinary supplies of Money by the periodical disposal of Bills on the Treasury.

The instance to which we have adverted is, we believe, the

only one in which it has occurred that Tenders for a Sum within the Amount that had been required by the Commissariat Department have been rejected, and wherein the deficiency appears to have been made up by payments from the Colonial Treasury.

We find also that the Sums actually drawn for in each year have generally exceeded the Amount of Bills for which Tenders were advertised. We cannot therefore infer from the instance to which we have alluded, nor concur in the general opinion that is entertained, that direct accommodation was afforded by the Colonial Government to the Commissariat Department, for the purpose of sustaining, or raising the Premium on Treasury Bills.

It has been declared to us by the Officer in whom the discretionary power of drawing was vested, that Lord Charles Somerset appeared to be always averse to the adoption of measures that had that effect; and frequently expressed his sense of the injury that the unfavorable Rates of Exchange were producing upon the Commercial Interests of the Colony; and we do not conceive that his sanctioning in one instance the rejection of Tenders so much below the average Rates of others that were made at the same time, can fairly be regarded as inconsistent with that opinion. His Lordship was impressed with a belief, well warranted by the circumstances of the moment, that the acceptance of the Tenders at so low a Rate would not have been productive of any corresponding advantage to the Public. He felt himself justified on that ground in opposing an attempt that would have had the effect of giving an undue influence to an Individual over a Market, which by a just consideration of the Public Interests ought to have been open to all.

We have already adverted to the Public, as well as Personal Interest that Lord Charles Somerset must have felt in this question in his Capacity as Commander of the Forces and as the Governor of the Colony receiving the largest Salary payable out of its Revenues in Paper Money at a Sterling Rate. In the latter capacity he was certainly aware that a great injury was sustained by the Colony from the depreciation of its Currency.

Without determining the precise points at which the interests of the British Treasury were to give way to those of the Colony,

we think that a just consideration of the advantages that the former enjoyed by being enabled to obtain subsistence for its Troops at a very Cheap Rate, and of the injury that the Colony sustained from any System that had the effect of depreciating the exchangeable value of its currency, ought to have led the Governor to regard it as a paramount duty to arrest the progress of the evil by the adoption, or recommendation of Measures that would have fixed the value of the Currency and prevented the fluctuations of Exchange; for although the Commissariat negotiations would have been less advantageous they would, as at present, have been more equitable; and as the Colonial Government continued to derive a Revenue from its issues of inconvertible Paper, and without paying any interest in Return, it would have been rescued from the discredit of being supposed to connive in the existence and continuation of a "profitable Wrong." We have &c.

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

[Copy.]

Letter from the REVEREND DR. PHILIP *to* MR. GEORGE GREIG.

CAPE TOWN, 15th December, 1825.

SIR,—In returning to you the paper containing your answers to Earl Bathurst on the queries put to you respecting my statement in reference to the Presses, you will of course expect that I should accompany it with my remarks. These remarks you will find to be of a less pleasing nature than I could have wished; but for this you must be prepared, as you are perfectly acquainted with my sentiments on the subject. I am extremely sorry, on your own account, that you should have made such a statement, and I can only account for it on the principle, that you were not at the moment sufficiently cool and collected to take into your view all the circumstances of the case, from its commencement to what might be its final results.

1st. You say, "In 1823 Dr. Philip offered me the use of the Missionary Presses, if I would get them put in repair, to

print the Report of the Settlers' Fund Society. I expended a considerable sum of money in getting them put in order, to compensate for which he allowed me the use of them; but doubts being entertained that the Governor would interfere with the establishment of a Press, I gave Dr. Philip the receipt mentioned in my letter in order that should any such interposition take place he might claim them."

The concluding part of this paragraph is the only part of it that calls for animadversion, and to that part I shall confine my remarks.

When you received the Presses from me I beg leave to state, that I had no such doubt as is here insinuated. When you applied to me for the Presses and informed me that you expected authority from the Governor to commence business as a Printer, I told you, as I have already mentioned in my statement, that if you obtained the sanction of His Excellency, as you expected, you should be at liberty to use the Presses on the conditions then specified, till I should have occasion for them. I moreover beg leave to inform you, that had I then contemplated any interposition of the kind you mention, the Presses would never have been suffered to go into your possession.

2ndly. "Shortly after when I informed the Dr. I was about to write home for Presses and Printing Materials with a view to print a publication, he said I might either use those I had till mine should arrive from England, or consider them wholly mine and pay for them when convenient. He preferred the latter method, alleging that he was a Missionary agent and did not wish directly or indirectly to be connected with politics."

I am obliged here to deny that I ever either sold you the Presses, or that I ever said to you, in any shape, that you might consider them your own. Of the truth of this assertion you must be perfectly aware, and if from any existing circumstances you supposed you might have the presses as your own, that mistake was corrected the moment you came to an explanation with me on the subject. When you requested me in my own house one evening about nine o'clock, as you sat on a chair opposite to the left hand side of my table and with your back placed between two windows, to say, that I had sold you the presses, I instantly replied, that was impossible.

Had I sold the Presses to you previously, this single circumstance would have extricated me from the difficulties I was then in, and had I done so I should have been happy to have availed myself of that transaction as my defence to Government; but much as I might regret the situation in which I found myself placed, I could not, to get out of an unpleasant situation, assert what I knew to be contrary to truth.

3rdly. "Dr. Philip always objected to any written document passing upon the subject, saying it was sufficient to give a receipt when the Presses were paid for. From that time I never entertained any doubt that the presses were my property. I accordingly wrote to England for printing materials *without presses*. In December 1823 (while Dr. Philip was in the Interior) I purchased from the Captain of a ship touching at the Cape, a large quantity of printing materials, but *no press*, by which I was enabled to commence a newspaper two months earlier than I could expect my materials from England. On Dr. Philip's arrival in Cape Town, I called on him and offered to pay for the presses, conceiving he would feel anxious to be entirely free from them now that a newspaper was commenced. He declined accepting payment then, under the impression that as I had incurred a heavy expense I could not well afford it."

You speak in this passage as if the bargain had been settled and the price fixed, and that nothing was required on your part but to pay the stipulated price. You never once proposed to me that any written document should pass between us on the subject; and it was not till I had several times called upon you for the receipt, acknowledging the Presses to be the property of the Society, that I received from you that document.

I recollect your having called upon me after my arrival in Cape Town from the Interior, early in 1824, and I recollect that you then informed me of a note you had received from His Majesty's Commissioners, respecting a notice you had inserted in your paper relating to Bethelsdorp; and I recollect distinctly, that I then informed you, that I regretted you had not complied with the request of the Commissioners in that note; but I have no recollection of any such offer as you have here specified having been then made to me, and I am confident

in asserting, that no such offer was understood by me as having been made by you at any subsequent period, till the dispute between us respecting the Presses had commenced. A short time after my return from the Interior I remember having called at your Printing Office in Long Market Street, and I recollect that on that occasion you introduced the subject of some damaged paper and some other trifling articles you had received along with the Presses; and on that occasion you remarked that you must pay me for those articles. In reply to what you then said on that subject, I recollect having stated that it was a trifling affair, and that you had been at expense, and that you might let it lie over till money was more abundant with you. If you, at that time, included the Presses in what you proposed to pay for, I certainly did not understand your meaning; for I had not the smallest idea, at the time that you then spoke, of any thing excepting the articles I have mentioned.

4thly. "No further mention of them was made for some weeks and subsequently, when the Governor began to take umbrage at the paper, Dr. Philip was induced to pledge himself to Mr. Wilberforce Bird, that he would withdraw the Presses from me notwithstanding his former promises. Dr. Philip excused himself to me by saying he was entrapped into it by Mr. W. Bird holding out a threat, if he did not withdraw them, the Governor would denounce him to Lord Bathurst as a political intriguer. He also said, he had forgotten having promised them to me and as he could produce no written document he could not retract his pledge to Mr. W. Bird."

There is, I am sorry to say, much misapprehension and misstatement in the above paragraph.

After the publication of your fourteenth number Mr. Bird, as I have stated, called upon me and introduced the subject of the Presses and asked me if I had no control over them. In reply, I made Mr. Bird acquainted with the real situation in which I was placed in that point. I informed him at the same time, that I was the first who had expressed to you my regret on the appearance of that number, and that I should do what was in my power to prevent the recurrence of any thing of the kind; but I gave him no pledge which would have interfered with the fulfilment of any promise I might have made to you. I did say to you that if I did not take the steps I

was taking, the Colonial Government might represent me to Lord Bathurst as supporting a press which was denounced inimical to its interests ; but you must have strangely forgotten yourself when you said that I informed you, that Mr. Bird threatened me in this manner. I firmly believe that no one who knows Mr. W. Bird and myself will, for one moment, believe that Mr. Bird would have addressed me in such a style ; and your statement, that notwithstanding my former promises I excused myself to you by saying that I was entrapped by Mr. W. Bird, is as void of character as it is of a foundation in fact. I have to complain in this instance that you have represented me as making promises which I never made, and then you frame an apology for me that I certainly never should have urged had I needed to justify myself in breaking them.

5thly. "I was greatly surprised at this and having consulted some legal and mercantile men, was advised to tender their value to Dr. Philip and keep possession until obliged to surrender them. This I declined doing out of consideration of former friendship, and I made up my mind, whatever pecuniary sacrifice might have attended it, to purchase the presses at the sale. The interference of the Governor before any sale took place, and the presses continuing in my possession, rendered any further step unnecessary."

Having threatened to withdraw the presses by force after having again and again pressed you, to no purpose, to give me the security I required to satisfy Government, and which I have mentioned in my statement, you informed me, that you had taken advice and that you had been recommended to take the steps you here mention, and you added, at the same time, that if you could not keep the presses by that means, so as that they should ultimately become your own, you could at least keep them from me till I obtained them by law ; and that that circumstance would secure to you the use of them for six months at least, and that such time would be enough to enable you to get presses from England.

The reason you assign for not having taken this advice is certainly new to me. I suppose you mean no more by this friendship you introduce here than merely this, that you felt yourself under obligations which, I am sorry to say, had already proved insufficient to influence you to save me from the great

difficulties into which you had brought me and from which you might have extricated both yourself and me had you given me the security I asked for, and which would have satisfied the Government; and you certainly would not have made the matter in any degree worse than it was, by taking the course you profess to have declined on the principle now alleged.

6thly. "With regard, Sir, to the assertion that at the time my paper was suppressed it was Dr. Philip's intention to have taken the Presses from me in consequence of the improper use I appeared to be disposed to make of them, I could hardly for a moment, were it not so stated in your letter, believe Dr. Philip capable of making such an assertion. I would fain hope for his credit that a wrong interpretation had been put upon his words. The fact, Sir, is as before observed, that previously to the suppression of my paper, the Dr. (according to his own statement) was threatened by Mr. W. Bird, that if he did not withdraw the Presses from me, the Governor would write to Lord Bathurst and accuse him of being at the head of a radical press; and acting under the alarm of such an imputation, regardless of his former understanding with me, he pledged himself to do so and put them up to public sale."

On the morning in which your 14th Number made its appearance and while it was yet wet in my hand and before I had seen any other person who had read the paper, I expressed to you the great grief which the article at which the Government took offence had occasioned to me, and the firm conviction of my mind that such allusions as that article contained had a tendency to do harm without producing any portion of good. I recollect I asked you, whether you thought Lord Charles Somerset would take such hints, and confess that he now saw, from your paper, that he was an unfit person for the Government or that the Government at home would recal him on reading the proofs you had adduced of his unfitness for his situation.

Whether I told you that morning, I might be compelled to withdraw the Presses from you if you continued to publish such articles, I do not now recollect; but I think I even then went so far, and at all events I am sure of this, that I had given this intimation to you before I saw Mr. Bird on this subject.

7thly. "With reference to Dr. Philip's answer to the

Governor's communication I have, Sir, already explained why I was justified in considering the presses my property. It must I think appear quite obvious that had I not been fully impressed with this conviction, I should at the time of writing to England for printing materials have included presses in the order. The pecuniary consideration was of no moment whatever, for two presses like those I had from Dr. Philip can be purchased for £18 or £20, while the amount altogether expended exceeded £1,000."

The Presses were not perhaps worth more than £18 or £20, and you know perfectly that I never, during the whole of this disagreeable transaction, attached any importance to the value of the Presses; and in reference to the reason you assign for not having ordered presses at the time you gave your order for the other printing materials, I do not deny but you may have imagined that the Presses might ultimately be yours. All I am concerned with is, that I never gave you the grounds you have alleged for such an opinion and this is, I think, obvious from your own statements. You admit, that nothing had ever passed between us previous to the publication of your 14th number respecting the value or price of the presses, and till that was settled you had no reason to conclude that any bargain existed between us. I could have made no promises to you till I knew whether you might be disposed to accede to my terms; and there could be no *understanding* between us binding upon me while the first thing in a bargain, the terms, were not understood.

8thly. "With reference to the documents which Dr Philip brings in support of his claim to the Presses, I must positively declare that that receipt was given when I first obtained the Presses from Dr. Philip and that at his suggestion it was merely given, as before explained, to provide against any interposition on the part of the Colonial Government with the establishment of a Press in the Colony. I cannot, Sir, avoid expressing myself astonished that Dr. Philip should have resorted to that document to prove his right to the Presses when he must not only have recollected for what purpose it was originally given, but, also, that from subsequent conversations I considered myself the owner of the Presses. In any controversy with the Governor Dr. Philip had an undoubted right to shape out his

own defence ; but in doing this I do not hold him at all justified in distorting facts, which may operate to another's detriment."

As to the exact period at which this document was given by you, I cannot at this moment from memory assert ; but this I *can* assert, that this document was not given when you received the Presses, and Mrs. Philip is ready to declare, that it was not obtained till she had again and again pressed me to demand it ; and I am ready to declare, upon oath, that I asked for this document several times from you before I did obtain it. It was an oversight in me not to observe that the document wanted a date when you put it into my hands ; but as to the origin of this note as mentioned by you, I have only to repeat what I have already stated in substance, that had I contemplated, at the time you got the presses, such an interference, I never should have suffered them to pass into your hands. But this statement confutes itself ; for what connexion could such an article have with the establishment of a free press in the Colony.

In a former paragraph you say, that I was willing to sell you the Presses rather than that you should continue to have the use of them as a Loan, that I might have nothing to do with Politics, while in the passage on which I am now commenting, you accuse me of being so deeply engaged in Politics, that I gave you the Presses under the apprehension that Government might interfere with the working of them, and not only so, but that I required this note with a view to defeat the design of Government, should an attempt be made to carry such design into execution.

In the letter I now write to you, I write from memory, and I may, in particular instances unknown to myself, have perhaps placed two circumstances together that were separate in the order of time ; but I have distorted no facts ; and as to the statement on which you made that remark, I am satisfied as to its correctness, having written it at the time the circumstances narrated in it took place, that I am perfectly ready, if called upon, to affix my affidavit to the whole and to each separate part of it.

9thly. " It will, Sir, I think, clearly appear from the preceding remarks that my presses were in fact taken from me. It cannot surely be considered of the least importance to the question at

issue, whether the Presses belonged to the Missionary Society or me. Suppose the Presses had been withdrawn from me and put up to public sale (for upon no other condition would I have consented to their being withdrawn) I had resolved, cost what they might, to purchase them; therefore that circumstance would, as I conceived, have availed nothing. The Presses were always in my possession and were presumed by the Government to belong to me."

The presses on which you were dependent were certainly taken from you, and you suffered in one respect all the injury you could have done had they been your own property, and on this fact you should have rested your defence; and had you pursued this course it would have saved both of us much unpleasant feeling. I said in the way of apology for you in the commencement of this article, that you appeared to have been under an apprehension when you wrote your answer to the queries of Earl Bathurst which appeared to have injured the distinctness of your recollection, and in this opinion I am confirmed on observing, that you argue the matter with the Home Government as if you considered the Presses your own, while at the same time it appears, that you did not put the Presses in the inventory you sent in to Government, and it is evident you received no compensation for the Presses when you received the amount of the value put upon the other printing materials.

While I am willing to make every reasonable allowance for the effects the situation in which you were placed may have had upon your mind, you cannot be entirely exonerated on this principle. You have made assertions without any foundation for them and you have stated as conversations what never took place.

I feel no anger toward you, but I am sorry for you; and although I have no intention to make this communication public, you have placed me in circumstances in which I may not have a choice between suffering my own character to be injured, and what is more to me, the character of the Society I have the honor to represent, or making known my defence.

I am &c.

(Signed) JOHN PHILIP.

[Original.]

Letter from the NAVY BOARD to R. W. HAY, ESQRE.

NAVY OFFICE, 16th December 1825.

SIR,—We have received your Letter of the 8th instant, signifying the desire of Earl Bathurst that we would consider and report the amount of the expence which would be incurred by the conveyance of the persons described in the List therein inclosed to the Cape of Good Hope ; and we acquaint you, in return, for the information of His Lordship, that the average expence of conveying the Settlers to the Cape, in the year 1820, was twenty-four pounds ten shillings and three pence per man, woman, or child, and we are of opinion that, at present, the expence would rather exceed than be less than that sum per head.

We return herewith the list which accompanied your letter, and are &c.

(Signed) RT. SEPPING,
H. LEGGE,
ROB. G. MIDDLETON.

[Original.]

Letter from MR. FREDERICK CARLISLE to R. W. HAY, ESQRE.

LONDON, December 16th 1825.

SIR,—Owing to the great deficiency of agricultural and mechanical labour which has long prevailed throughout the British Settlement of Albany, and the serious depression arising from that circumstance, it was some time back thought advisable by the settlers, that some person acquainted with the peculiarities of their situation should proceed with a Memorial to His Majesty's Government, praying for assistance in removing the evil complained of, by supplying the expence of Transport to a number of Emigrants of the various descriptions required. Relative to this, I beg to inform you, Sir, that I am the person deputed by the Inhabitants of Albany

for the above purpose, and having delivered to His Excellency the Governor of the Colony the Memorial above-mentioned, I beg to announce to you my arrival in England and that I am now ready to give any information in my power on the subject that you may require, and shall also be able to superintend the collection, Embarkation, &c. of the persons composing the Emigration, should it eventually be the pleasure of His Majesty's Government to comply with the wishes of the Settlers.

In order that the proof of the actual demand for labour, and the due provision to be made for the people sent out, might not rest upon mere assertion, a tabular Document was prepared whereby the Subscribers bind themselves to provide for a certain number of labourers according to particular terms therein stated. This document I presume has been forwarded to Earl Bathurst by His Excellency Lord Charles Somerset, together with such representations as I trust will bring the case under his most serious consideration.

I shall now Sir proceed to detail to you the number and description of persons required by the subscribers of the above-mentioned document, and also the rates of wages proposed to be given.

The aggregate number of mechanical and agricultural labourers together with the women and children amounts to 771, viz.

Mechanics of all the descriptions required	105
Agricultural Labourers	200
Adult Females	71
Boys between the ages of 16 and 18 years	90
Boys under the age of 15 years	190
Girls under the age of 15 years	115
Total	<u>771</u>

The rates of wages proposed to be given to the different descriptions of Emigrants are as follows, viz.

To Mechanics 250 Rixdollars Cape Currency or £18 15s. Sterling per annum, making the daily rate of 1s. 2½*d.* nearly, to this is to be added the daily allowance of 2lbs. of meat and 1½lb. of Bread, which taken at 10*d.* brings the whole to something more than 2s. per diem. To agricultural Labourers

150 Rds. or £11 5s. Sterling per annum, being $8\frac{1}{2}d.$ daily, which added to provisions as above makes in all 1s. $6\frac{1}{2}d.$ per diem.

To Boys between the ages of 16 and 18, 100 Rds. or £7 10s. Sterling per annum, being $5\frac{3}{4}d.$ daily, and with food as above makes in all 1s. $3\frac{3}{4}d.$ per diem.

To Female adults 80 Rds. or £6 Sterling per annum, being $4\frac{1}{2}d.$ daily and together with $1\frac{1}{2}lb.$ of meat and 1lb. of bread makes in all $11\frac{1}{2}d.$ per diem.

Children under the age of 15 are offered Clothes and food only.

Relative to the period for which the services of the Emigrants are to be engaged, I beg to state, Sir, that it is the general wish of the subscribers that the adult males and females should be indentured for 3 years, the boys between the ages of 16 and 18 until they are 21, and the children under 15 years of age until they are 18.

It is not Sir for a moment to be supposed that the number of labourers &c. stated above will be sufficient for the whole settlement, as it will at once be seen that the subscribers to the document above alluded to compose but a small portion of the inhabitants, but this circumstance alone will enable you to judge of the great extent to which labour is required.

In the Memorial which I had the honor to present to Lord Charles Somerset, the Petitioners pray that His Excellency will recommend to His Majesty's Government the expediency of providing the means of Transport to the Emigrants required, as owing to the reduced state of their funds it will be found quite impossible to meet the expence themselves.

For the truth of this latter circumstance I can fully vouch, and His Excellency Lord Charles Somerset being also well aware of the same, assured me whilst in Cape Town that he would use his interest with Earl Bathurst in supporting the prayer of the Petition; should it however be ultimately the determination of His Majesty's Government to advance the sum requisite for the emigration merely by way of Loan, I beg, Sir, to say, that I am not at present prepared to give an opinion as to the most practicable mode of repaying the same, this not having been contemplated by the Petitioners previous to my leaving Albany.

In conclusion, Sir, may I presume to take the liberty of requesting that in bringing this subject under the consideration of Earl Bathurst, you will not fail to impress upon his Lordship the vital importance of it to the welfare of the British Settlement in Albany, and I have no doubt that the interest and attention which has on all occasions been so conspicuously displayed by his Lordship towards that class of His Majesty's subjects will not be wanting on this. I have &c.

(Signed) FRED. CARLISLE.

[Original.]

Letter from the COMMISSIONERS OF ENQUIRY to EARL BATHURST.

CAPE TOWN, 17th December 1825.

MY LORD,—Dr. James Barry the late Colonial Medical Inspector having requested that we would transmit a memorial addressed by him to your Lordship, praying to be restored to his situation, and also that we would accompany it with such observations as our inquiries may have suggested to us relative to the principles upon which his Department had been established, and the mode in which the duties had been conducted by him, we intimated to Dr. Barry that it would become our duty to report the result of our inquiries into the state of the Medical Department in common with that of other Colonial Establishments, but as the object of his address to your Lordship appears to be to meet the effect of *ex parte* statements that he apprehended might be made to your Lordship relative to his case, we should not feel ourselves authorized to delay the transmission of his memorial.

As however some points of inquiry have arisen out of the statements contained in it, and which it will be necessary in justice to all parties to pursue, we have considered that it would be more satisfactory to your Lordship that any observations that it may become our duty to make should accompany the memorial itself, and with this view we deem it to be just to Dr. Barry that we should acquaint your Lordship with the object

of his address, and that it will be duly forwarded with such observations as may enable your Lordship to judge of the merits of his statements. We have &c.

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

[Office Copy.]

Letter from R. W. HAY, ESQRE., to T. P. COURTENAY, ESQRE.

DOWNING STREET, 19 December 1825.

SIR,—Having laid before Earl Bathurst your letter of the 15th instant, I have received his Lordship's directions to convey to you his authority for providing and forwarding to the Cape the supply of Stationery and other Articles connected therewith which you have been directed to provide for the use of the Government of that Colony. I am &c.

(Signed) R. W. HAY.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY to LORD CHARLES SOMERSET.

CAPE TOWN, 20th December 1825.

MY LORD,—We have the honor to inform your Lordship that in the course of an enquiry we deemed it necessary to make into the manner in which your Lordship had been pleased to carry into effect a recent alteration in the nature and exercise of the Superintending Medical Authority, and after the receipt of the communication with which Your Lordship honored us on the 22nd Ultimo, enclosing a copy of Your Dispatch to Earl Bathurst upon this subject, and the resolution and minute of Your Lordship in Council, we proceeded to address certain Interrogatories to the Chief Secretary to Government, some of which he has declined to answer, under an impression that he

entertains of their involving subjects that are included in the general exemption from individual responsibility that he enjoys as Member of Council, in that which he claims for himself as Chief Secretary (in which character he considers himself solely responsible to His Majesty's Secretary of State for the Colonies) or as subjects more directly appertaining to the responsible exercise of the Supreme Executive authority that is exclusively vested in Your Lordship.

We do not consider it necessary to trouble Your Lordship with the reasons that appear to us to invalidate the opinions entertained by Sir Richard Plasket upon these points, but shall briefly repeat, that we had the same object in submitting them to him in the shape of Interrogatories as that by which we are now moved, in addressing Your Lordship, namely the obtaining Information upon the manner in which the executive Authority has been exercised on a recent and particular occasion : a point that stands amongst the first of our Instructions.

With this view we have the honor to request that Your Lordship will be pleased to give directions that we may be furnished with Copies of any representations or Memorials that are recorded in the Colonial Office, complaining of the manner in which Dr. Hussey or Dr. Robb performed the duties of the Medical Inspection, or of like documents in which complaints or representations have been made of the manner in which the duties of Medical Inspectorship have been performed by Dr. James Barry, exception being made of the letter of the Landdrost of the Cape District, complaining of Dr. Barry's interference in the Prison at Rondebosch, of the letter of Daniel Denysen Esq., His Majesty's Fiscal, complaining of the observations contained in the letter addressed by Dr. Barry to the Chief Secretary to the Government ; and a Memorial of certain Merchants and Importers of Medicine, on the restrictions imposed on the sale of it by the Proclamation of 1823, of all of which documents we are already in possession.

We have also the honor to request that we may be furnished with Copies of any Official Correspondence that may tend to explain the nature of the circumstances that led to the order addressed to Dr. Barry on the 30th April 1824, requiring him to make occasional visits to the Tronk and Somerset Hospital, and report his observations to the Government.

As we observe that in the Despatch of the 5th November to Earl Bathurst, Your Lordship alludes to circumstances which occurred in more than one instance connected with the execution of the official duties of the late Medical Inspector, and to representations that were made to You by Sir Richard Plasket, which convinced You of the necessity of re-establishing the Medical Committee, we have the honor to request that your Lordship would favor us with an explanation of the nature of those circumstances and representations by which this conviction in your Lordship's mind was produced, and as we notice amongst the letters that were laid before the Council that the "unsparing and unrestrained imputations cast by Dr. Barry upon the officers of the Government have been the occasion of embarrassment to its proceedings," we are further desirous of knowing whether Your Lordship has expressed to the late Medical Inspector your disapprobation of such proceedings and cautioned him against a repetition of them, and whether Your Lordship has reason to conclude that the imputations themselves or the representations that he has made to the Government were unfounded and malicious.

It having been stated by Dr. Barry that his appointment to the office of Medical Inspector was understood to be a permanent one, and that a communication to that effect was made to him by the Colonial Secretary, but upon Your Lordship's authority, we have the honor to request that you would inform us whether You recollect to have authorized such a communication.

Not being aware that any Salaries have yet been annexed to the Situations of President and Members of the Medical Committee, and which we believe were received by the Medical Officers filling those Situations, under the Proclamation of 1807, we have the honor to request that Your Lordship would inform us whether it is Your intention to submit the expediency of any such measure to the consideration of His Majesty's Government, or if it is expected that the duties are to be performed gratuitously. We have &c.

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

[Original.]

Letter from the NAVY BOARD to R. W. HAY, ESQRE.

NAVY OFFICE, 20th December 1825.

SIR,—With reference to your letter of the 5th instant, we acquaint you for the information of Earl Bathurst, that Lieut. Bance, appointed Port Captain at the Cape of Good Hope, may embark on board the *Barbara*, in the London Dock, about the 29th instant, for a passage to that Settlement.

We are &c.

(Signed) RT. SEPPING,
H. LEGGE,
ROB. G. MIDDLETON.

[Original.]

Letter from the SECRETARY TO GOVERNMENT to R. WILMOT HORTON, ESQRE.

CAPE OF GOOD HOPE, 20th December 1825.

MY DEAR SIR,—In order that Lord Bathurst may be aware of everything that has passed between the Commissioners of Enquiry and myself on the subject of Dr. Barry, I send herewith for his private perusal copies of some notes that passed between Mr. Bigge and myself.

I find the Commissioners have now taken up the subject officially, and are making a formal enquiry into Dr. Barry's case. They sent yesterday for Mr. Hewitson the Deputy Commissary General, who is well known at your office, and I believe to you, who acted on the Committee with Dr. Barry for reporting on the prisons, and they asked him what he thought of Dr. Barry's conduct, to which Mr. Hewitson replied, that no consideration should induce him ever to sit on a committee again with Dr. Barry, his conduct was so violent and personal.

I fear the more the Commissioners enquire into his conduct, the worse it will prove for Dr. Barry. I have &c.

(Signed) RICHD. PLASKET.

[Copy.]

Letter from LIEUTENANT COLONEL SOMERSET *to the* SECRETARY
TO GOVERNMENT.

GRAHAM'S TOWN, *December 20th 1825.*

SIR,—Agreeable to the instructions contained in your letter of the 2nd Instant, I have the honor to forward to you a Return of the cattle taken from the Kaffers by the Troops under my Command on the 4th of December 1823.

I have also the honor to forward for the information of His Excellency the Governor a General Return of all Cattle and Horses captured from the Kaffers by the Cape Corps between the period of the 20th October 1823 and the 20th December 1825.

As allusion has however been made to the claims of Mr. Wilmot not having been satisfied at the time the Cattle were taken from the Kaffers in December 1823, I beg to observe, that it was not my intention when I proceeded to the Kraal of McComo to give any of the Cattle I might take from that Chief or his people to that part of Albany occupied by the Settlers, as I knew that the Cattle stolen by McComo's Kaffers must be the Property of the Boers or Farmers occupying the Country on the Bavians River and the upper part of the Fish River; this I explained to Landdrost Rivers. I at the same time stated to him that I would take an early opportunity of reconnoitring the Kaffer Kraals immediately in front of the Country occupied by the Settlers. This promise I fulfilled, as will be seen by the enclosed Return, as on the 20th of January Three Hundred and Sixty Eight Head of Cattle were given to the District Pound, between the period of the December 1823 and the end of the year 1824 Eight Hundred and Fifty Seven head were delivered to the District Pound, exclusive of Six Hundred and Ninety two delivered to Individuals.

Altho' it may sometimes be necessary to retaliate on the Kaffers by taking cattle from any Kraal indiscriminately, yet it is a measure that should be avoided as much as possible, as the Kaffers are so well aware of how far they are in fault, and can tell to a Head the Number of Cattle they have stolen from the Colony, that it is never adviseable to take more Cattle

from them than can be traced to their particular Kraals, otherwise they will retaliate and cause a useless and troublesome warfare.

For this reason I returned the surplus Cattle to McComo taken on the 4th December 1823, keeping only the exact number of Cattle as stated in the Return.

I should consider from the number of Cattle that have been recaptured from the Kaffers and delivered into the District Pound of Albany since December 1823 to the present period that there have been sufficient to satisfy all claims except perhaps those of the Individuals who have been concerned in the illicit traffic with the Kaffers, whose claims must be very doubtful.

Hoping this explanation and the Returns enclosed will be perfectly satisfactory to His Excellency the Governor.

I have &c.

(Signed) HENRY SOMERSET,
Lieut. Colonel Cape Corps, Commg. Frontier.

[Enclosure in the above.]

Return of Cattle and Horses captured from the Kaffers by the Cape Corps between the 20th October 1823 and 20th December 1825.

GRAHAM'S TOWN, 20th December 1825.

Date.	Cattle.	Horses.	To whom delivered.	Remarks.
1823.				
12 November .	23	5	District Pound	The Cattle returned as given to the District Pound it is understood were disposed of by the Landdrost to the several Claimants according to the Returns of Losses kept in his Office.
14 " .	—	1	" "	
4 December .	7	—	" "	
8 " .	3	—	" "	
15 " .	48	—	" "	
22 " .	—	2	" "	
1824.				
4 January .	65	4	" "	
16 " .	—	1	" "	
20 " .	368	—	" "	
23 " .	166	—	" "	
4 March .	19	—	" "	
31 " .	21	—	" "	
11 April .	14	—	Mr. Hobson	

Return of Cattle and Horses—continued.

Date.	Cattle.	Horses.	To whom delivered.	Remarks.
1824.				
14 April . . .	21	—	—	
13 May . . .	32	—	District Pound	
15 " . . .	35	—	—	
19 " . . .	28	—	Mr. Nel, Koster's Drift	
26 " . . .	32	—	District Pound	
11 July . . .	22	—	Mr. Manley	
11 " . . .	16	—	District Pound	
12 " . . .	—	1	Dead	
12 " . . .	174	—	Field Cornet Erasmus	
3 August . . .	22	—	Field Cornet Currie	
7 " . . .	6	—	District Pound	
11 September	5	—	"	
26 " . . .	—	2	"	
7 November .	411	—	Field Cornet Van der Nest	
13 December .	41	2	District Pound	
18 " . . .	2	—	"	
1825.				
8 January . . .	98	—	"	
17 " . . .	173	—	Sent to Fort Willshire	These Cattle were given back to the Chief Enno, having been taken from the Kaffers grazing on this side of the Boundary, and proving to be Kaffer Cattle I returned them.
20 " . . .	45	1	District Pound	
5 February . .	12	—	Captain Campbell	
28 " . . .	26	—	District Pound	
4 March . . .	101	—	Returned to the Kaffers	A Chief was shot, but I returned the Cattle, not being able to identify them as colonial property.
16 " . . .	—	3	Claimed	
12 April . . .	7	—	Mr. Armstrong	
2 May . . .	1	—	District Pound	
7 May . . .	3	—	Gert Ruiters	
7 " . . .	1	—	District Pound	
7 June . . .	1	—	Mr. Watts	
18 " . . .	15	—	District Pound	
18 " . . .	6	—	"	
23 July . . .	11	—	"	
27 " . . .	25	—	"	

Return of Cattle and Horses—continued.

Date.	Cattle.	Horses.	To whom delivered.	Remarks.
1825.				
6 August .	27	—	District Pound	
10 „ .	14	—	„	
13 „ .	12	—	„	
13 „ .	—	2	Mr. Bowells	
22 „ .	24	—	District Pound	
15 September	30	—	„	
21 „	3	—	„	
1 October .	8	—	J. F. Mynhard	
3 „ .	—	2	—	
9 „ .	25	—	Captain Campbell	
30 „ .	25	—	District Pound	
12 November	—	2	„	
14 „ .	—	1	„	
29 „ .	219	—	„	
18 December .	10	—	„	
Total .	2,503	29		

Return of Cattle taken from McComo's Kraal on the 4th December 1823, and how disposed of by the Commandant.

Supposed number taken—7,000.

Date.	Cattle.	Horses.	To whom delivered.	Remarks.
1823.				
7 December .	900	—	Commandant Van Wyk .	
7 „ .	500	—	Commandant Durand .	
7 „ .	166	—	A. Greyling	
7 „ .	—	—	Piet Fourie	
7 „ .	8	—	6th Regiment	
7 „ .	179	—	Cape Corps	
7 „ .	—	—	Returned to the Kaffers .	
Grand Total .	1,753	—		

I certify that every part of this Return is correct and agreeable to the receipts in the office of the Brigade Major.

(Signed) H. SOMERSET.
Lt. Colonel Cape Corps.

[Copy.]

Memorial of MR. MARTIN J. MULDER.

To the Right Honourable the Lords Commissioners of His Majesty's Treasury.

The Memorial of Martin J. Mulder, of Cape Town, Cape of Good Hope, Sheweth

That Your Memorialist being well acquainted with the European mode of distilling spirituous liquors, has been induced to turn his attention to the production of Brandy from Cape wine, and has consequently established a Distillery in the neighbourhood of Cape Town, where he has succeeded in making clean well-flavoured Brandy, much superior to any which has been formerly produced in this Colony.

Your Memorialist begs leave to submit to your Lordships that great advantages would accrue to this Colony if the distillation of Cape Brandy were increased by a demand for exportation to Great Britain, for as about five pipes of Wine are required for the production of one pipe of Brandy, a considerable exportation of the latter article would cause the consumption of an immense quantity of Cape Wine, the importance of which additional consumption will be obvious to your Lordships, especially as it may be the means of averting the injury and even ruin with which the Winegrowers and others occupied in the preparation of Wine are now threatened in consequence of the measures adopted by His Majesty's Ministers in suddenly reducing the duties on foreign wines in Great Britain without granting a proportionate allowance on Cape wines.

Your Memorialist begs leave also to observe that as the inferior descriptions of wine are chiefly used for the purpose of distillation, the Winegrowers, being relieved of these kinds immediately after the vintage, would be enabled to pay more attention to the production and management of those of superior quality, and thus your Memorialist has no doubt that the wines of this Colony would be improved in quality, and consequently be more esteemed in the Mother Country.

Your Memorialist being therefore desirous of introducing his Cape Brandy into the British Market, has shipped a small quan-

tity (five pipes) on board the brig *Elizabeth*, Snowdon master, for London, accompanied by a certificate from the Colonial Custom House of its being bonâ fide the produce of this Colony ; but as from the great distance, the enhanced cost of casks and machinery which are imported from England, together with a higher rate of freight, the Cape brandy will be unable to compete with that imported from France unless protection be afforded it by a reduction of duty in its favor, your Memorialist, relying on your Lordship's disposition to promote the welfare of this important Colony, prays that your Lordships will be pleased to direct that it may be admitted to entry for home consumption at the same rate of duty as is payable on spirits the produce of the British Colonies in North America, and your Memorialist begs leave to add that the same reasons which sanction the policy of encouraging the importation of Canadian spirits into Great Britain appear to your Memorialist to apply with greater force to the propriety of admitting Cape brandy at the same duty, and will, he trusts, induce your Lordship to comply with the prayer of his memorial. And your Memorialist, as in duty bound, will ever pray.

CAPE TOWN, CAPE OF GOOD HOPE, 20th December 1825.

(Signed) M. J. MULDER.

[Original.]

Letter from LIEUTENANT-COLONEL BIRD *to* R. WILMOT
HORTON, ESQRE.

VERE STREET, 22 December 1825.

SIR,—On the day of my embarkation at the Cape of Good Hope (17th October) I received a letter from the Earl of Caledon in which his Lordship did me the favour to transmit to me your letter to him of the 10th of the preceding month of May : as that letter appears to me to reflect in strong terms upon my official conduct and hints at differences of opinion between the Governor and Colonial Secretary, be it permitted me to say, that just previous to Lord C. Somerset having quitted England on his return to his Government I had received a letter from him in which he gratefully recalls to mind the many years in which

we had acted together in a manner "so agreeable to him and so beneficial to the Public;" that upon his arrival he notwithstanding professed that he should thenceforth carry on his government upon an entirely "*new System.*" The result of the new System has been a dilapidation of the Colonial Finance, which is now, from having had a considerable and increasing balance in its favour, in a state of absolute bankruptcy, and that the Colony from having been the most tranquil of all His Majesty's foreign possessions during the long period in which I had had influence in it, has been for the last 4 years in a state of the greatest confusion and anarchy! If to have foreseen this deplorable state of things and to have warmly expressed the feelings created by that foresight be the offensive line alluded to, I must bow with submission to the opinion of the Secretary of State, without however admitting that the Public Service would have been impeded or injured under a different system, one which had been recently approved, and one, under which, the Settlement had seen its most flourishing days.

It is with no wish to reagitae my case that I submit this reply to your observations, but I presume to add that should you wish for any explanation of past circumstances I shall be ready to avail myself of my present short stay in London to afford any information in my power. I have &c.

(Signed) C. BIRD.

P.S.—The accompanying letter will be perhaps admitted as one proof that I have not forfeited the confidence of that Public among which I so long resided.—C. B.

[Copy.]

Letter from HARRY RIVERS, ESQRE., to the SECRETARY TO GOVERNMENT.

CAPE TOWN, 22nd December 1825.

SIR,—I have the Honor to acknowledge the receipt of the reference of His Excellency the Governor on a Dispatch from Earl Bathurst directing that I should be called upon to answer the imputations which have been thrown upon my character

in a pamphlet lately transmitted to the Colonial Office, the communication of which Directions from His Lordship cannot but have been received by me with feelings of great pain and distress, but as the points (particularly those specially referred in pages 107 to 110 of the pamphlet) upon which His Lordship requires explanation, are those which I had already answered and cleared up in my letters to the Colonial Secretary of the 16th and 21st December 1824 and 10th January 1825, which could not however have been received by Earl Bathurst until after the date of His Lordship's Dispatch having been, as I learn, forwarded from hence on the 20th July last, I hope that my character will have been long since relieved from the foul and unwarranted charges which had been fabricated for my ruin.

I am happy however in having an opportunity of vindicating myself immediately to Earl Bathurst.

The scandalous imputation of Fraud bears its own confutation, inasmuch as I exercised no trust, nor partook of any exclusive power thro' the entire business of the Subscription and distribution to distressed Settlers, and not a Rixdollar or an article of Goods ever came into, or passed thro', my hands individually.

The duty of the receipts and the disbursements was undertaken and constantly performed by the Fieldcornets. The Items brought forward in Mr. Campbell's letters had received a distinct and satisfactory answer from me previous to my leaving Albany, and with regard to the complaint of Mr. Campbell's not having received any reply to his communications, a reference to my letters to the Colonial Secretary dated 16th and 21st December 1824 will relieve me from any blame for the delay, which is assumed in the pamphlet in proof of the charges against me.

The receipt of five Rixdollars by Mrs. Armstrong was proved by Mr. Onkruidt's certificate, and of fifty Rixdollars each by Messrs. Adams and Walker by the Colonial accounts. The circumstances of fifty Rixdollars being credited to Mr. Bowker for Mrs. Harden from one Fund instead of from the other, and of one hundred Rixdollars, which had been credited to Mr. Bowker, then remaining in the hands of Mr. Dyason, and so admitted by him, to cover the understood distribution by Mr.

Bowker to the Settlers, were fully explained in my letter to the Colonial Secretary of the 10th January last, and it was also shewn to His Excellency that so far from having in my hands any part of the Subscription, I had advanced the Sum of 121 Rixdollars and 2 Skillings which is still due to me, but the point is represented in this pamphlet so as to convey an idea of a corrupt administration on my part, and these two credits to Mr. Bowker are quoted with matchless art and cunning as if I had appropriated these sums fraudulently to my own use, which was impracticable, as the Money was never at my command or disposal, and in its distribution I took no part further than as a member of a Committee.

With regard to the other part of Mr. Campbell's letter to Mr. Brink, I have to observe, as I have stated in my letters of the 7th September, 16th and 21st December 1824, that I was totally unacquainted with the amount of unappropriated subscription in hand, and deposited in the Bank in Cape Town, that I was not made acquainted with its application, and that I could not furnish the more detailed account, or be called upon for the vouchers required by Mr. Campbell, for the second half of the sum of 2704 Rds., as I did not make the disbursement, or order the Articles, which transactions took place at Cape Town, when the account of Expenditure was prepared.

The only other charge in the Pamphlet which has not been already rebutted, and which may require explanation from me, is comprised under the head of "Dishonoured Loan Bills," and this charge is fully and completely refuted by the sub-joined statement of the transaction by the District Agent, with whom it took place, and I need only add that the charge intended to be brought against me under this Head, however unjustly and unfoundedly, would apply only to four Bills of forty drawn, and to a Sum of 1500 Rds. out of an amount of 25,000 Rds. advanced by Government on Loan to Individuals, but no part of which money was ever in my hands, altho' I was required by Government to obtain from each person a good mortgage Bond with two collateral Securities before the money should be paid. In many instances I assisted the parties with all, or a part of the amounts granted to them, before these Bonds were executed. This was the case in one of the four instances quoted in the pamphlet, where I advanced to the

Individual 1,033 Rds. out of 1,200 Rds., and the Bill upon which the trifling delay arose was for the Balance of 167 Rds.

I cannot therefore admit that any want of inclination to attend to the wants or wishes of the Settlers was betrayed in this transaction, and when I call to recollection the mean and base artifices which were resorted to by the fractious and virulent which had then conspired for the accomplishment of my ruin, I cannot but feel proud and self acquitted, that with all the means employed they could only bring forward so unstable and unauthenticated an attack upon my public Integrity.

CAPE TOWN, 12th November 1825.

SIR,—In reply to your letter of yesterday's date requesting I will afford you some information relative to a delay in the payment of some of the drafts drawn by you in the latter part of last year in favor of persons in Albany who had obtained Loans from Government I have to inform you that a representation on that subject was made at the time to His Majesty's Commissioners of Inquiry, who applied to me for an explanation of it.

I stated to the Commissioners the way in which the delay occurred, which arose from your informing me that you would, for the convenience and accommodation of the parties, pay the several amounts at Graham's Town out of some "pacht" monies due by Barnes, and directing me to pay the "Pacht" money into Government, but that you afterwards informed me that you should not do so, but should for regularity's sake draw the draft as customary; that I had however paid the money into the Colonial Treasury previous to the receipt of your second letter, which I had reported to you, and had requested you to remit the amount of the several drafts; that there had not then been time for your so doing, but that I expected the remittance by the next post, when the drafts would be paid. You remitted the money by the next post, and all the drafts were paid without loss to any person.

This explanation appeared perfectly satisfactory, and I do not recollect anything further occurring. I have &c.

G. REITZ, Albany District Agent.

To Harry Rivers, Esqre.

In the cases produced to prove my inattention to the interests of the Settlers, it will be seen that the chief cause of complaint is the distance the Individuals had to travel, and the time that elapsed before their case came under consideration, and when the multiplicity of applicants, and the nature of their applications, so well known to His Excellency, are considered, having in one day attended to the cases of one hundred and twenty two persons, it is particularly gratifying to me to observe that no stronger evidence has been produced to substantiate the charge of inattention.

With regard to the statements under the Heads of "Certificates in favor of Mr. Rivers," and "Recantation paper," I do not consider any explanation or reply from me to be necessary, but I think it due to myself to state that I never asked, employed, or instigated any person to obtain signatures to any paper for me, and that I was as little prepared for the spontaneous declarations which I received as the authors of the pamphlet could have been, altho, as I stated at the time, I was so unconscious of ever having acted unkindly or injuriously to any Individual that I should not have hesitated to appeal to the whole Community, nor indeed should I at the present period, if it could be impartially conducted, and that their opinions were not unfairly biassed by the influence of Mischievous and evil intentioned persons.

Having now replied to all the charges in the pamphlet which apply to myself, and afforded an explanation which I feel confident will be as satisfactory to His Excellency the Governor as, I trust, it will be to Earl Bathurst, I venture to call to the recollection of His Excellency the period and the circumstances under which I was appointed Landdrost of Albany.

I was appointed at a period of disappointment, famine, and faction, when a Spirit of Opposition existed, not, I firmly believe, from any general cause, but from the indefatigable exertions of a few who were ill disposed to any legitimate Government, or to the observance or control of any Laws, and who took advantage of the visitations of Providence to disseminate their mischievous principles and raise discontent by their machinations, every Order of Government was unfairly canvassed, and its intention perverted and misrepresented, and every act of the Landdrost under the orders of Government

thwarted, my firm and steady endeavour to perform my arduous and overwhelming duties in obedience to the orders of Government provoked unabated hostility, ending at last in a determination to use every effort for my expulsion and ruin.

Resolutions the most violent and inimical were openly proposed to effect the object of my resignation or dismissal, when to free myself from this irksome and harassing state, and after having fully satisfied the Governor's mind that the whole of my conduct had been pure, I renewed the applications I had already made to be relieved from the charge of Albany, and His Excellency was pleased to meet my wishes, and appointed me to the Drostdy of Swellendam, where I have been since engaged in the duties of my station, and I believe I may add to the satisfaction of the Inhabitants of the District.

It remains for me now to invoke the protection and support of His Excellency against the renewed attack by a factious and vindictive party, charging me with a dereliction of all principle and character, nay of common honesty, and of sacrificing my place in Society and my situation in Life for the fraudulent gain of the Sum of Eleven pounds and four Shillings Sterling, merely because I made an error as to the Fund from which two small payments amounting together to that sum were made, not having the custody of either of them.

In confirmation of my statement of not having had any part of the subscription Fund in my hands, I have the honor to submit my affidavit to that effect. I have &c.

(Signed) HARRY RIVERS.

(Affidavit annexed.)

I Charles Crause, Lieutenant Royal Marines, make affidavit that having read in a reply by H. E. Rutherford published to a pamphlet by the Rev. J. Philip &c., &c., that unfair means, persuasions or threats were used by me, to obtain signatures to the certificate of the Landdrost's humanity &c.

I deem it necessary in justification to my character, as well as due to that of the Landdrost, Mr. Rivers, to declare and repeat thus solemnly that the Landdrost never solicited my obtaining the signatures to the certificate in question, either directly or indirectly, that I was induced in getting up the

certificate by no other motives than a consciousness of the foul and false attack made upon the character of the Landdrost, which I felt it the duty due from one gentleman towards another to protect him, by getting a fair, unbiassed, and voluntarily given opinion, of the unprejudiced part of the community; in obtaining which neither threats nor promises were used; (for the best of all reasons, that being one of the Settlers myself, I had neither power to threaten, or patronage to promise with); and so far from any of them having at the time hesitated in signing the certificate, they all signed willingly, and did not express any complaints against the Landdrost, and I firmly believe that the individuals who have now recanted their former opinions, in the publication alluded to have been solely induced to do so from no other motives but those of pleasing a party in whose hands at that time was placed large sums of money, to be distributed at pleasure; and from which no doubt they expected to be rewarded in proportion to their services to the said party; and whose particular purposes it was therefore politic to humour and forward.

Cape Town, December 21st, 1825.

(Signed) CHAS. CRAUSE.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 23rd December 1825.

MY LORD,—I had the honor to receive on the 6th ultimo Your Lordship's despatch of the 5th August last, relative to the removal of Mr. Rivers from the District of Albany and Swellendam, and to the serious charges which had been made against that Gentleman in a Pamphlet which had been transmitted to Your Lordship's Office.

I had the honor in a letter which I addressed to Your Lordship on the 20th July last, to forward the Reply which had been made by Mr. Rivers to the charges which had been published in this Colony against him, and having referred to Mr. Rivers Your Lordship's last letter above mentioned, I have

now the honor to transmit the additional Explanations which he has furnished me with, and which I trust may prove satisfactory to Your Lordship. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, *24th December 1825.*

MY LORD,—With reference to the Despatch No. 240, which I had the honor to address to your Lordship, under date the 5th ultimo, announcing the measure I had taken with the advice and opinion of Council, for re-establishing the Medical Committee, originally appointed by Proclamation of this Government under date the 24th April 1807, and for abolishing the Individual Office of Colonial Medical Inspector, which had been set up as a substitute for the Medical Committee in 1821, by a Government Advertisement, I have now the honor to forward for Your Lordship's information, Copies of a correspondence which has taken place between the Commissioners of Inquiry and the Governor in Council, as well as with myself on the subject. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from LORD CHARLES SOMERSET to the COMMISSIONERS OF ENQUIRY.

NEWLANDS, *December 24th 1825.*

GENTLEMEN,—I have the honor to acknowledge the receipt of your letter of the 20th instant, and to state in reply, that by the reference that has been made to the records of the Office, there does not appear to have been any complaint made of the conduct of the Medical Board from its original Establishment in 1807, nor of that of the President of it during the period that Dr. Hussey held that Office, and which he continued to hold

until his death ; not does it appear that the conduct of Dr. Robb during the short period of six months that he held the Office of Medical Inspector (newly created by Sir R. Donkin by Government Advertisement of the 21st September 1821) drew forth any complaints or animadversions from any part of the community.

I am not aware that there exist in the Office any other Documents relative to the manner in which Dr. Barry has departed himself as Dr. Robb's Successor, beyond the three complaints which you have stated to be already in your possession, with the exception of one from Mr. Carolus Liesching, and one from the Reverend Mr. Holbeck, covering a letter from Mr. Leitner, the Superintendant of the Leper Institution, copies of which I have the honor to transmit to you.

It is with extreme regret that I am compelled, in order to meet your request as fully as you desire, to allude to circumstances to which, for Dr. Barry's sake, it never was my intention to have recurred ; but as your letter leaves me no alternative, it is incumbent upon me to state, that in placing Mr. Holbeck's letter before me, Lieut. Col. Bird, the late Colonial Secretary, from some communication he had had with Mr. Holbeck (I believe a personal one, but at this distance of time I cannot speak positively on that point) told me unequivocally, that if I permitted Dr. Barry to have any authority over the Leper Institution, my views with regard to having a person from the Moravian Institution to superintend it, would be frustrated, for that none of them *would submit to it*. From the same feeling towards Dr. Barry, I should have been most happy to have refrained from mentioning that in more than one instance Dr. Barry has written officially in terms so indecorous and inadmissible, that had I not (from my personal regard for him) pressed upon him the necessity of withdrawing his communication, I should have been compelled to have noticed them, in a manner most unpleasant to my feelings and disadvantageous to him.

I have the honor to transmit copies of the correspondence which induced me to direct Dr. Barry to make occasional visits to the Tronk and Somerset Hospital.

With regard to the passage to which you allude in my

Despatch to Earl Bathurst of the 5th November, I have the honor to state, that a review of all the circumstances connected with the Colonial Medical Inspectorship, which had been brought before me, and which are detailed in the Correspondence with which you have already been furnished from the Colonial Office, combined with those above stated, impressed me with the belief that it was inexpedient to continue in the hands of any individual member of the Faculty the powers exercised by the Colonial Medical Inspector, more especially by one who had betrayed so much Indiscretion as had been evinced by Dr. Barry.

I therefore submitted the matter to the consideration of Council, and it was adopted upon this Decision.

With reference to your enquiry whether I had expressed to the late Medical Inspector my disapprobation of the impropriety of his communications, I conceive that that question is most fully answered by my having urged him to withdraw official Papers he had addressed to Government, and I have no hesitation in saying that the imputations thrown out by Dr. Barry were in some instances unfounded and in many greatly overcharged.

The question of the permanency of Dr. Barry's appointment never was agitated, and therefore it is quite impossible that I should ever have authorized any Communication to be made to him on that subject or indeed to have deviated from the ordinary practice pursued when a vacant office is filled up.

As yet I have not submitted any arrangement to Earl Bathurst for remunerating the labors of any of the Members of the Medical Committee. I delayed the doing so, as it was my intention, in reëstablishing the Medical Committee, to have recommended some compensation to Dr. Barry for the loss he sustained by its having been thought expedient to abolish the Office he had held ; but Dr. Barry precluded me from even mentioning such an intention, by informing me that he should throw up all his appointments held under this Government, if the measure of reëstablishing the Medical Committee and appointing him a Member of it according to his rank, which he heard was in agitation, should be carried into effect. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to SIR RUFANE DONKIN.

DOWNING STREET, 24 December 1825.

SIR,—I am directed by Earl Bathurst to transmit to you enclosed copy of a correspondence which has been transmitted to his Lordship by the Governor of the Cape, relating to a claim preferred by Mr. Schutte the Contractor for building the Light House on Green point, to receive the sum of 3000 Rix-dollars over and above the price at which he contracted to build the Light House ; and as this claim is founded upon an alteration which the Contractor alleges to have made in the original plan of the Building under the verbal authority of the Government which you were administering, I have received his Lordship's directions to request that you will acquaint me for his information whether you have any recollection of having authorised any deviation from the original plan of the Light-house. I have &c.

(Signed) R. W. HAY.

[Copy.]

Report of the Commissioners of Enquiry upon the differences between Lord Charles Somerset and Sir Rufane Donkin.

CAPE TOWN, CAPE OF GOOD HOPE, 24th December 1825.

MY LORD,—In obedience to your Lordship's instructions, that we should report to you the result of the information that we have acquired in the colony, upon several points referred to in a letter addressed by Sir Rufane Donkin to Mr. Wilmot Horton on the 23rd of June, and which constitute the grounds upon which he has represented himself to be at issue with Lord Charles Somerset, regarding the principles upon which they respectively administered this government, we do ourselves the honour to state, that the various allegations contained in the letter of Sir Rufane Donkin have appeared to us to be classed under two general heads ; and for the sake of perspicuity we will notice them in this order, in the observations that we are called on to make.

The first of these heads comprehends the measures more immediately connected with the formation of the new settlements in the eastern districts ; and the second relates to the finances of the colony, in which Sir Rufane Donkin has contrasted the effects of the economical system which he alleges to have pursued, with the ruinous consequences that have attended a lavish expenditure of the public resources under the administration of Lord Charles Somerset.

As the circumstances connected with the settlements of the British emigrants in Albany had already been the subject of a very detailed Report to your Lordship, in which we endeavoured to form an impartial estimate of the measures successively pursued by Sir Rufane Donkin and by Lord Charles Somerset, it may not be necessary in this place to repeat the observations that we took occasion then to make upon the establishment of Fredericksburg and Bathurst ; but as that Report was not framed with any view of discriminating between the measures of Sir Rufane Donkin's administration and those of Lord Charles Somerset's, and as Sir Rufane has impugned the motives of Lord Charles in the measures he pursued on his return to the colony, we will add such observations to our former statement as may enable your Lordship to form a judgment whether Lord Charles may have been actuated by the motives imputed to him in superseding or reversing any of the measures of the acting Governor, premising, however, that on a subject of this nature we feel ourselves precluded from offering any direct opinion of our own, without a reference to the sources of information upon which Sir Rufane has made the imputation.

Sir Rufane has stated in his letter that Lord Charles Somerset landed with the astonishing and alarming declaration that he would undo all that had been done in his absence ! and upon this he has grounded an imputation that Lord Charles was influenced in his measures by personal pique rather than by considerations of the public advantage.

As we have reason to believe that Lord Charles Somerset and Sir Rufane Donkin did not meet on the return of the former, nor during the interval of Sir Rufane's detention in the colony, such a declaration, if made by Lord Charles, must have transpired from the disclosure of some person in habits of familiar

intercourse with his Lordship at the period referred to. In order to obtain the most direct testimony upon this point we have referred to Major Cloete, who in the capacity of aid-de-camp to Sir Rufane Donkin, proceeded by his desire on board His Majesty's ship *Hyperion*, in which Lord Charles had arrived, and who was subsequently in daily communication with his Lordship ; and although he admits that a very general report prevailed in the colony of the intention of Lord Charles to reverse the measures of Sir Rufane Donkin, he does not recollect to have heard him expressly avow any such determination.

Strong feelings of irritation appeared to have been excited in the Governor by some communication that was made to him by his son who accompanied Major Cloete on board, and with whom his Lordship held a private conversation as soon as they had reached the ship ; and as Major Cloete saw the Governor immediately after this interview, and while the effect had been recently produced on his mind, we think it likely that he would have heard such a declaration if it had been made at that time, or subsequently when he was in daily communication with him upon subjects in which the acting Governor was immediately concerned.

We have been thus particular in our explanations upon this point, as Sir Rufane Donkin has not referred to his authority for the report, and as we are not aware that we could have obtained any more direct and impartial testimony than that of Major Cloete respecting any declaration that Lord Charles might have indiscreetly made when he first arrived, especially as he was a witness of the irritation suddenly produced on the mind of the Governor by the private communications of his son.

It may still, however, be supposed, that whether such a declaration was made or not, this irritation might have operated to bias the judgment of Lord Charles in respect to the measures of the acting Governor. There is no doubt, we believe, that the misunderstanding between them immediately arose from a transaction in which Captain Somerset had been personally at issue with Sir Rufane Donkin, and which was unconnected with any of the measures which it was the alleged intention of Lord Charles Somerset to subvert ; but admitting the influence of this transaction in biassing the mind of Lord Charles against the acting Governor, and creating a prejudice against the mea-

asures he had pursued, we do not think that Sir Rufane Donkin is justified in concluding that Lord Charles had no previous knowledge of his measures, and could consequently have formed no impressions with regard to them until the moment of his arrival.

From the earliest communications that were made to us by Lord Charles respecting the state of the settlers, we ascertained that he had received information while in England from persons residing in the colony ; and we remember in particular that the establishment of Bathurst, which in some degree supplanted Graham's Town, was the subject of a communication to him from an official person, whose authority he might very naturally have relied on, both on account of his local experience, and the high and confidential situation that he held. It is also within our knowledge that Sir Rufane Donkin was in the habit himself of advising Lord Charles Somerset of the progress of his measures, and as Lord Charles might be expected to apply his own experience to the subjects of these communications, and as the prominent measures of Sir Rufane were likely to be regarded by the Governor as in some degree militating against his own arrangements made previous to his departure from the colony, it is probable that Lord Charles had given them much consideration before his return, and that he had formed a judgment of them before any personal misunderstanding between him and Sir Rufane Donkin had arisen. If, therefore, such a declaration was made to any person by Lord Charles Somerset when he landed, it might not unreasonably be ascribed to the opinions he had formed of the measures of the acting Governor from information he had received when in England, and upon subjects with which he was already familiar.

These observations will particularly apply to the view taken by Lord Charles of the establishment of Bathurst and Fredericksburg by the Acting Governor. The former, from being erected into a seat of magistracy for the district, was considered by his Lordship to be subversive of the establishment of Graham's Town ; and the occupation of the lands beyond the Fish River was also regarded by him as a departure from the policy that had induced him to interpose a neutral space between the colonists and the Caffres.

We have already had the honour to report to your Lordship

the opinion that we entertain of these measures, as well as of the arrangements that were generally made in the formation of the new settlements ; and we have taken occasion to express our regret that Lord Charles should have been prevented from visiting those settlements soon after his return.

As his Lordship had quitted the colony previous to the arrival of the British emigrants, he possessed no opportunity on his return of forming his own opinion of the condition of the settlements ; and as prompt exertions were required to relieve the settlers from the most pressing disabilities, arising from the inadequacy of the lands in the first instance assigned to them, it was unfortunate that in separating the military command from the civil magistracy, the important and multifarious duties of landdrost of the district were entrusted by Lord Charles Somerset to a person who neglected the interests of the settlers, and who aggravated the feelings of the Governor by attributing the dissatisfaction that undoubtedly from this cause prevailed, to a spirit of turbulence and disaffection to the government. On the other hand we are bound to observe that the disappointments of the settlers did not commence with the arrival of Lord Charles Somerset and the appointment of Mr. Rivers to be landdrost ; complaints had previously existed, and had been the subject of the interference of the magistrate. The distresses occasioned by the failure of their crops had previously rendered the situation of the settlers extremely critical ; and at the period of the return of the acting Governor to Cape Town from the eastern districts in July 1821, various important arrangements devolved on the officer who was appointed to the situation of landdrost and commandant, and who was thus burthened with the most extensive duties, which it was quite impracticable for one individual adequately to perform.

When it is considered that these duties comprehended the whole of the dispositions for the defence of the frontier with the military details at Graham's Town, the judicial and financial administration of the district, and the inspection and distribution of the lands, it may be easy to account for the delay of those arrangements on which the welfare of the settlers in a great degree depended ; but we have not observed, from the correspondence of the Colonial Office, that these delays were

noticed to the landdrost, or that any of the preliminary arrangements of the acting Governor were confirmed in Cape Town in the interval between his return from the eastern districts in July and the arrival of Lord Charles Somerset in December. The separation of the civil and military functions was therefore a judicious measure, although, from the indolence or neglect of the magistrate appointed by his Lordship, no advantage resulted from it.

The re-establishment of the seat of magistracy at Graham's Town was too suddenly effected by Lord Charles, and the expensive establishment that was formed might have been desirably suspended at a time that so much expense had been incurred on account of the settlers. We have already stated to your Lordship our opinion that it would have been more conducive to the interests of the settlement to have retained a subordinate magistracy at Bathurst, where some expense had already been incurred in the erection of public buildings; but, as a permanent arrangement, we are disposed to consider that an advantage has been gained by fixing the seat of magistracy at the head quarters of the frontier force, and that the settlers are not now dissatisfied with the arrangement, as the presence of the military has rendered Graham's Town the principal market for the produce that they have been enabled to raise.

The remarks of Colonel Scott upon the settlement of Fredericksburg accompanied our former Report; the final abandonment of this station was the immediate consequence of withdrawing the military guard, but representations had been antecedently made by the officers who were settled there of the disappointments they had experienced in the delay that had occurred in putting them in possession of the lands that were stipulated to be granted to them. If the settlement had been encouraged by Lord Charles Somerset we do not doubt that it would have succeeded, although we are still of opinion that the men of the African corps were a description of settlers that it was not advisable to have established in the neighbourhood of the Caffres, and it is certain that their dispersion upon the lands assigned to them would have destroyed the control of the officers, which already had been weakened by the withdrawing the military guard.

Although we think that the occupation of the lands between

the Fish River and the Keiskamma may be desirably promoted, we consider it an object of great importance to establish in the neighbourhood of the Caffres a class of settlers who would not by their conduct provoke a renewal of the hostilities that already have entailed so much ruin upon the inhabitants of the frontier districts, and such expense and sacrifices to the colony at large ; and with this view we should equally object to the settlement on those lands of the boers, on account of their hereditary prejudices ; and to the soldiers of the African corps, whose conduct had already given occasion to the complaints and apprehensions of the officers who had settled with them.

Sir Rufane Donkin has stated in his letter that several murders by the Caffres were the result of the new system of frontier defence established by Lord Charles Somerset.

The system of defence established by Lord Charles Somerset previous to his departure from the colony, was one that required vigilance and activity on the part of the troops. Lieutenant-Colonel Scott, who was appointed by his Lordship to the command of the troops in 1822, was more disposed to rely upon conciliatory measures for preserving the peace of the frontier. The system established by Lord Charles was relaxed by Colonel Scott, who took some pains, however, to preserve a good understanding with the Caffre chieftains, and was very desirous of promoting the establishment of fairs.

From causes that we have already had the honour to explain, the depredations by the Caffres were certainly much increased in the years 1822 and 1823, and we had equally to express our regret at the consequences of the irregular incursions of the boers into the Caffre country, and of the attempt that was made to seize the person of the chief Gaika, for detaining the cattle of the missionaries and of the Caffres who resided with them. But when it is stated by Sir Rufane Donkin that several murders were the consequence of a new system of defence established by Lord Charles Somerset, it is just that we should remark, that one of the earliest measures that Lord Charles was called on to pursue was in enforcing the punishment of a Caffre who had murdered an English settler in the month of September 1821, some time before his Lordship's return to the colony, and in obtaining restoration of forty-eight head of cattle, which were at the same time stolen. These out-

rages were reported to Sir Rufane Donkin by Major Jones, the commandant, on the 13th October 1821, who at the same time detailed the result of his ineffectual attempt to obtain information about the murdered settler, and to recover the stolen cattle.

These measures were subsequently followed up by Lieutenant-Colonel Scott, under instructions from Lord Charles Somerset; and, as we formerly reported to your Lordship, a Caffre was executed for the murder, in presence of the troops.

Another murder was committed in the year 1823, upon a settler, who with others had crossed the boundary, and had been detected in trading illicitly with the Caffres in cattle. The accomplices in this illegal traffic were tried, and found guilty of the offence.

We are not aware of any other murders that were committed by the Caffres, unless in the instance of a boy who, in the year 1824, was found murdered near his location, an act that by many was attributed to the Caffres.

The depredations of these people have at no time been wholly repressed; and it is deserving of remark, that notwithstanding the activity and vigilance of the troops that have unquestionably prevailed during the last two years, and the success that has attended the establishment of fairs, complaints of cattle stealing are still made, and the barter of hides is said to have encouraged the Caffres to commit depredations in order to supply them.

Upon the subject of the finances of the colony, Sir Rufane Donkin has briefly recapitulated the results of his own and of Lord Charles Somerset's measures, by stating that at the end of the year 1821 he left a surplus revenue of 92,101 rixdollars; and that he had been enabled to accomplish this, notwithstanding the improvident expenditure in which Lord Charles had involved the government previous to the year 1820, and in consequence of which the ordinary expenses had increased in that year 131,153 rixdollars, and the extraordinary charges 331,623 rixdollars, amounting to the sum of 462,776 rixdollars, that was required to defray the various expenses which his Lordship had left to be provided for, in addition to the charges of the year preceding. That this increased expenditure was in a great degree occasioned by the repairs of the public buildings

at Newlands, the country residence of the Governor, and which had been undertaken upon an erroneous representation to your Lordship that the expenditure would not exceed the moderate sum of £7,000 sterling.

Sir Rufane Donkin has proceeded to remark, that after providing for these considerable charges in the year 1820, in the following year, 1821, the ordinary expenses decreased 21,930 rixdollars, and the extraordinaries decreased 263,585 rixdollars, making a reduction in the general expenditure of the colony for that year, of 285,515 rixdollars, as soon as his "system" could possibly operate. Sir Rufane Donkin has added, that if he can rely on the statements he has subsequently received, the colony is now in a state of bankruptcy. For the present state of the finances of the colony, we beg leave to refer your Lordship to the abstract statement of its revenues and expenditure, which we had the honour to transmit on the 6th October 1825; and we will confine our observations in this place to the points to which Sir Rufane Donkin has referred, and on which he relies for the inferences he has drawn, in contrasting the effects of his measures with those that were pursued by Lord Charles Somerset.

Sir Rufane Donkin succeeded to the charge of the government in the beginning of the year 1820. The repairs of the government buildings at Newlands had been commenced in September 1819, by agreement that had been entered into upon an estimate furnished by a house carpenter and upholsterer in Cape Town, and under the superintendence of the inspector of public works. We have already had occasion to notice to your Lordship the very defective mode in which contracts for public works have been made and executed in this colony. In this instance the work was commenced without any sufficient specification, or the execution of any contract whatever with the builder; and from alterations that were subsequently made in the plan upon which the original estimate was framed, greater expense was incurred in completing the buildings than had been originally contemplated. The work having proceeded during the year 1820, was examined by order of Sir Rufane Donkin, in January 1821, by the inspector of public works and another builder of Cape Town, and on the report of these persons it became apparent that the work had been defectively executed,

and that many alterations would be required to render it complete. It does not appear that any new agreement or contract was entered into at this time for the execution of the work that remained to be performed ; but the builder proceeded with it in conformity to the suggestions of the inspector, and on an intimation from the government that the alterations required would be insisted on under the conditions of the original contract.

The builder who was associated with the government inspector in examining the work, is of opinion that a good building ought to have been erected for the sum that was stated in the original estimate, viz. 72,126 rixdollars ; but from our observations upon the buildings in their present state, and considering that a summer residence is required for the Governor, we are not of opinion that they are unnecessarily extensive, or that any superfluous expense has been incurred in work of an ornamental description. It would undoubtedly have been proper that an accurate estimate and specification had been originally framed by competent persons, and that a work of that extent had not been undertaken upon the mere proposal of an interested builder, in which we observe no other estimate for the masonry of the building than that it should be executed for the gross sum of 25,770 rixdollars ; and when the defects of that estimate were discovered in 1821, it was equally to be regretted that a regular contract was not then prepared, by which the expense required to complete the work would have been correctly ascertained and determined. If, according to the report of the surveyors in January 1821, the defects of the original plan were apparent, and that the work had proceeded according to verbal instructions received from Lord Charles Somerset, it was very desirable that some more specific terms of agreement should have been made, as the condition relied on by the acting Governor specified only that the " whole of the building was to be completed according to the plan, in a work-manshiplike manner, and to be subject to the inspection and approval of persons appointed by government for that purpose;" but it did not specify that the buildings were to be erected for the sum stated in the estimate.

A reference to the original document itself will fully satisfy your Lordship of the defective manner in which it was framed ;

for it appears to have consisted alone of an estimate signed by the builder, and approved by the inspector and by the governor ; subjoined to which estimate was " a memorandum of certain particulars to be stated in a contract, &c." which were " approved " by Lord Charles Somerset, but not executed or signed by the builder ; and it is from this memorandum that we have made the foregoing extract.

As Sir Rufane Donkin succeeded to the government in January 1820, three months after the work had commenced, it would have been competent for him at that time to have corrected any defects in the original agreement of Lord Charles Somerset with the builder ; and as the amount of his estimate did not exceed the sum of £7,000 it would have been most desirable that the whole expense likely to attend the prosecution of the work should have been then carefully considered, and in what manner the labour and carriage were to be provided for that were not included in the estimate.

In January 1821, when the survey was ordered by Sir Rufane Donkin, a sum of 98,067 rixdollars had been disbursed, of which 42,000 rixdollars had been paid on account of the contract, and previous to the return of Lord Charles Somerset in December 1821, 135,514 rixdollars had been disbursed, of which 60,000 rixdollars were on account of the contract. According to the latest accounts that have been rendered the sum of 214,983 rixdollars had been disbursed, besides advances to the amount of 15,816 rixdollars, and a further claim from the contractor for extra work to the amount of 30,835 rixdollars, which has been reduced to 12,684 rixdollars, making the expenditure upon the building 243,484 rixdollars, or £18,261 6s. at the exchange of 1s. 6d. sterling.

In our examination of the accounts, we have had occasion to observe that great irregularities prevailed, both in the manner of preparing and in passing them ; for the extra work paid to the contractor and to other tradesmen, the estimates and the certificates of prices for materials were often deficient ; and in one instance we observed that an estimate was dated after the account for the work had been rendered. The charges for the buildings being often included in those for other public works that were carrying on at the same time, rendered it impracticable in many cases to ascertain the precise amount of expense

incurred at Newlands ; and the auditor-general, in passing the accounts, does not appear to have noticed these irregularities, nor the original deficiency of a contract with the builder, to whom, as well as to others, several advances were made without any securities being taken for the due execution of the work ; and we are of opinion, that from the omission of these securities, the builder could not have been legally compelled by the acting Governor to adhere to the conditions that had been approved by Lord Charles Somerset, and which Sir Rufane Donkin, in his letter to Mr. Wilmot Horton, has erroneously called a "contract."

We believe that Sir Rufane Donkin was desirous of promoting the public economy, and that he paid attention, in some instances, to the means of abridging the expenditure upon government buildings ; but we regret that his attention was not more particularly drawn to the extensive works that were commenced at Newlands about the end of the year 1819, and that during the years 1820 and 1821, in which he administered the government, he did not introduce a greater degree of regularity, and check the expenditure, which had already exceeded the sum that your Lordship had authorized to be disbursed. We do not introduce these remarks in order to excuse the existence of the same irregularities under the administration of Lord Charles Somerset, but as Sir Rufane Donkin has attributed to the lavish expenditure at Newlands the great expenses that were incurred by the government in the year 1820, and which were reduced in the following year by the operation of "his system," we have considered it to be just to point out the degree of responsibility that he incurred for the execution of so extensive a work, and the disbursement of the public money to so considerable an amount.

On a reference to the accounts of the colony in the years to which Sir Rufane Donkin has referred, we do not find that he is correct in stating that there was an increase in the ordinary and extraordinary expenditure in the year 1820, to the amount of 462,785 rixdollars, although some considerable charges were defrayed in that year on account of the Caffre war of 1819, and preceding years.

The total expenditure of the colony in 1819 was 1,597,679 rixdollars, and in 1820, 1,637,478, making an increase of

39,799 rixdollars ; but as advances were made by the colonial government in 1819 to the Burgher senate, on loan for the purchase of grain, amounting to 267,273 rixdollars, this sum should be deducted from the actual expenses of that year, and the increased charges in 1820 would be 307,072 rixdollars.

In 1820, we observe that a sum of 220,875 rixdollars was paid on account of expenses incurred in the subsistence of the armed inhabitants during the war, and 284,743 rixdollars on account of the Cape corps that had been raised in 1819 ; in which year the charge for the Cape corps had been 89,006 rixdollars, and for the frontier service, 25,143 rixdollars ; and 155,581 rixdollars refunded to the commissariat, in all 180,724 rixdollars ; so that the war charges of 1819 were 269,730 rixdollars, and of 1820, 505,618 rixdollars ; making an increase of 235,888 rixdollars in consequence of the increased establishment of the Cape corps in that year, and the discharge of the arrears due for the subsistence of the armed inhabitants.

From the liquidation in 1820 of arrears due on account of the Caffre war, we find that in 1821 the war charges did not exceed 205,827 rixdollars, of which 198,402 rixdollars were for the Cape corps, being a reduction in those charges of 299,791 rixdollars less than in 1820 ; and as Sir Rufane Donkin stated the aggregate decrease of expense in 1821 at 284,515 rixdollars, it is manifest that the expenses of the Caffre war had been the material cause of the fluctuations in the charges of successive years, although there was an increase of 13,367 rixdollars in the charge for buildings in 1820, and a decrease in the same charge of 37,665 rixdollars in 1821.

As we are not aware of any system pursued by Sir Rufane Donkin, in the administration of the colonial finances, differing from that which had prevailed in the time of Lord Charles Somerset, we can only conclude, that he has referred either to the greater degree of attention with which he controlled the expenditure on public buildings and works, or to the conciliatory system that he had pursued towards the Caffres, by which the great expenses that had been occasioned by the wars with that people had been prevented for the future, and the military establishments proportionately reduced. On the first of these points we have already explained the extent to which we conceive that Sir Rufane Donkin is generally entitled to credit, and

also in how far he may be responsible for the irregularities that prevailed in the execution of the public works at Newlands, in the years 1820 and 1821, and in regard to the policy that has been pursued towards the Caffre tribes. The war had been terminated in the year 1819, previous to the departure of Lord Charles Somerset from the colony, and we do not think that the comparative tranquillity that prevailed in the years 1820 and 1821, was attributable to any other cause than the desire of the Caffres, as well as of the colonists, to avoid a renewal of the devastations from which both parties had largely suffered, and without any corresponding benefit to either.

Before Sir Rufane Donkin quitted the colony, a mistrust of the Caffre chief, whose supremacy had been recognised on the border, began to prevail, and, as we have already explained, the depredations of the Caffres were partially renewed.

The only change in the previous system that was effected by Sir Rufane, was in the erection of a walled barrack on the Keiskamma River, instead of the completion of the fort that had been commenced by Lord Charles Somerset, and in the settlement of the neutral lands at Fredericksburg.

We are disposed to think, that the necessity of obtaining shelter for the troops stationed in advance, at an earlier period than it could have been afforded by the slow progress of Fort Willshire, may have justified Sir Rufane Donkin in suspending that work ; but the settlement of Fredericksburg was liable to the objections that we have already explained.

As the fruits of the economical system of which Sir Rufane Donkin has taken credit to himself, he has stated in his letter, that on his departure from the colony at the end of the year 1821, he left a surplus of revenue amounting to 92,101 rix-dollars, and which he brings forward with the object of contrasting it with the state of "bankruptcy" to which, he alleges, the colony is *now* reduced. Upon these subjects we beg leave to explain, that from the manner in which the annual accounts of the colony have been made up, a considerable surplus has appeared in every year since the capture of the colony in 1806.

In the accounts certified by the Governor and the auditor-general, this balance has in some years been greater than in the accounts of the receiver-general, which are certified by the

same auditor and the fiscal ; and it was not until the return of Lord Charles Somerset to the colony that an error in the Governor's account was discovered, and which had arisen from certain sums, amounting to 50,490 rixdollars, having been erroneously credited to the public that were due to the fund created for public works in 1812.

At the close of the year 1819, the certified balance in the treasury was, rixdollars 84,586. 6. 5½; and in the Governor's account, made up to the same date, the balance stated was, rixdollars 136,379. 6. 3½. On the 13th of January 1820, the balance of the Governor's account (again closed) is stated to have been, rixdollars 132,453. 1. 3½ (or, rixdollars 80,660 in the treasury). As large arrears were defrayed in 1820, it might have been expected that this balance would have been absorbed; but we find, on the contrary, that on the 31st December 1820, there was a surplus in the treasury of 87,115 rixdollars, and on the 31st December 1821, a surplus of rixdollars 183,742. 7. 2½. In the official account, certified by the acting Governor on the 30th November 1821, there appears a balance of rixdollars 366,564. 1. 0¼ which, for reasons that we have explained, was erroneous. In the following year (1822) the error we have alluded to was corrected, and the Governor's account, and the receiver-general's, exhibited a balance on the 31st of December of 291,058 rixdollars ; and in the years 1823 and 1824, the surplus balances of the annual accounts were still more considerable, after providing for the extraordinary as well as for the ordinary expenses of the colony.

Rejecting from these accounts various contingent receipts and disbursements that made no part of the revenues and expenses of the colony, such as loans of paper money, created or repaid, &c. and charging the colony with the current expenses of its establishments (part of which have been provided for by the commissariat advances, and from other extraneous sources), we have already shown to your Lordship that, in the four years from 1821 to 1824 inclusive, the average annual revenue has not been equal to the *ordinary* expenses of the colony, and that the extraordinary and miscellaneous charges are wholly unprovided for.

As this result has been deduced from an average of the revenue in four years, of which 1821 was the first, and as no

alteration has taken place in those years in the establishments, excepting in the addition of two troops to the Cape corps, it entirely supersedes any inference that either Lord Charles Somerset or Sir Rufane Donkin might draw from the exhibition of a large surplus balance in closing their official accounts ; but as the state of the finances in 1821, and that in the subsequent years, have been contrasted by Sir Rufane Donkin with a view to attribute the embarrassments of the colony to a departure from the system on which he administered its finances, it is necessary that we should explain, that having observed a sudden and unusual increase in the land revenue in the years 1820 and 1821, we ascertained that they had been thus augmented by the profits of the government farm on the frontier, the sum of 135,000 rixdollars having been blended with the land revenue in 1820, and 50,000 rixdollars in 1821.

In the abstract statement that is annexed to the printed return of the establishment for 1821, we observe that the latter sum was entered as the " profits " of the Somerset Farm, and we have had occasion to observe that these profits were derived from the supply of rations to the troops and the English settlers in the frontier districts at the rates that the commissariat were directed by the commander of the forces to pay for them. As this addition to the land revenue in 1821 was included in the calculation that we made of the average for four years, we think it necessary to point out that as the Somerset Farm has been reduced, a proportionate deduction will have to be made from our statement. Through the exertions of the superintendent of the Somerset Farm, the supplies were collected upon terms that enabled him to make a profit to this amount in the years 1820 and 1821 ; but as it was derived either from the payments of the commissary on account of the British treasury, or from the deposits of the emigrant settlers, we feel compelled to reject the admission of it as a legitimate source of colonial revenue.

The interference of the commander of the forces in fixing the rates at which the rations should be paid for to the farm did not originate in the time of Sir Rufane Donkin, nor does the practice appear to have been adopted in the first instance with any view to profit, as the failure of the contracts upon the frontier had led to the establishment of the farm with the view of obtaining

a more certain supply for the troops. As the supplies, however, were collected by the superintendent throughout the frontier districts, we think that the same object could have been attained in later years through the exertions of the commissariat and without the intervention of such an establishment.

The profits derived in the years 1820 and 1821, amounting to 185,000 rixdollars, after defraying the expenses of the farm, considerably exceeded the surplus balance which Sir Rufane Donkin has stated that he left in the treasury when he made over the charge of the government at the close of the year 1821 ; and we can only observe that if such a surplus really existed after defraying the expenses of the colonial government, it ought in strictness to have been refunded to the commissariat department on account of His Majesty's treasury.

On a reference to the accounts we find that independently of all profits the sum of rixdollars 120,265. 3. 5. was due at that period (December 1821) by the colonial government for advances that had been made by the commissariat (including the subsistence for the Cape corps for the year 1821) and of these advances 95,427 rixdollars were refunded by Lord Charles Somerset in 1822.

But independently of the commissariat claims upon the colonial treasury at the period of Sir Rufane Donkin's departure, we beg leave to explain that various sums to the amount of 51,000 rixdollars had actually been advanced in the year 1821 without being noticed in the public accounts.

A practice had been introduced for the first time in that year by Sir Rufane Donkin, and which has been subsequently continued by Lord Charles Somerset, of making advances from the treasury upon what are called "temporary warrants," and also upon verbal authority, either communicated by the Governor or the colonial secretary, which advances were not brought to account until the forms and vouchers were complete, so as to admit of their being passed by the auditor-general in conformity to the treasury instructions.

On the quarterly examinations that have been made of the receiver-general's accounts by the auditor-general and the fiscal, it has been customary with these officers to consider the temporary warrants, and also the receipts for sums advanced

without warrant, as *cash*, and to certify the amount of them to be a part of the effective balance in the treasury. On the accounts being subsequently passed and regular warrants prepared, the temporary warrants have been cancelled, and the sums brought to account.

The advances that were made in this manner by Sir Rufane Donkin in 1821, consisted of 30,000 rixdollars upon temporary warrant, as a loan to the Vendue department, and 29,767 rixdollars upon verbal authority to aid in the execution of public works, for which no previous authority had been obtained from your Lordship. In these works were included the repairs of the wharf and the erection of a light-house at Cape Town, and of public buildings at Bathurst ; and these advances which were brought to account in the years 1822 and 1823, should have been deductions from the surplus for which Sir Rufane Donkin has taken credit, instead of being charged in the accounts of Lord Charles Somerset. We have &c.

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

To the Right Hon. the Earl Bathurst.

(Enclosure No. 1.)

Evidence of Major Cloete, given before the Commissioners of Inquiry at the Cape of Good Hope, relative to the circumstances attending the arrival of Lord C. Somerset at the Cape, on the 30th November 1821, upon his return from England.

Major A. J. Cloete, Examined.—Cape Town, 29th November 1825.

Were you in the colony on the return of his Excellency Lord Charles Somerset in the year 1821 ?—I was.

What situation did you then hold ?—I was aide-de-camp to Sir Rufane Donkin, acting deputy quartermaster-general, and town major.

Had you any early access to Lord Charles Somerset on the arrival of the ship and its anchoring in Table Bay ?—I went on board immediately as the *Hyperion* anchored.

Who accompanied you on that occasion?—Lieutenant-Colonel (then Captain) Somerset and Doctor Barry.

Did Lord Charles Somerset remain long on board before he landed?—He remained on board till the next morning at six o'clock.

Did you remain with his Lordship during that time?—No, I landed the same evening.

Had you any conversation with Lord Charles Somerset upon the measures that had been pursued during the administration of the acting Governor Sir Rufane Donkin in his Lordship's absence?—Yes, I had, but it was of a general nature.

Did his Lordship express himself in terms of disapprobation of those measures?—He did; but he seemed to speak more under feelings of irritation than of particular disapprobation of Sir Rufane Donkin's measures.

Did his Lordship appear to you to be under the influence of any feelings of irritation in consequence of previous information or communications made to him?—He appeared to be under great irritation in consequence of a communication of some personal altercation that had taken place between Sir Rufane Donkin and Colonel (then Captain) Somerset, which had been made by the latter during the first period of their meeting.

Do you recollect whether Lord Charles Somerset avowed any determination to undo every act or measure that had been adopted by Sir Rufane Donkin?—I do not recollect that he did.

Did any report or belief prevail, soon after Lord Charles Somerset landed, that he would reverse the measures that had been taken in his absence?—It did very generally.

Did you land with him the following morning?—No, I did not.

Did Sir Rufane Donkin remain for any time in the colony after Lord Charles Somerset's return?—About a fortnight, I believe.

Had you occasion to be near his Lordship's person at that time, or to have frequent communications with him?—Yes, I had.

Did you at any time hear him declare that he would reverse the measures of the acting Governor?—No, not in specific terms.

Can you state the names of the persons who were near Lord Charles Somerset after his return?—Colonel Bird, Doctor Barry, Captain, now Colonel Somerset, and Captain Hare. I was also much with his Lordship.

Had you repaired on board the ship in which Lord Charles Somerset arrived on any official business, or merely to greet his Lordship on his return?—I was selected by Sir Rufane Donkin, as well on account of being on his staff as of being the friend of Lord Charles Somerset, to announce to his Lordship that government house was ready for his reception.

Are you enabled to state whether Lord Charles Somerset proceeded immediately to reverse any measures of Sir Rufane Donkin?—He did. He proposed to me to proceed to the Albany district, as landdrost in the room of Major Jones, who had been appointed by Sir Rufane Donkin, which I refused.

Was Major Jones removed immediately?—I believe in the following week or the week after.

Do you know of any other measures that were immediately reversed?—The seat of magistracy of the Albany district was immediately removed to Graham's Town. There were also some other local arrangements which were reversed at the same time.

(Signed) A. J. CLOETE, T. & B.M.

(Enclosure No. 2.)

Copy of the Estimate for the Erection of the Government House at Newlands.

CAPE TOWN, 30th September 1819.

SIR,—I beg leave to enclose herewith an estimate of the expense of carpenters and masons work, including the materials therein specified, for rebuilding the Government House at Newlands, amounting to the sum of 72,126 rixdollars, which I have examined, and to which I have affixed my signature for his Excellency the Governor's approval. I have &c.

(Signed) J. MELVILL.

H. Ellis, Esq. Dep. Col. Secretary.

CAPE TOWN, 30th September 1819.

Estimate of the Expense of Carpenters and Masons Work, including the under-mentioned Articles and Materials, for rebuilding the Government House at Newlands.

	Rds.
10,499 feet of flooring	5,250
1,288 cubic feet timber for floor joists	2,676
3,020 ditto ditto in roof	7,550
644 ditto ditto beams portico	1,610
200 ditto ditto bressemers	500
Turned columns, with base and capital	810
3,395 feet boarding for roof of portico	1,060
31 sash frames, sashes, shutters, backs and elbows, architraves, lintels and glass	8,750
15 casement sashes, framed lintels and window boards	1,200
14 six-pannel two-inch doors, jambs and lintels.	2,100
26 four ditto ditto	2,600
14 chimney pieces	420
5 circular bulls-eyes and frames	250
1,000 feet of one-inch and a half wood for ridges and slips for roof	395
2 pairs mahogany folding doors, Venetian frames	650
2 pair mahogany folding doors, with fanlights	750
1 ditto deal ditto	200
Sheet lead for portico	2,585
Lead	2,000
Shingles	2,500
Labour for roof	2,000
Masons working including	25,770
Labour for colonnade	500
	Rds. 72,126

(Signed) E. DURHAM.

(Signed) J. MELVILL, Inspr. of Buildings.

Approved.

(Signed) CHARLES HENRY SOMERSET.

Memorandum of Particulars to be stated in Contract for Building at Newlands.

Government is to provide and lay down at the building, stones, bricks, lime, sand, clay, spars for scaffolding, &c. ; and

every material that may be required from Cape Town is to be delivered at Newlands.

The contractor is to allow 5,000 rixdollars for the old materials, and to be allowed to use such part of them as may be found good and perfect, and which may answer to the plan.

The foundation to be of such depth as shall be satisfactory to government, and three feet six inches wide ; the walls to be two feet thick.

The floor to be raised three feet above the present level, and the walls to be built with stones three feet from the floor.

The inside of the principal rooms to be prepared for painting or paper, and the other to be white-washed.

All the rooms to be ceiled, and to be eighteen feet in height.

Servants apartments to be made over the back part of the house.

The wood to be good Norway deal.

The sashes to be eight panes of glass high, and four wide, each fifteen by twelve inches, best crown glass, with window shutters complete.

The roof to be framed, and covered with shingles ; gutters to be laid with sheet lead.

Arches to be turned over the windows and doors with brick and mortar.

The whole of the building to be completed according to the plan, in workmanshiplike manner, and to be subject to the inspection and approval of persons appointed by government for that purpose.

Approved.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 25 December 1825.

MY LORD,—With reference to Your Lordship's Despatch (Circular) under date of 30th April 1823, I have the honor to transmit to Your Lordship Returns of the Revenue and Ex-

penditure, Population, Exports and Imports, &c., of this Colony for the year 1823 and the Civil Establishments for 1824, Duplicates of which will be forwarded by the first opportunity.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from R. W. HAY, ESQRE., to GEORGE HARRISON, ESQRE.

DOWNING STREET, 26 December 1825.

SIR,—I am directed by Earl Bathurst to transmit to you, enclosed, a copy of a dispatch which has been received from the Governor of the Cape, enclosing a Petition to His Majesty, signed by upwards of two thousand of the principal Proprietors and other Residents, who pray, for the reasons therein set forth, that the Ordinance of government under which the value of the paper rixdollar has been fixed at 1s. 6d. in British money, may be repealed; and I am to desire that you will lay these papers before the Lords Commissioners of His Majesty's Treasury, for their Lordships' consideration. I am, &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. WILLIAM SHEPHERD.

DOWNING STREET, 26 December 1825.

SIR,—On my return to town (about the 2nd or 3rd of January) I shall be glad to see you for the purpose of communicating to you Lord Bathurst's decision on the Memorial of the Cape Settlers; but I may in the mean time acquaint you that his Lordship can hold out no expectation that it will be in his power to recommend a compliance with the prayer of that Memorial. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from the COMMISSIONERS OF ENQUIRY to EARL BATHURST.

CAPE TOWN, 26 December 1825.

MY LORD,—We have been requested by Mr. M. Mulder, the writer of the enclosed Memorial, to transmit it to your Lordship and to solicit your Lordship's favourable interposition with the Lords Commissioners of His Majesty's Treasury for the admission of five pipes of Brandy manufactured under Mr. Mulder's direction on payment of the same rate of duty to which similar produce of the North American Colonies is liable on importation into Great Britain.

In support of Mr. Mulder's request we have the honor to state that in conjunction with Mr. Van Reenen, an enterprising inhabitant of the Colony, he conducted an experiment last year upon a liberal scale for the purpose of improving the quality of the Cape Brandy, but sufficient time has not yet elapsed to allow of any decisive opinion being formed of the result.

Under the circumstances in which the wine of this Colony is now placed, and the new competition with which it has to contend in the Home Market, we cannot refrain from earnestly soliciting your Lordship's aid in favor of the disposal of any of the productions of the Cape that have a tendency either to improve the quality of the wine or to encourage the industry of the Inhabitants. We have &c.

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

[Office Copy.]

Letter from R. W. HAY, ESQRE., to G. HARRISON, ESQRE.

DOWNING STREET, 27th December 1825.

SIR,—I am directed by Earl Bathurst to transmit to you herewith enclosed a copy of a dispatch which has been received from the Governor of the Cape together with various papers therein enclosed relative to a deficiency of the Public Revenue

which has arisen from the misconduct and peculation of a Clerk employed in the office of the Customs in that Colony ; and I am to desire that you will lay those papers before the Lords Commissioners of the Treasury and move their Lordships to favor Earl Bathurst with their opinion whether it may be proper to take any measures for calling upon the Collector of Customs at the Cape to make good the loss sustained by the Public in consequence of the misconduct of a person employed in his Office. I am &c.

(Signed) R. W. HAY.

[Copy.]

Letter from LORD CHARLES SOMERSET to the COMMISSIONERS OF ENQUIRY.

NEWLANDS, *December 27th 1825.*

GENTLEMEN,—I have the honor to acknowledge the receipt of your letter of the 21st inst. alluding to the documents which have been furnished by you relative to the building of Newlands, and requesting to know whether it was my intention that any regular contract should have been entered into for the execution of that work.

In reply I beg leave to state to you that a short time previous to my departure for England I desired an estimate of the work to be made out, which was completed and which received my sanction and was signed by myself, the Superintendent of Government Works, and the Contractor Mr. Durham.

At the same time I desired the Superintendent of Government works to draw up a specification of various articles agreed upon between the contracting parties, and of the manner in which the work was to be performed, subject to the inspection of officers to be appointed by Government, with the view, as stated therein, that such specification should be included in a regular contract.

I proceeded to England almost immediately after this, but on reference now to the Secretary's Office it appears that no regular contract was made out, as directed by me, and that it was not till after a lapse of several months and after advances

to the amount of 57,000 rixdollars had been made to the Contractor, that he was called upon to enter into a bond for the due performance of the work, according to the specification and agreement which was originally approved by me.

I have the honor to enclose a copy of the Bond in question which was cancelled when Mr. Durham's accounts were audited and finally passed.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

Memo. of Particulars to be stated in Contract for building Newlands.

Government is to provide and lay down at the Building Stones, bricks, lime, sand, clay, spars for scaffolding, &c., and every material that may be required from Cape Town is to be delivered at Newlands.

The Contractor is to allow five thousand Rixdollars for the old materials, and to be allowed to use such part of them as may be found good and perfect and which may answer to the Plan.

The foundation is to be of such a depth as shall be satisfactory to Government and three feet six inches wide, the walls to be two feet thick.

The floor to be raised three feet above the present level, and the walls to be built with stones three feet from the floor.

The inside of the principal rooms to be prepared for painting or paper, and the others to be whitewashed.

All the rooms to be ceiled and to be eighteen feet in height ; servants' apartments to be made over the back part of the house.

The wood to be good Norway deal.

The sashes to be eight panes glass high and four wide, each fifteen by twelve inches best crown glass with window shutters complete.

The roof to be framed and covered with shingles.

Gutters to be laid with sheet lead.

Arches to be turned over the windows and doors with brick and mortar.

The whole of the building is to be completed according to the Plan in workmanshiplike manner and to be subject to the inspection and approval of persons appointed by Government for that purpose.

Approved.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 2 in the above.]

Before us the undersigned Commissioners from the Court of Justice of this Government officiating as Schepenen personally came and appeared Edward Durham, stating that he the appearer by a contract agreement or specification of the 30th September 1819 did engage to rebuild the Government House at Newlands for the sum of seventy-two thousand one hundred and twenty-six rixdollars, under such conditions as are therein laid down, which contract, agreement, or specification, His Excellency Lord Charles Henry Somerset had approved of ; that he the Appearer among others did thereby likewise agree to complete the buildings at Newlands upon the plan framed thereof and in a workmanshiplike manner, to be approved of by such persons whom the Colonial Government might think proper to nominate and appoint to that effect.

That pursuant to a subsequent engagement he the appearer did by way of advance receive from the Colonial Government, monthly, the sum of three thousand rixdollars, so that these advances up to this day actually amount to a sum of fifty-seven thousand rixdollars. And that whereas no adequate security had been given in behalf of Government for recovering such losses and damages which might accrue from the appearer not duly complying with the aforesaid Contract, Agreement, or Specification, he the Appearer did therefore hereby declare to hypothecate as a special mortgage in favour of Government, his house and premises situated in this Table Valley, with a slip of ground measuring two square roods and one hundred and two ditto feet (as more fully described in the Deed of Transfer made in favor of the Appearer on the 26th of November

1813), together with eight lots of ground with the buildings thereon situated near the Castle in Block E, marked Nos. 1, 2, 3, 4, 5, 6, 7, and 8, more fully described in the Deed of Transfer of the 23rd July 1819, in order to recover therefrom such damages and losses as Government in time may suffer in consequence of the Appearer's not in every respect complying with the tenor of the aforesaid Contract, Agreement, or Specification; the Appearer hereby further declaring to bind in general his person and all his effects, both such as he is already or may in future become possessed of, moveable and immovable, none excepted, submitting them all and the choice thereof to the constraint and adjudication of all Laws and Judges, and especially to the judicature of the Court of Justice aforesaid.

In witness whereof we the Commissioners together with the Appearer and the Secretary to this Government have hereunto affixed our Signatures, and caused these presents to be sealed with the Public Seal.

Thus done and executed at the Colonial Office in Cape Town, Cape of Good Hope, on the 3rd day of the month of August, one thousand eight hundred and twenty-one.

(Signed) E. DURHAM.

As Commissioners.

(Signed) C. MATTHIESSEN,
 „ W. HIDDINGH.

[Original.]

Second Report of the Commissioners of Enquiry upon the differences between Lord Charles Somerset and Sir Rufane Donkin.

CAPE TOWN, 27th December 1825.

MY LORD,—With reference to the private and confidential letter addressed to us by Mr. Wilmot Horton on the 1st July, we proceed to submit to your Lordship such information as may tend to elucidate the state of feeling that existed between Lord Charles Somerset and the Acting Governor Sir Rufane

Donkin, and in some degree to account for the abrupt and incautious manner in which the measures of the latter were reversed on the return of Lord Charles to the Colony.

By the evidence of a Person whose relative position between the two Parties afforded him very good opportunities of knowing the sentiments of both, we think ourselves justified in stating that altho' unfavourable impressions may have been made in the mind of Lord Charles Somerset by the account he received in England of the measures of Sir Rufane Donkin, his feelings were for the first time strongly prejudiced against Sir Rufane in an interview that his Lordship had with his son, then Captain and now Lieutenant Colonel Somerset, on board the Frigate in which the former had just arrived from England. Colonel Somerset was the first person who had access to him, and we believe that he availed himself of it to relate the circumstances of a dispute that had arisen between himself and Sir Rufane Donkin, and that originated in the disposal of a set of valuable Spanish mules (the private property of Lord Charles Somerset) that had been left at Newlands, and that terminated (as Colonel Somerset has alleged) in Sir Rufane Donkin's raising his whip and shaking it at him in the public road. The effect of this interview was immediately perceptible in the manner of Lord Charles Somerset towards all persons who had been upon a friendly or intimate footing with Sir Rufane Donkin, and we think it highly probable that under the irritation of mind that it produced Lord Charles Somerset may have made the declaration imputed to him on his landing that he would undo all the measures of his predecessor.

On proceeding to the Government House where preparations had been made for his reception by Sir Rufane Donkin, Lord Charles Somerset declined an offer of his visit and intimated that if Sir Rufane wished to make any direct communications to him they must be made in writing. No time was lost and no opportunity omitted by those who were near the person of Lord Charles Somerset and who enjoyed his confidence in propagating a belief that the measures of Sir Rufane Donkin would be reversed, and it was to the district of Albany and to the measures that had been conducted under his own eye, and were therefore favourably regarded by him, that the system of reversal was first applied.

Lord Charles Somerset had received information during his absence of the changes that had been made by Sir Rufane Donkin in that quarter, and had conceived the most unfavourable opinions of their tendency. He also found upon his return that Sir Rufane Donkin had acquired a considerable degree of popularity by the attention that he had paid to the Settlers, by the large promises he made to them of augmenting their lands, and the expectation he had held out of the speedy establishment of amicable relations with the Caffres. The removal of the Seat of Magistracy from Graham's Town to Bathurst, the occupation of the Settlement at Fredericksburg by the disbanded officers and soldiers of the African Corps, and the discontinuance of the fortified barrack at Fort Willshire, and the construction of an open barrack in a contiguous situation, formed the prominent points against which the hostility of Lord Charles Somerset was directed. We have already had the honor to state, in a former report upon a memorial of the settlers, our opinions upon these measures of Sir Rufane Donkin, and we will now take leave to add that we have found no reason whatever to induce us to alter them.

By making Bathurst a chief place of the District, it appears to us that Sir Rufane Donkin had left out of his consideration the importance of Graham's Town as a military position, and had sacrificed the convenience of another part of the district inhabited by Dutch natives of the Colony to the ambition of providing a market and a place of meeting for the newly arrived Emigrants. The idea of alternating the sittings of the District Court at Graham's Town and Bathurst, distant 20 miles from each other, by which a cause commenced at one of these places would be continued or transferred to the other, was not calculated to suit the habits of the old or new Inhabitants, whilst it must have added to the delays and inconvenience to which the proceedings are yet incident. In other respects we have not been able to discover in the situation of the village of Bathurst any local advantage so preponderating as to have justified the formation of an entirely new establishment or the partial separation that it occasioned of the civil from the military power. The command of both had been united in one person, a measure that we conceive to have been injudicious in itself and productive of inconvenience, which could not fail to be

augmented by assigning separate places for the exercise of them.

On the other hand, altho' we feel ourselves justified in concluding that Sir Rufane Donkin should not have ventured to adopt such a measure, yet a just consideration of the interests of those persons who had employed capital in the construction of buildings at Bathurst ought to have induced Lord Charles Somerset to pause before he exposed them to the loss that the sudden removal of the Seat of Magistracy occasioned in the depreciation of the value of property and the entire loss of the capital that had been laid out in the construction of houses and in the enclosure of allotments. By this sudden removal a sacrifice was made of the funds that had been disbursed in the erection of public buildings, and great additional expences were incurred in forming a new establishment at Graham's Town.

We are also of opinion that it would have been very advisable at that period to have constituted a Sub-Drostdy at Bathurst, and thus to have relieved the Landdrost of Albany from the great pressure of business which the disputes of the Settlers from that quarter of the District created. We are convinced that such a measure would have met all the objections that could in fairness be adduced to the residence of one Magistrate at either of the two places, and it would have evinced that desire to attend to the convenience of the Settlers that had been so much enjoined by your Lordship's instructions, and that Sir Rufane Donkin had shewn a strong disposition to promote. A nearer and more interested motive for the removal of the seat of Magistracy to Graham's Town has been asserted to have prevailed in the mind of Lord Charles Somerset, arising from the cession of a very valuable grant of land that was made by Sir Rufane Donkin to Colonel (then Captain) Somerset near Graham's Town, previous to the return of Lord Charles Somerset to the Colony, and the value of which was greatly enhanced by the return of the civil establishments to its immediate neighbourhood. Under all these circumstances, altho' we think that the measure of removing those establishments from Graham's Town to Bathurst was one that Sir Rufane Donkin ought not to have undertaken during the period of his temporary command, and that there were justi-

fiable public grounds for reversing it, yet the evils arising from the change were much augmented by the abruptness with which it was carried into effect by Lord Charles Somerset, and that they might have been mitigated, if not entirely prevented, by giving permanency to the establishment of a subordinate Magistracy at Bathurst upon the plan that had been traced by Sir Rufane Donkin.

The removal and dispersion of the Settlers who had been allowed and encouraged by Sir Rufane Donkin to fix themselves at Fredericksburg is made a subject of complaint by him. Upon this point we are much disposed to think that the justifiable cause of complaint was on the side of Lord Charles Somerset. His Lordship had thought proper to establish a system of defence of the Frontier, the principal feature of which consisted in the separation of the boundaries of the Settlements in Albany from those which the Caffre Chiefs had consented through Gaika to assign to their own territory, upon the principle that the geographical separation of the limits of the two Countries would be followed by an entire separation of the Inhabitants.

To carry his system into complete effect it was necessary, and had been understood by those who were parties to the arrangement, that the large and fertile tract of land that was interposed between the district of Albany and Caffraria should be unoccupied except by military posts. We conceive that as this system had been adopted by Lord Charles Somerset previous to his departure, and as Sir Rufane Donkin had received your Lordship's instructions to adhere to that system, it was not competent to him to have made so great an encroachment upon it as was effected by placing a body of people at Fredericksburg, whose military efficiency in opposing the Caffres was acknowledged to be great as long as they were embodied, but whose habits and character when freed from military control rendered them formidable neighbours, and, as the event proved, very ill disposed to resist the opportunities of illicit traffic to which their contiguity with the Caffres perpetually invited them.

The want of attention to the most ordinary forms of negotiation that prevailed in the conference between Lord Charles Somerset and the chief Gaika had left in much uncertainty the nature of the stipulation that was entered into respecting the neutral territory, and has led to the most contradictory accounts

of the terms and conditions of the engagement by the persons who attended his Lordship in the conference with the assembled Chiefs. From the accounts that we received of a later interview that Sir Rufane Donkin had with the same Chief it does not appear that any greater degree of care was taken to ascertain what had been the understanding of the Parties upon the subject. Sir Rufane Donkin concluded that there existed no objection in the mind of Gaika to the occupation of the neutral territory by the British, and proceeded to act upon that conclusion, and made some grants of land in the neighbourhood of Fredericksburg. The grantees had not long been in occupation of their lands when they began to feel the want of some controlling authority and some efficient military protection against the Caffres. The delay that took place in executing a speedy and satisfactory adjustment of the Boundaries of their locations, and of rendering them the assistance they required, added to their dissatisfaction, and previous to the return of Lord Charles Somerset to the Colony they had already begun to withdraw themselves from a position, against the risks and inconvenience of which but inadequate provision appears to have been made, and which proceeded in a great degree from the misconduct of Individuals of their own party. Indemnity was given by the appropriation of other lands within the line of the Fish River to those who had expended money in forming their settlement at Fredericksburg, and we do not find that they were dissatisfied with the change.

The alteration of the system of military defence adopted by Sir Rufane Donkin, and the consequent exposure of the Settlers to the attacks of the Caffres, is a point upon which he seems to dwell with peculiar emphasis. We had occasion during our visit to the Frontier Districts in 1824 to examine the grounds upon which the Settlers joined in the opinions entertained by Sir Rufane Donkin upon this subject, and we must acknowledge that we have not yet been able to discover the points in which the system of military defence of Sir Rufane Donkin differed from that of Lord Charles Somerset, with the exception of the settlement of the lands that Lord Charles Somerset had reserved for military occupation, the suspension of the building of Fort Willshire, and the construction of an open Barrack for the accommodation of the soldiers, in a situation that was at

no great distance from it. This measure involved no change in the general system of defence, in which we believe that no other difference existed than that which Lord Charles Somerset made upon his return to the Colony in 1821, and which consisted of the mere act of concentrating the military force, and in urging the frequency of night patrols. From the best judgment that we have been able to form upon this question, we are much disposed to conclude that the success that may attend the defence of the Frontier will be found to depend more upon the personal character, activity, and judgment of the officer in command than upon any systematic arrangement or disposition of the Troops entrusted to him. We shall reserve for other opportunities our reasons for this opinion, but at present we must observe that some of the fatal events that Sir Rufane Donkin deploras, and that he imputes to the reversal of his measures of defence, had commenced before Lord Charles Somerset's return to the Colony in the month of October 1821.

The illicit traffic between the Settlers and the Caffres had already taken place, and Sir Rufane Donkin had, we think judiciously, determined to correct this disposition by the establishment of authorized fairs. The experiment failed in the outset, and was not resumed until lately, when it was attended with success. By the influence of an active Magistrate supported by the vigilance of the military force the experiment of the Fairs might have been undertaken at a much earlier period, but it happened unfortunately that after Major Jones was displaced the civil authority was transferred to Mr. Rivers, the military command being entrusted to Lieutenant Colonel Scott. The appointment to the former was much pressed upon Major Cloete by Lord Charles Somerset on his return to the Colony in December 1821, and upon his declining, it was given to Mr. Rivers. We do no injustice to this gentleman by stating to your Lordship that he possessed no qualification for performing the duties of a Magistrate as derived either from habit, education, temper, or personal demeanour. We believe that in the private correspondence that passed between him and Lord Charles Somerset he flattered the prejudices that his Lordship had imbibed against the Settlers, and was the principal cause of the delays with which all measures for their relief were attended, nor ought we to with-

hold from your Lordship that he obtained a valuable grant of land for himself, and an allotment in Graham's Town, at a time that the exertions of the Settlers were paralysed from his neglect of their claims to land.

Without reflecting in any degree upon the military character of Lieutenant Colonel Scott, or the view that he took of the Frontier Defence, it is at the same time only just to Lord Charles Somerset to observe that the system that he had enjoined was not strictly pursued. Measures of conciliation towards the Caffres were recommended by Lieutenant Colonel Scott, altho' his predecessor Major Jones had expressed his belief to Sir Rufane Donkin that no reliance was to be placed upon the feelings or dispositions of the Chiefs. An unnecessary outrage was offered to those of the Chief Gaika in the attempt that was made by Lord Charles Somerset's orders to seize his person, and to this circumstance as well as to the system of severe interdiction that was afterwards imposed upon all intercourse with the Caffres, we are much more disposed to attribute their successful depredations upon the farms of the Settlers than to any change in the System of Defence.

Much as the acts of plunder and murder committed by the Caffres were to be deplored, we conceive that their number has been magnified both by Sir Rufane Donkin and the Settlers. We have not found that there were more than three occasions in which murders were committed, and the first of these occurred during the administration of Sir Rufane Donkin. They no doubt inspired the Settlers with feelings of horror and apprehension, and added much to the pressure of the natural disadvantages with which they had to contend. We do not think that at this period a due allowance was made for the circumstances of their situation by Lord Charles Somerset or by the local Magistrate Mr. Rivers. All memorials that were transmitted to the former were by the official practice of the Government referred to the latter, and his reports were uniformly adopted. Without activity himself he depended upon the information of others upon points that involved the prosperity and in many instances the existence of the Settlers. This system was allowed to continue without any hopes of change, and the delay that took place in correcting the principal defect in the original scheme of Settlement, arising from

a misconception of the nature and resources of the land, and in applying the beneficial remedies that Sir Rufane Donkin had promised by an extension of the locations, and which a subsequent dispatch from your Lordship to Lord Charles Somerset had confirmed, tended to exasperate the Settlers in Albany against Lord Charles Somerset's administration, and induced them to adopt a belief that we found very generally to prevail that he was withholding or obstructing all the relief that he had been commanded by your Lordship to afford. We are sorry to add that this belief received confirmation from the jealousy with which Lord Charles Somerset regarded a public subscription that was raised at Cape Town to relieve the distresses of the Settlers, and from the injudicious efforts that were made by one of his Lordship's advisers (Mr. Wilberforce Bird) to counteract and to cripple the exertions of the Committee who had kindly undertaken to superintend the distribution of it. Another and a separate fund had been created by subscriptions to which Lord Charles Somerset and his family liberally contributed for the specific purpose of providing clothing and necessaries for the use of lying-in women. The distribution of this fund was entrusted to a Committee in Albany, of which Mr. Rivers was at the head. During the first year several articles were purchased and distributed under Mr. Rivers's orders, but it was afterwards discovered that a balance amounting to nearly one half of the original subscription had been permitted to remain in deposit in the Bank at Cape Town during a period in which severe distress prevailed in Albany, and which was at length relieved by the exertions of the Committee of the General Fund aided by subscriptions formed in the Colony, in England and in India. The amount of these subscriptions was very considerable, and Lord Charles Somerset entertained suspicions, which we could not help regarding as unfounded, of the influence that the leading members of the Committee would derive from superintending the distribution of it. Mr. Wilberforce Bird, who was generally believed to be the organ of his Lordship's sentiments, proposed that Mr. Rivers and two other Individuals in authority in the District of Albany should be associated with the Committee invested with the control of the Funds to decide upon the claims of Individuals to relief. This proposition was strenuously opposed,

and some severe reflections were publicly made upon the mismanagement and neglect that had been so apparent in the conduct of the same Individuals towards the Settlers, and especially in the management of the fund for the benefit of lying-in women.

We believe that the different publications that appeared upon this subject have been transmitted to your Lordship. The indiscreet use that was made by the Colonial Government of some very imperfect accounts rendered by Mr. Rivers of the fund that was raised under the patronage of Lord Charles Somerset has exposed Mr. Rivers to the charge of great remissness, if not of culpable negligence, in the administration of it, and contributed to augment the general feeling of aversion that had long been felt towards him by all classes of the Inhabitants of Albany. There were other points of his public conduct that at last convinced Lord Charles Somerset of the inexpediency of confiding to Mr. Rivers any longer the administration of the District, and he was appointed in the month of January 1825 to the Drostdy of Swellendam, but not before an application had been made to the Governor by some of the Principal Settlers to be allowed to convene a meeting with the declared object of collecting the sentiments of the Settlers regarding Mr. Rivers's administration. His Lordship had felt so much disappointment in the account that we transmitted to him of Mr. Rivers's conduct, and of the general situation of the Settlers that he had seen the necessity of personally visiting the District with a view to a more complete examination of their circumstances and to afford redress to their complaints. He has frequently stated to us that it was his anxious wish to have undertaken the journey soon after his return to the Colony in December 1821, but that he was debarred from it by the state of the relations that then existed between himself and Colonel Bird, the Secretary to Government, and by the apprehension that he felt in leaving the conduct of it in his hands during his absence.

Altho' we have not seen sufficient grounds to justify this apprehension, yet we conceive that it would have been easily removed by an intimation of his Lordship's pleasure that Colonel Bird should accompany him to the Frontier. We have indeed always felt that Lord Charles Somerset's suspi-

cions of Colonel Bird's loyalty were carried to an unreasonable length, and that they had led him to the adoption of that system of "Espionage," as it is termed by Sir Rufane Donkin, that has tended to weaken the attachment of several respectable Individuals to the Government of Lord Charles Somerset, and has awakened the suspicions and the fears of those who were not disposed to take any part in the discussions that were known to divide the two persons who directed the affairs of the Colony. Without entering into the merits of those disputes, it becomes our duty to state to your Lordship that since the return of Lord Charles Somerset to the Colony in the year 1821 his distrust of all persons who had given support to the measures of Sir Rufane Donkin became very manifest, and having felt the necessity of taking into his own hands that authority and influence which he had long suffered to be exercised by Colonel Bird, and which was very generally established both in the Department of Government and in the distant districts of the Colony, he jealously watched the conduct of all the Individuals who were supposed to be steady in their attachment to the person by whom they had been brought into notice. This system has had an injurious effect upon the state of Society, and has been very needlessly suffered to continue after the period in which the dismissal of Colonel Bird from his office, and the calamities with which he has been affected, had disarmed him of public or personal influence.

On the other hand we feel it our duty to state to your Lordship that Lord Charles Somerset has frequently complained to us of the means that were resorted to by Colonel Bird to obtain information unknown to Government, and has justified his own measures by the necessity of counteracting an influence which he had much reason to believe was used for purposes hostile to his own interests and to those of the Government. Colonel Bird has asserted to us that the estrangement of feeling that took place between Lord Charles Somerset and himself originated in his having continued to pay the customary marks of attention to Sir Rufane Donkin during the short period that he remained in the Colony after Lord Charles Somerset's resumption of the Government, and in that feeling of jealousy and suspicion with which he regarded all those who had enjoyed the notice and favor of the acting Governor. So rooted has

this feeling been in the mind of Lord Charles Somerset that even upon the late departure of Colonel Bird for England, Mr. Stoll, a member of the Council and Receiver General of the Revenue and Landdrost of the Cape District, became an object of suspicion from the mere circumstance of having undertaken the trouble of obtaining for Colonel Bird the usual certificates that are required from the Public and Law Officers by persons quitting the Colony. This act had been magnified into that of obtaining signatures for an address to Colonel Bird, and the fidelity of a person who, tho' attached to him from a sense of obligation, has been employed by Lord Charles Somerset in the capacity of Agent, and has been greatly trusted by him on many important occasions both private and public, was thus wantonly exposed to suspicion by the fabricated tales and exaggerations of persons who have found it their interest to poison the mind of the Governor, and to separate him from those who were willing to give him their support.

We have already in our public report explained to your Lordship the real nature of the balances that appeared on the face of the public accounts of the Colony, and the degree of credit that is claimed by Sir Rufane Donkin in the reduction of the annual expences. We have also added an explanation of the system of issuing "temporary Warrants" by which the official balances of each year were made to exceed the amount of the effective balances, while that of the actual disbursements remained concealed. This practice had attracted our attention previous to the receipt of Mr. Wilmot Horton's instruction to report upon the statements of Sir Rufane Donkin, and we accordingly applied to Colonel Bird for an explanation of a course of proceeding that appeared to us to be very irregular, and at the same time fraught with risk to the Receiver General, who had been induced to accede to it. In his answer to the 26th interrogatory that was addressed to him, Colonel Bird has stated that this pernicious "and illegal practice," as he terms it, had crept in within these few years, but he believes that it began with the confidential employment of a person named W. Oliver Jones, who had large advances made to him to carry on works which he as Inspector ought solely to have superintended and checked.

Now it appears from the evidence of Mr. Stoll, the Receiver

General, as well as from the documents he has exhibited to us, that the practice commenced during the administration of Sir Rufane Donkin in the year 1821, at which period we observe that several issues were made to Mr. Rivers, then the Wharf-master, on account of the repairs of the public wharf; to the Commissariat Department, on account of buildings at Bathurst, to Mr. Schutte, a mason employed in building a lighthouse, and to other persons on similar occasions under verbal orders of the Colonial Secretary Colonel Bird, and which were not covered by regular warrants until the end of the year 1823. As we felt that the evidence of Colonel Bird had a tendency to inculcate the authority under which this "illegal and pernicious practice" was continued, while by throwing a doubt over the period of its origin it exonerated its author, we thought it to be due to Lord Charles Somerset to submit to him an extract from that part of the evidence in which this censure was conveyed. We have had the honor of receiving his Lordship's answer (a copy of which we beg leave to subjoin), and altho' we are aware that the statement of Colonel Bird was made from memory, and after he had ceased to have access to any official records, yet we think that the general accuracy of his recollection on official subjects, but more particularly of a practice that he considers as illegal and pernicious, might have enabled him to fix the period of its origin with the same accuracy with which he has depicted the hazardous consequences of its continuance. Colonel Bird has justly remarked upon the deviation that was thus occasioned from the Instructions of His Majesty's Government. It is however necessary to observe that during a period long antecedent to the practice that he was describing, no disposition had been shewn to give effect to the rules that had been prescribed by the Lords of the Treasury in the year 1816 for checking the commencement and execution of public works and repairs, by which the responsibility for all expence above £200 sterling incurred without the authority of your Lordship was directly imposed upon the Governor. The office of the Auditor General presented the means of carrying into immediate and complete effect the salutary instructions of their Lordships in this as well as in other respects, but we have learnt with surprise from the Auditor himself that the important article that establishes the particular responsibility of

the Governor was not included in the extract that was transmitted to him from the Colonial Office in the year 1816, and that he had no official knowledge of it until a copy of the whole of the Treasury Instructions was transmitted to him in the month of May 1823. He further states it to be most probable that a considerable amount of expenditure had taken place between the years 1816 and 1823, and for which your Lordship's authority was not previously obtained. In his answer to our inquiries upon this subject it appeared that Colonel Bird, who was never friendly to the system of control that these regulations imposed upon the expenditure of the Colonial funds, considered the communication of the article to the Colonial Auditor as unnecessary, inasmuch as the Governor was to judge and not the auditor in what cases he is justifiable in proceeding without the sanction pointed out.

Now it appears to us that as the auditor in signing the accounts of each year is required by the Instructions to swear "that proper authorities have been exhibited to him in support of the several articles of charge," we cannot but infer that this article of their Lordships' instructions became as necessary for the guidance of the Auditor as any of those that describe the other vouchers and authorities that are required to enable him to pass the accounts. We have been informed by His Excellency the Governor that he did not discover until a recent period the want of your Lordship's authority for the sanction of the very heavy expence that has been occasioned in the construction of the house at Newlands, and that he has taken an early opportunity of bringing the subject to your Lordship's notice accompanied with testimonies that we had no hesitation in affording of the simple and unornamented style in which the building has been executed. By the evidence that we have received from Colonel Bird upon this subject, and to which we have the honor of particularly requesting your Lordship's attention, we perceive that he mixes in a manner that is not very candid the consideration of the expence that has been bestowed upon Newlands by former Governors and Commanders of the Forces with the large sum that has recently been expended to render it a fit summer residence for Lord Charles Somerset. It is true that augmentations of land by purchase and exchange have from time to time been made to

the estate, and that the weight of an upper story that had been injudiciously and unskilfully superadded to the walls of the original building was the occasion of its falling in after a continuance of very heavy rain in the year 1819. Colonel Bird however by his own example seems to have felt and admitted the convenience and benefit arising from the possession of a country residence, and Lord Caledon appears also to have been sensible of it by the dispute into which he entered with General Grey respecting the right of the Civil Governor to occupy Newlands, and the inconvenience to which he was exposed from being compelled to take up his residence elsewhere. We cannot therefore adopt the conclusion to which Colonel Bird's evidence would seem to lead that the expence that has been incurred by Lord Charles Somerset and his predecessors in repairing and improving Newlands was a reason for not attempting to rebuild it upon a larger scale and a more suitable plan, altho' we think that the incautious manner in which the work was undertaken and executed entirely confutes the reasoning by which in his letter to us of the 18th August 1825 Colonel Bird endeavours to shew that the communication of the restrictive article of the Treasury instructions to the Colonial Auditor was unnecessary.

We are fully prepared to state it to your Lordship as our opinion that an early communication of that rule and a rigorous application of it by the Colonial Auditor to the expenditure that has been incurred at Newlands would have saved the Colony a considerable portion of the large sums of money that have been wasted upon those defective buildings, and would have spared Lord Charles Somerset those feelings of deep concern with which he was oppressed on recently discovering his neglect of it.

We have already explained the defective manner in which the building at Newlands was executed, and we have further to state that after Lord Charles Somerset's return to the Colony in the year 1821 he found it necessary to make several additions to the offices, that were not included in the original plan, as well as to improve the style in which many of the rooms had been finished. Considerable additions, but not of an expensive nature, were made to the Stables, and much labour has been expended in the conveyance of water from a neighbouring

mountain for the supply of the house and gardens, and we cannot altogether acquit Lord Charles Somerset of the blame that Sir Rufane Donkin attaches to him in having represented to your Lordship that the Buildings could be completed for £7,000 Sterling, as in the original estimate to that amount the expence of labour and the carriage of materials were not included, and which in the prosecution of the work have amounted to a considerable charge, independently of the additions that have subsequently been made to the Building.

The most serious consideration however arising out of these circumstances does not so much refer to the expence that the place has already cost, as to that which it seems to have entailed as it were upon the Colony in the shape of annual repairs of the Building and alterations and improvements of the garden and pleasure grounds.

The imperfect construction of the walls and roof will continue to expose both to damage in the rainy seasons, and the same cause will be prejudicial in a greater degree to the garden and pleasure grounds, which being placed on the declivity of a hill and extending over a considerable tract of loose and sandy loam, are exposed to the effects of torrents that prevail in seasons of heavy rains.

We are not able to state that Sir Rufane Donkin ever made any objection to the plan that had been left by Lord Charles Somerset, or that he took any measures to correct the defective execution of it. We have learnt that he hastened the execution of two rooms for his own accommodation, which were afterwards altered, and that he removed a long range of building that had served for stabling, but needed constant repairs.

The public works that were undertaken by Sir Rufane Donkin during the period of his administration of this Government consisted of the lighthouse at Green Point, the repairs of the Town Gaol, and of the Public Wharf, all of which were of undeniable utility; but with the exception of the last, requiring in our opinion the previous approval of your Lordship. We have occasion to regret that the repairs of the Gaol and Wharf, however necessary at the moment, will not supersede the necessity of constructing an entirely new Gaol upon a larger scale and in a better situation than the present one, and the Public Wharf is now in such a decayed state that apprehensions are enter-

tained of its falling to pieces before the proper materials can be collected for rebuilding it.

The public works that have been undertaken and carried on by Lord Charles Somerset since his return bear no comparison in point of public utility with those that were commenced by Sir Rufane Donkin. A small and decayed building called "the Cottage," that was situated at the lower end of the Garden attached to the Government House in Cape Town, and that had served for the temporary accommodation of the Aides de Camp of the Governor, has been repaired at a very heavy expence, but in a plain and substantial manner. Upon our arrival in the Colony the repairs had been nearly completed, and the Governor very obligingly offered the house for our temporary accommodation, which we declined upon understanding that it was intended for the residence of one of Lord Charles Somerset's Aides de Camp, Captain (now Major) Fitzroy, at that time holding the situation of Wine Taster, and whose office was established directly opposite to it. The situation of this building and its contiguity to the Government House on one side, and to the Government Offices on the other, made it a very desirable appendage to either. The expence that has been incurred in its repair has been larger than the intended appropriation of it as a residence for an Aide de Camp would justify. It was however much required for other purposes, and especially for increased accommodation to the Governor and the Chief Secretary to Government. Two apartments in it have recently been appropriated for the meetings of the Council, and an office and the remaining ones for the residence of the Clerk of the Council.

We are not aware that any authority from your Lordship was obtained for commencing the repairs of this Building, nor for those that have been more recently incurred for the repairs of a marine residence of the Governor called "Camp's Bay," or the addition of a ballroom and the enlargement and repair of one of the lower sitting-rooms on the basement story of the Government House at Cape Town. We fear that the same consequences of neglect of the Treasury Instructions that we have traced in the work at Newlands have prevailed in the execution of those that we have just enumerated, and that it will be almost an impracticable work to ascertain the amount

that each has cost. The building at Camp's Bay consisted of a dilapidated farm house on the sea coast in a not very accessible situation, distant about four miles from Cape Town, and from its exposure to the violence of the South East wind by no means desirable as a residence. It was once occupied by Lord Caledon for a very short time, but the communication with Cape Town being both difficult and even dangerous, it could only be used as a temporary resort for the purposes of sea-bathing. It was with this view only that Lord Charles Somerset caused the house at Camp's Bay to undergo much enlargement and repair. The ground near it has been levelled and cultivated, and part of the road that communicates with Cape Town and which furnishes an agreeable resort to the Inhabitants has been repaired and improved by the Burgher Senate from Town Taxes.

Under these circumstances and considering the great expence that had already been incurred in providing a summer residence for the Governor, and that the present house from its situation would be nearly unsaleable, we should have no hesitation in recommending that every portion of that which has been laid out in the repair and improvement of Camp's Bay should be defrayed by Lord Charles Somerset, but as the expences of Camp's Bay have been blended with those incurred at Newlands and the Government House in Cape Town, which would render it difficult to extract the charges, we should propose that the improvements be valued, and such as might not be applicable to any public use in the future appropriation of the buildings should be surcharged to his Lordship.

The necessity of making the additions of the rooms to the Government House at Cape Town was justified by the accidental falling of the ceiling of one in which Lord Charles Somerset transacted public business and held his weekly military levees, and the inconvenience that was sustained from want of a proper room of reception for company on public occasions.

Upon his return to the Colony in 1821 Lord Charles Somerset fixed his residence entirely at Newlands, and received his visitors there on every other occasion than that of His Majesty's birthday. The distance of Newlands from Cape Town and the expence and difficulty of obtaining suitable conveyance,

especially for strangers, and of providing sufficient accommodation for their horses and servants, had become a subject of dissatisfaction and remark, and was disadvantageously contrasted with the hospitable attentions that had been shewn towards the Inhabitants of Cape Town by Lords Caledon and Howden at the Government House, and as Lord Charles Somerset had much preferred his residence at Newlands to that of Cape Town, the Government House, which is an old and inconvenient building, had been neglected and was greatly out of repair. It contained only one room that could be made use of as a ballroom, but of dimensions too small to accommodate the number of persons that were usually invited by the Governor on public occasions. It was therefore considered to be more expedient to build a room fit for this purpose, and at the same time to repair the roof of that in which the ceiling had given way, than to commence any general alterations of the other parts of the house. We are induced to think that this determination was a proper one, altho' the execution of it from want of a competent person to plan and combine the architectural proportions of the new rooms with those of the old has had the effect of exposing the manifold defects of both. Your Lordship will therefore perceive that with the exception of the marine residence at Camp's Bay, we do not consider the expenditure occasioned by the public buildings undertaken or repaired by Lord Charles Somerset as undeserving of the sanction to which by the Salutary Instructions of the Lords of the Treasury they ought to have been previously made subject.

Before we conclude this despatch, we think it right again to advert to the conduct of Mr. Rivers, and to the degree of blame that we have imputed to him in retarding the measures that your Lordship had instructed the Colonial Government to adopt in relief of the distresses of the British Settlers in Albany.

We had entertained a hope that we should have been able to accompany our observations upon this subject with the result of a reference that we recently made to Mr. Rivers, in which after intimating to him confidentially that his conduct was likely to become the subject of discussion in the ensuing Session of Parliament, we declared our readiness to receive explanations of the orders and instructions that had been conveyed to him by Lord Charles Somerset for the regulation of

his conduct towards the Settlers and of the policy that he was to pursue towards them. We considered this step as one of just consideration for Mr. Rivers. For altho' he had enjoyed every opportunity of entering into explanations with us of his conduct towards the Settlers, when their memorial was under our consideration during our residence at Graham's Town, yet we were disposed to infer from the recent declaration of Major Cloete that the same restrictions which induced him to decline the offer made to him by Lord Charles Somerset of the situation of Landdrost, and which, to use his own language, "would not have left him a free agent," might have been imposed upon Mr. Rivers when he agreed to accept it. We have already had the honor of stating to your Lordship that a great portion of the correspondence that took place between Lord Charles Somerset and Mr. Rivers was of a private and confidential nature; but if it embraced instructions on official subjects (which from various reasons we are disposed to think it did) we consider it probable that Mr. Rivers may feel himself compelled to resort to it in his own vindication, more especially as by a Despatch from your Lordship that was received the day before yesterday, we learn that he is suspended from his present situation of Landdrost of Swellendam until he shall have afforded satisfactory explanations of the neglect with which the local magistracy at Graham's Town was charged in our public report upon the memorial of the Settlers. We had fully expected to have received an answer to our communication to Mr. Rivers by the post that arrived this morning, but as we have been disappointed in that hope we cannot any longer delay the despatch of this report by the only opportunity that is likely to occur for some time to England. We may add however that since the receipt of your Lordship's despatch Major Cloete (the brother-in-law of Mr. Rivers) has reiterated to us the assurance that he will be able to afford an explanation of the causes of his neglect of duty by a reference to the correspondence in his possession. We have &c.

(Signed)

JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Enclosure 1 in the above.]

Second evidence given by Major Cloete before the Commissioners of Inquiry at the Cape of Good Hope, 16 December 1825, relative to his motives for declining the offer made to him by His Excellency Lord Charles Somerset of the situation of Landdrost of Albany.

Will you be so good as to state the grounds upon which you were induced to decline accepting the situation of Landdrost of Albany that was tendered to you by Lord Charles Somerset on his return to the Colony in December 1821 ?

Answer. The reasons assigned by me to Lord Charles Somerset were that I did not wish to be the instrument of displacing Major Jones, and also, as I felt, that from the nature of his Lordship's views, and of the changes that he contemplated making in the District of Albany, I could not reconcile myself to conform to them, independently of my objections to resign the military staff situation that I held.

What was the nature of those views, as explained by Lord Charles Somerset, and which you were so reluctant to engage in ?

Answer. His views appeared to indicate a determination to effect a change of measures generally in the District, and which would not have left me a free agent in respect to any of them.

Did the objections of Lord Charles Somerset to the measures of Sir Rufane Donkin appear to apply to those measures themselves or to the persons in official employment during the period of his administration ?

Answer. They appeared to apply to both.

Did Lord Charles enter into any explanation of his reasons for objecting to the measures of Sir Rufane Donkin regarding the Settlers ?

Answer. I remember that he condemned the measures of Sir Rufane Donkin, but without explaining his reasons for doing so.

Can you state whether Lord Charles gave instructions to Mr. Rivers, when he appointed him to be Landdrost of Albany, that were in conformity to the views which he had explained to you and which induced you to decline that situation ?

Answer. After I had refused the situation of Landdrost all confidential intercourse between me and his Lordship relative to the affairs of that district ceased, and I am not precisely aware of the nature of the Instructions that he gave to Mr. Rivers, but I believe that they were in conformity to the views that his Lordship had before expressed, and which were repeated to him during his administration by communications that were made in the course of a private correspondence.

Are you then of opinion that in the measures and conduct pursued by Mr. Rivers towards the English Settlers in Albany he acted in pursuance of instructions that he received from Lord Charles Somerset ?

Answer. I have reason to believe that in the general line of policy adopted by Mr. Rivers towards the English Settlers in Albany, he was strictly guided by the wishes and instructions of Lord Charles Somerset.

When Lord Charles Somerset expressed to you his intention of changing the measures and system that had been pursued in the district of Albany, did you understand that such changes were to be forthwith made, or to have been the result of any further information that you were expected to obtain in the District ?

Answer. I concluded that the changes which it would have been my duty as Landdrost to carry into effect had already been decided on, and that the instructions or orders that I might have received would have been peremptory.

(Signed) A. J. CLOETE.

[Enclosure 2 in the above.]

Extracts from Lieutenant Colonel Bird's replies to the Interrogatories of the Commissioners of Inquiry, relative to the expences incurred in the Buildings at Newlands, Camp's Bay, and the Government Cottage.

Has it been customary to make advances on account during the progress of Public works and before the accounts could be made out and audited ?

Answer. The pernicious and illegal practice alluded to in this question has crept in within these few years. I cannot

state when it first began, but it was, I believe, with the confidential employment of W. O. Jones. This man has had large advances made to him to carry on works, which he, as Inspector, ought solely to have superintended and checked ; this great irregularity was the subject of much uneasiness to me, and I frequently represented to the Receiver General the danger he was personally exposed to in complying with the Governor's verbal Orders, by advancing these large sums to W. O. Jones, it being contrary to the Receiver General's Instructions to issue Monies unless upon regular Warrants, signed by the Governor and countersigned by the Secretary, and contrary to the Governor's Instructions to draw from the Treasury as above described.

The Receiver General was certainly perplexed, but he appears to have preferred the risk to the certainty of ruin, had he refused to comply with the unjust and illegal requisition. The advances amounted at length to the large sum of 95,000 rix-dollars. I then spoke to the Governor on the subject, seeing the ruin which impended over the Receiver General, and I obtained a Temporary Warrant to cover the issues which had been made. This was one of the last things in which I officially acted.

In order to explain the pernicious effects of this innovation, I shall bring to notice two circumstances. The first relates to the expenditure on the Government Cottage in Grave Street. This building ought to have been commenced and carried on upon a plan and estimate sanctioned by the Secretary of State, it was neither estimated nor approved ; but it was carried on by W. O. Jones by means of advances. When the work had proceeded very far, seeing that it was very expensive and likely to be more so, I suggested calling upon W. O. Jones for the accounts, which having been approved, I required him to furnish them to the Office ; he however delayed doing so, and having met him, I urged him to make them out, which circumstance he must have reported to the Governor, as at my next interview with His Lordship he spoke of it with great irritation, and then said that he would have that outlay blended with the general account of repairs to the Government House. That calling for these accounts was only done to bring censure upon him. Thus, contrary to all regulation, no entry of this large

item of expenditure appeared in the Colonial Accounts when I left the Office. Nor was an entry made of the expenditure for the Marine Villa at Camp's Bay, which is the second case I allude to previous to that period ; that building was likewise erected by W. O. Jones by advances from the Treasury for its execution. Thus will it ever be found impossible to have correct accounts of these heads of expenditure. Vouchers may be composed to answer the Treasury Forms, but it would be absurd to consider such as meeting the spirit of the very precise Instructions of His Majesty's Government.

A true extract.

(Signed) JOHN GREGORY.

[Enclosure 3 in the above.]

Extract from a Note addressed by LIEUTENANT COLONEL BIRD *to the* COMMISSIONERS OF INQUIRY *dated* Liesbeek Cottage, *23rd May* 1825.

“ He (the Colonial Secretary) would have used the same privilege (that of Protest) when Lord Bathurst was informed that Newlands House fell in consequence of the severity of the weather, when it was notorious that Newlands House fell in consequence of having a ponderous second storey added to it, and a still more ponderous roof, when the foundation of the walls of the simple retreat which it antecedently was were, in the opinion of all who had any knowledge of building, inadequate to bear any greater weight than that of the thatched roof which then covered them. What ruinous expenditure would the right of Protest so exercised, have prevented ! A true and faithful account of what Newlands has cost the Public since its purchase in 1806 would be a curious and useful document to submit to the Secretary of State. This account would embrace the value of the lands granted in exchange for it, taken from the sales of those lands shortly after effected. It would embrace the value of the several portions of land purchased or exchanged to add to Newlands, including what are now the Stables, which formed a separate estate, and the vineyard recently added to it. It would embrace the alteration and repairs effected under

Sir D. Baird, General Grey, and Lord Howden, as well as those effected by the present Governor, and it would be seen that Newlands has been a constant and unceasing source of expence for the last 18 years, to an amount of which people in general have little idea !

A true extract.

(Signed) JOHN GREGORY.

[Enclosure 4 in the above.]

Extract from the evidence of WALTER BENTINCK, ESQ., Auditor General, given before HIS MAJESTY'S COMMISSIONERS OF INQUIRY, 15th June 1825.

In the extracts of Instructions with which you were furnished in the year 1816, I do not observe that Regulation by which the authority of the Secretary of State is required as a voucher for incurring the expenditure of any sum beyond £200 Sterling.

Answer. It is not one of the Instructions that I received, I had no official information of it until a copy of the Treasury Instructions was transmitted to me in May 1825.

Then it is to be inferred that a considerable amount of expenditure has taken place between the years 1816 and 1823, in the course of which that regulation has been either omitted or dispensed with ?

Answer. I think it is most probable there has. I had never seen until May 1823 the Instruction in which that Voucher is required.

A true extract.

(Signed) JOHN GREGORY.

[Enclosure 5 in the above.]

A letter from LIEUTENANT COLONEL BIRD to the COMMISSIONERS OF INQUIRY.

LIESBEEK COTTAGE, 18th August 1825.

GENTLEMEN,—I had the honor to receive last night your letter of the 16th Inst., in which you acquaint me that the Auditor General has informed you that the 18th article of Instructions to the Governor of this Colony received from the

Lords Commissioners of His Majesty's Treasury in the year 1816 was not contained in the extract of instructions transmitted to him in that year, and request to know whether I am aware of the fact stated by Mr. Bentinck, and whether I am acquainted with any particular reasons that may have existed for delaying the communication of this important article of instruction to him? In reply to which I have to state, that at this distance of time I cannot charge my memory with the particular reasons which influenced the commands to which I gave effect in transmitting the extracts in question to the Auditors of Accounts, but as well as I recollect, such extracts from the Instructions were sent to Mr. Bentinck as appeared to be necessary to guide him in the discharge of his duties as auditor. The particular article in question, which restricts the Governor from incurring expences in the erection or repairs of buildings or roads without the authority of their Lordships or the Secretary of State, unless the charge should be under two hundred pounds sterling, is a special order to the Governor, with which the Colonial Auditor does not seem to be concerned; for the Governor must be the judge, and not the Auditor, in what cases he is justifiable in proceeding without the sanction pointed out; he then does so on his responsibility; in no case is he ignorant of that fact, and the Governor in consequence applies, or should apply as provided, to the Secretary of State for authority in cases where he finds it necessary or expedient to exceed the sum limited, which authority the Secretary of State transmits, if he sees fit, to save time, direct to the Colonial Office in London. I have &c.

(Signed) C. BIRD.

[Enclosure 6 in the above.]

Copy of a letter from Lord C. Somerset to the Commissioners of Inquiry dated 25th November 1825, in reply to Colonel Bird's allegations respecting the practice of making advances from the Treasury during the progress of Public Works without the issue of regular warrants.

GOVERNMENT HOUSE, CAPE TOWN, *November 25th 1825.*

GENTLEMEN,—I have the honor to acknowledge the receipt of your letter of the 28th ultimo, transmitting to me an Extract

from Interrogatories proposed by you and to replies from Lieutenant Colonel Bird, dated Cape Town, April 21st 1825, and to express to you my best thanks for the communication.

I certainly perused with some degree of surprise Lieutenant Colonel Bird's Reply to the 26th Interrogatory: "Whether it had been customary to make advances on account during the progress of Public Works, and before the accounts could be made out and audited?"

As Lieutenant Colonel Bird asserts that he cannot state when the practice (pernicious and illegal he terms it) first began, I called upon the Receiver General (having a strong persuasion that it did not originate with me) to state if any sums, and what sums, and under what authority, had been issued in that manner previous to my return from England on the 30th November 1821, and also to state when the first issue of that nature was made.

By a reference to the enclosures you will perceive that various issues to the amount of nearly 30,000 Rixdollars were made previous to my return here, by *Lieutenant Colonel Bird's own order*, and that the system entirely originated with him during my absence from the Government.

I now beg leave to add that I never authorized the issue of any sum without a regular Warrant, except for two particular services. The one was in consequence of having discovered by chance that a Tradesman in Cape Town (Durham) who was the contractor for rebuilding Newlands, and who was then making good his Contract at Newlands, was charging 10 per cent upon the amount of the wages of artificers and labourers *employed under the Inspector of Buildings on account of Government* in repairing the outbuildings at Newlands which were in a state of extreme dilapidation. I was indignant at this, considering it little better than a fraud upon Government, and was informed that the men would not work unless paid monthly (as Durham's men were), and that Government payments being only made quarterly, that mode had been adopted in consequence of Mr. Durham offering to advance the money every month when he paid his own men. I may here remark that an arrangement of this kind might as well have been ascertained by the Colonial Secretary. I was however by no means satisfied, and would not sanction such a proceeding, when it was suggested to me

that it might be obviated if I would adopt the same Plan as had been followed at Colonel Bird's suggestion when the Wharf was repaired under the same Inspector of Buildings, of authorizing the Receiver General to issue a sum sufficient to cover the monthly wages of workmen employed under the Inspector. I therefore directed my household aide de camp (Captain Hare) to write the letter, of which the enclosure No. 5 is a copy.

The other instance was in the repairs of roads and 19 bridges in the vicinity of the Cantonment of Wynberg, after they had been destroyed by the violent Winter of 1822. This was effected by Military Labourers, and it was hoped at first that the Tolls of the Main Road would be equal to the expenditure ; but so much damage had been done everywhere that the Tolls were exceeded, and the Landdrost who had the charge and superintendance of the Road proposed to me that the same plan as was adopted in the repairs of the wharf should be again followed, as the most convenient manner of providing for the monthly pay of the Labourers.

Upon no other occasion, nor for any other Service, have I ever authorized the issue of any sum without a Regular Warrant, and it certainly does appear rather remarkable that Lieutenant Colonel Bird should warn the Receiver General of the danger he was exposed to by complying with a system created entirely by himself, and that he should characterize a practice originating with him by the epithets he has applied to it ; and still more so, that he should go so far as to assert that the fear of being turned out of office by me alone prevented the Receiver General from protesting against such an arrangement. I will boldly appeal to every officer under this Government whether any part of my conduct ever justified such an imputation.

It appears also somewhat extraordinary that the Colonial Secretary should frequently express his disapprobation of a Government measure to a Subordinate officer of the Government, and be totally silent on the subject to the Governor.

With regard to the repairs of the Cottage in the Government Garden, which is in every respect an appendage to the Government House, and was always by my predecessors appropriated to the occupation of their personal staff, I consulted Lieutenant Colonel Bird on the expediency of repairing it or letting it fall

down, and I can positively say that he *recommended* its repair as an appendage to the Government House, and that he took much interest in the progress of the repair ; in elucidation of which, I particularly remember his shewing me, and expressing his approbation of, some shingles which the Inspector of Buildings had had prepared out of some of the old timber from the Wharf, and Colonel Bird recommended it for the covering of the Roof of the Cottage, and it was accordingly adopted.

One of the principal reasons that induced me to decide on repairing the Cottage was its immediate contiguity to the Public Offices, and that should our Establishment increase, it would be the only Building that could be available to augment the accommodation for Public Offices ; and since the establishment of a Council it has been appropriated for a Council Room and Council Office, and has saved the rent of a house for that purpose infinitely larger than the amount of interest of the money laid out upon the repairs of it.

Relative to the subject on which Lieutenant Colonel Bird imputes great irritation to me, I must deny any irritation on my part, or of the cause to which he attributes the irritation he asserts. I expressed my disapprobation certainly, but it was because he had taken the liberty of using my name without my knowledge, a liberty I think no circumstance can warrant.

I have now only to add that the employment of W. O. Jones did not originate with me. When I returned from England, I found him superintending the repairs of the Wharf and doing the duty of Inspector of Government Buildings, the Inspector having had a long leave of absence from the Acting Governor. Lieutenant Colonel Bird informed me that Mr. W. O. Jones brought out a Letter from Mr. Goulbourn, under date 10 January 1820, recommending him for employment here, and it was in consequence of such recommendation of him that I confirmed him in the appointment of Inspector of Government Buildings on the resignation of Mr. Melvill.

I forbear to make any comment upon the tone assumed by Lieutenant Colonel Bird, having, as I conceive, sufficiently exposed the fallacy of his statement as far as regards my motives and conduct in the Public Service. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from the COMMISSIONERS OF ENQUIRY *to* EARL BATHURST.

CAPE TOWN, 29 December 1825.

MY LORD,—Since the despatch of our report of the 24th instant upon the subject of Sir Rufane Donkin's letter to Mr. Wilmot Horton under date the 23rd June 1825 we have received the enclosed letter from Lord Charles Somerset transmitting a copy of the "estimate" and "memorandum" for the buildings at Newlands, which had been approved by his Lordship previous to his departure from the Colony in the year 1819, and also a copy of the Bond that was executed by the Builder on the 3rd August 1821 by order of Sir Rufane Donkin, by which he mortgaged certain property to the Government as a security for the fulfilment of the conditions specified in the contract, agreement, and specification before alluded to. Lord Charles Somerset has now stated, and we think with justice, that it was intended by him that a regular contract should have been prepared, and that the memorandum of particulars to be stated in it was drawn up by the Superintendent of Buildings, and approved by himself with that express object.

We deem it necessary however to observe that the estimate and memorandum were dated on the 30th September 1819, and that two instalments amounting to Rds. 6,000 were paid by Government to the proposed Contractor in the months of November and December previous to the departure of Lord Charles Somerset, besides advances for extra work to him and to other Tradesmen amounting to Rds.9,234 7 4, and for Artificers and Labourers Rds.6,997 7 0, so that disbursements upon the buildings to the amount of Rds.22,232 6 4 were sanctioned by His Lordship without the completion of any contract, and a considerable part of it for extra work which was not included in the specification.

We have already stated to your Lordship that Rds.98,057 5 0 had been disbursed when Sir Rufane Donkin directed the survey of the Buildings in January 1821, of which Rds.42,000 were paid on account of the proposed Contract, and it was in August of that year that the Mortgage Bond was executed by the Builder, at which period Rds.57,000 had been advanced on the contract

and Rds.72,876 3 2½ for extra work and the payment of Artificers and Labourers. In binding the Contractor to the execution of the whole work for the sum stated in his Estimate, it should not have been overlooked that the disbursement of the public money upon work not included in his engagement should equally have been made subject to a specific agreement, and if deviations from the original plan were to be sanctioned they required the authority of your Lordship for the disbursement in the same manner as for the sum included in the Contract. It is apparent however that considerable sums were paid on account of such extra work from the commencement, and that in June 1824 these payments amounted to Rds.61,591 4 3, besides a claim on the part of the Builder for Rds.30,835 0 2, reduced afterwards to Rds.12,684 2 1.

We have also to remark that the sum that was mentioned to your Lordship as the probable amount of the whole expense of Newlands neither included that of Stones, Bricks, Lime, Sand, Clay, and Spars for scaffolding, nor cost of the carriage of these heavy articles.

It appears to have been the intention of Sir Rufane Donkin to avoid the responsibility for any irregularities that were committed by Lord Charles Somerset in the commencement of the works, and with that view he allowed a twelvemonth to elapse without directing a survey to be made of the buildings and nearly two years before any security was taken from the Builder for the execution of the work he had undertaken to perform. For the defects in the original engagement Lord Charles Somerset was undoubtedly responsible, but Sir Rufane Donkin cannot be absolved from a share of the responsibility in the disbursement of the public money without ascertaining that the Instructions of the Lords of the Treasury had been fulfilled, and the same observation equally applies to the disbursements that were made subsequent to the return of Lord Charles Somerset to the Colony. We have &c.

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

[Copy.]

Memorial to LORD CHARLES SOMERSET.

To His Excellency The Right Honorable General Lord Charles Henry Somerset, Governor and Commander in Chief of the Cape of Good Hope.

The Memorial of the Undersigned Heemraden and Inhabitants of the District of Swellendam most respectfully sheweth,

That Memorialists have heard with regret the Order issued by Your Excellency, suspending from Office for a time the Present Landdrost of this District H. Rivers, Esqre. That tho' without the least wish of questioning the motives which might have led to such an Order, they however consider it to be their duty to give that Gentleman the so justly deserved praise that he during the time he performed the duties attached to the Magistracy of this District, has in every respect merited the esteem and acknowledgement of the Memorialists, and that therefore it cannot but be extremely agreeable to them to see him reinstated in his situation.

And Memorialists as in duty bound will ever pray.

Swellendam, 29th Decem^r 1825.

(Signed) H. STEYN, Heemraad,
ANDRIES HEYNS,
J. F. STEYN,
T. J. RABE,
J. J. VAN ZYL,
C. MOL, Minister,
J. J. LOURENS,
J. MOOLMAN,
J. J. BLOOMERUS,
H. P. VAN NIEKERK,

In the name of the Church Wardens at Caledon.

J. DE BRUIN, Elder.

By order of the same.

A. K. KEYTEL, Deacon,
N. JANSE VAN RENSBURG.

- M. JANSE VAN RENSBURG,
LOUIS DE JAGER,
A. G. OOSTENHAGEN,
J. G. DE JAGER,
IZAAK VAN DER VYVER,
P. ZAAIMAN,
LAMBERTUS ZAAIMAN, Senr.
B. C. ZAAIMAN,
MATTHEUS ZAAIMAN,
C. F. KLEYNHANS,
C. M. LOTZ,
G. F. CRONJE,
CORNELIS JANSE DE JAGER,
SAMUEL ODENDAAL,
H. J. ODENDAAL,
LAURENS DE JAGER, Louis
son,
PIETER C. DE JAGER,
FREDERIK JOSEPHUS DE
JAGER,
REYNIER JANSE VAN RENS-
BURG,
L. BADENHORST,
G. J. BEUKES, Senior,
J. BLIGNAUT, Acting Field-
cornet,
C. J. ZERVANTYN,
CHRISTIAAN BESTER,
J. W. HORN,
D. J. JOUBERT,
D. S. JOUBERT,
P. CRAFFORD,
C. J. BUITENDAG,
BAREND VAN WYK,
J. J. TALJAAR,
D. C. UYS, Senior,
N. JANSE VAN NOORDWYK,
N. B. SWART,
CORNELIS JANSEN UYS,
JOHS. GERH. SWART,
- D. J. DUBUISSON,
J. H. LOURENS,
M. J. LOURENS,
F. CRONJE,
J. P. DE JAGER,
L. GILDENHUIS,
C. F. GUNTER,
H. P. GILDENHUIS,
H. J. LOURENS,
F. H. BADENHORST, Field-
cornet,
H. O. EKSTEEN,
J. M. EKSTEEN,
R. J. EKSTEEN,
MATTHYS APPEL,
L. J. KOEN,
C. H. BADENHORST,
J. G. BLOM,
J. W. SMALBERGEN, Field-
cornet,
J. F. JANSE VAN RENSBURG,
Heemraad,
JOHS. JURG. POTGIETER,
A. M. JANSE VAN RENS-
BURG,
WIDOW OF J. FOURIE,
H. DU PLESSIS,
W. R. VAN AS,
G. LE ROUX,
B. P. GILDENHUIS,
H. C. DE WET,
D. W. ESTERHUYZEN,
J. J. SWANEOEL,
D. W. STEYN, Fieldcor-
net,
P. W. STEYN,
H. STEYN, Js.,
H. J. STEYN, Ds.,
J. S. DE BEER,
J. E. VOLSCHEK,

- | | |
|---------------------------|-----------------------|
| J. C. STEYL, | J. SWART, |
| J. STEYL, | P. S. DU TOIT, |
| J. HOLTSHAUSEN, | J. H. WESSELS, |
| A. L. VAN WYK, | W. WESSELS, |
| F. A. VAN DER VYVER, | DIRK SWART, |
| J. JANSSEN VAN RENSBURG, | F. A. WESSELS, |
| J. H. DE JAGER, | J. W. WESSELS, |
| F. IZAAK CRONJE, | L. FOURIE, |
| D. L. CRONJE, | JOH. FOURIE, |
| R. FRIER, | J. B. SWART, |
| J. DU PLESSIS, Ds., | D. C. UYS, |
| W. DU PLESSIS, Ds., | C. A. GROENEWALD, |
| C. P. DU PLESSIS, Js., | C. J. MATER, |
| W. L. CRONJE, | P. J. BRITS, |
| P. B. DE JAGER, | C. H. BESTER, |
| J. G. DU PREEZ, | P. SWART, |
| A. J. VAN COLLER, Field- | M. G. HUMAN, |
| cornet, | J. J. HUMAN, Senior, |
| A. KEYTER, Senior, | D. J. BLOM, |
| J. J. KEYTER, | DIRK ALBERTYN, |
| WESSEL OOSTHUYZEN, Field- | PETRUS J. SWART, |
| cornet, | D. C. WESSELS, |
| M. A. MULLER, | W. TALJAAR, |
| WILLEM VAN ZYL, | JACOB TALJAAR, |
| WILLEM TOBIAS OOSTHUY- | C. J. TALJAAR, |
| ZEN, | J. LOURENS, |
| GIDEON VAN ZYL, | W. M. HOPLEY, Junior, |
| DANIEL C. CRONJE, | P. L. MOOLMAN, |
| B. SAAYMAN, | J. P. L. STEGMANN, |
| J. J. VAN WYK, | W. A. ODENDAAL, |
| C. J. UYS, Fieldcornet, | C. J. LEMMER, |
| J. J. HUMAN, | J. H. R. LEMMER, |
| L. BADENHORST, | H. J. MOOLMAN, |
| P. J. UYS, | M. J. LOURENS, |
| J. C. UYS, | A. H. CROUS, |
| W. J. ODENDAAL, | DIRK C. LOURENS, |
| LOUIS TALJAARD, | P. L. MOOLMAN, Js., |
| D. C. ODENDAAL, | P. J. UYS, |
| J. G. ZEPKOFF, | B. G. UYS, |
| W. J. ODENDAAL, Senior, | J. H. UYS, |

J. G. UYS,
P. R. FOURIE, Fieldcornet,
FREYN MULDER,
O. J. BRITS,
J. J. DIEDERICKS,
J. A. BUCHTNER,
G. DIEDERICKS,
D. VAN WYK,
H. J. BRITS,
G. P. BUEDENHAM,
G. JOUBERT, Fieldcornet,
J. T. OLIVIER,
J. P. CORNELISSEN,
W. A. NEL,
J. M. VAN DER BANKT,
FRANS STAFFEN,
JAN ACK,
P. C. OOSTHUYZEN,
D. J. CRAFFORD,
A. P. C. OOSTHUYZEN,
JACS. OOSTHUYZEN,
IZAACK B. NEL,
JOHS. J. OOSTHUYZEN,
JACOBUS LE GRANGE,
L. BREYTENBACH,
PIETER JACS. FOURIE,
J. NEL,
JOHS. PAULUS NEL,
ANDRIES JOHS. VAN TONDER,
J. W. VAN TONDER,
S. W. VAN TONDER,
JOHANNES ALBERTS,
DANIEL VREY,
L. A. PISANIE,
J. W. J. JOUBERT,
P. JOUBERT,
F. JOUBERT,
STEPH. ANDS. FOURIE,
C. COETSEE, Fieldcornet,
C. GRABE,

P. J. A. DE VILLIERS,
M. H. VAN AS,
J. A. KUNZ,
P. EBERSOHN,
W. KOSTER,
J. P. MULLER,
H. V. CROUS,
P. G. SWART,
H. NEFT,
M. STEYN, Heemraad,
J. A. H. FALCK,
W. THOMPSON,
P. M. TAUTE,
P. C. ODENDAAL,
THOMAS CLARK,
S. C. MOL,
WM. EBERSOHN,
J. EBERSOHN, Under Sheriff,
P. DU PLESSIS,
EDWARD ARNOLD, English
Teacher,
C. H. PAULSEN, Church Clerk,
H. VAN AS,
B. C. CROUS,
J. G. GRABE,
N. G. PENTZ,
J. F. MOOLMAN,
J. J. BLOMERUS,
M. S. COERTSE,
J. H. CROUS, Senior,
G. JANSEN,
J. W. WESSELS,
J. H. RADEYN,
S. D. DE KOCK,
JACS. THEUNISSEN,
A. O. KEYTER,
M. D. OTTO,
P. H. MAREE,
A. J. GRAAFF,
JACOBUS WENTZEL,

W. J. BADENHORST,
 P. J. MAREE,
 D. J. DE VOS,
 B. COETZEE,
 C. H. BADENHORST,
 H. H. STEYN,
 D. G. STEYN,
 J. G. C. VAN GRAAN,
 A. MATHER,
 P. A. R. OTTO,
 J. J. WESSELS,
 B. H. SWART,
 C. J. WESSELS,
 C. J. SWART,
 P. VAN DYK,
 C. P. GROENEWALD,
 F. J. WESSELS,
 C. J. GROENEWALD,
 G. P. H. SWAN,
 J. J. PAS,
 J. C. VAN GRAAN,

J. A. MOOLMAN,
 P. L. DE BRUYN,
 C. BREDERHAST,
 J. D. JORDAAN,
 J. G. SWART,
 G. S. DE KOCK,
 G. J. BITTER,
 M. C. EKSTEEN, Fieldcornet,
 G. F. LINDE,
 N. LINDE, late Heemraad,
 J. B. SWART,
 J. W. GROENEWALD, Heem-
 raad,
 H. S. LINDE, late Fieldcornet,
 J. A. LOUW,
 WIDOW C. Z. BEUKES,
 M. G. BEUKES,
 J. J. HAMMAN,
 J. C. LINDE, Fieldcornet,
 CHARLES VAN HELSLANDT,
 H. J. LINDE.

[Office Copy.]

Letter from R. WILMOT HORTON, ESQRE., to LIEUTENANT-COLONEL BIRD.

DOWNING STREET, 31st December 1825.

SIR,—I have to acknowledge the receipt of your letter of the 22nd instant.

Although that communication might not be considered as official, since it referred to a private correspondence between Lord Caledon and myself, I have thought it my duty to submit it to Lord Bathurst as you have stated in that letter that Lord Charles Somerset on his arrival from England in 1821 told you “that he intended to carry on his Government on a new system;” that this new system had led to the entire dilapidation of the Colonial Finance; that instead of its being the most

tranquil of all His Majesty's Colonial Possessions it had been for the last five years in a state of confusion and anarchy ; that you warmly expressed to Lord Charles Somerset your feelings on the foresight of this deplorable state of things ; and you conclude by offering to give every information in your power on this important subject.

The very serious imputations thus brought against the conduct of the Cape Government by the individual who stood next in responsibility to the Governor during a large portion of the period above referred to, and the perseverance in this conduct notwithstanding his repeated remonstrances, calls for Lord Bathurst's most immediate attention ; and I am, therefore, directed to inform you that he gladly avails himself of the offer which you have made and desires that you will lose no time in making the fullest possible communications of all the facts on which you have founded these assertions, and you will take care to furnish his Lordship with copies of the several representations which you made to Lord Charles Somerset, against the system on which he was carrying on the Government of the Cape, and that you state the earliest period at which you felt it to be your duty to protest against that system.

I am &c.

(Signed) R. W. HORTON.

[Copy.]

Minutes of a Meeting of the Committee of the Scotch Presbyterian Community held in Cape Town, 31st December 1825.

Present : Messrs. Pillans, Nisbet, Saunders, Loudon, McKenzie, Jardine, and Paton.

Mr. Pillans was unanimously elected to act as Chairman during the absence of Mr. McDonald, now in Britain, and having accordingly taken the chair, a letter from Mr. McDonald, addressed to the Committee, was read. Inter alia it recom-

mended Mr. Monteath to officiate as Chairman during his (Mr. McDonald's) absence.

The following resolutions were then adopted :

1st. That Mr. Monteath's affairs occasionally remove him for long periods and to a great distance from Cape Town, and that his non-attendance at this meeting precludes the opportunity of ascertaining if the proposed appointment would be acceptable to him.

2nd. That Mr. Pillans' exertions in behalf of the Committee, when lately in Britain, and his connexion with their Agents there, confirm the propriety of the Committee's present election.

3rd. That a list be made of the unpaid subscriptions, and that each member now present do take the trouble of collecting a specified portion thereof.

4th. That all money that is or shall be collected for the benefit of the intended Scottish Church be deposited in the Discount Bank here, liable to such drafts only as are signed by at least Two Members of the Finance Committee.

5th. That a letter be addressed to the Presbytery of Edinburgh, requesting that a Clergyman for the intended Scottish Church here be appointed with the least possible delay, intimating that a stipend of Four Hundred Pounds Sterling per annum will be allowed to him, inclusive of Lodging Money, with an understanding that if the liberality of the British Government or the funds of the said Church subsequently allow, One Hundred Pounds Sterling will be added, referring to the Committee's letter to the Presbytery of Edinburgh dated January 1825 particularly in as far as relates to patronage, and expressing the wish of the Committee that if agreeable to the British Government that patronage shall belong to the said Presbytery.

(Signed) G. PATON, Secretary.

[Copy.]

Claims for Cattle lost by Caffre Depredations since the year 1819, and Statement of the number returned to the undermentioned Claimants on the 31st December 1825.

Year.	Claimants' Names.	Cattle lost.	Horses lost.	Cattle returned.
1823	Allison, F.	12	—	3
1822	Armstrong	19	—	5
1825	Do.	27	—	
1822	Austin	11	—	2
1823	Do.	8		
„	Anderson, G.	2	—	—
1824	Do.	3	—	—
1823	Do. W.	1	—	—
1825	Brande, Henry	9	—	—
1819	Botha, P.	83	—	—
1819	Bester, W. A.	6	—	—
1821				
1825	Do. W. H.	13	—	3
1819	Do. J.	14	—	1
1821				
1824	Do. P. W.	24	—	2
„	Do. Jacob	—	1	—
1819	Do. P. Senr.	21	—	—
1821				
„	Do. P.	10	—	—
1825	Do.	—	3	—
1819	Do. C.	11	—	1
1821				
1822	Bertram J.	2	—	—
1824	Bezuydenhout, G. P.	5	—	—
„	Do. G.	3	—	—
1825	Bainbridge, T.	14	—	2
1822	Bold, Thos.	14	—	—
1822	Bailie, J.	6	—	3
1823	Do.	15		
„	Blakemore, G.	5	—	1
„	Do. T.	4	—	1
1822	Breeze, C.	5	—	2
1823	Do.	9		
1822	Bagot, Captain	57	6	—
1823				
1822	Brown, J.	41	—	20
1823	Do.	23		
1824	Do.	2		
1825	Do.	23		
1822	Bennet, S.	5	—	—
1823	Barker, Arthur	75	—	9
„	Biggar, A.	41	—	4

Claims for Cattle lost, etc.—continued.

Year.	Claimants' Names.	Cattle lost.	Horses lost.	Cattle returned.
1823	Bissett, A.	6	—	—
„	Biddulph, J. B.	—	2	—
„	Bowles, Rd.	16	—	2
1824	Botma, C.	—	2	—
1825	Do.	—	1	—
1825	Brookes	18	—	2
1822	Collis, Jas.	16	—	—
1825	Cooper, Jos.	62	—	—
1824 } 1825 }	Campbell, Captain	79	—	7
1822	Conway	19	—	2
„	Clarke, W.	2	—	—
„	Do. Dr.	2	—	—
1823	Crause, John	44	—	4
	Cannon, J.	6	—	2
1825	Constable, Moses	3	—	—
	Cameron	1	—	—
1819	Cromhout	12	—	—
	Calvery	2	—	1
	Campher	25	—	2
1819	Van Dyk, A.	6	—	—
„	Do. P.	65 }	—	7
1825	Do. F.	15 }	—	—
1824	Do. Jasper	10	—	—
	Dale, C.	1	—	—
1823	Daniel, P. C.	13 }	—	4
1824	Do.	32 }	—	—
1822	Deventer, W. V.	6	—	—
1825	Delpport, Jan	10	—	—
1821	Do. I.	3	—	—
1825	Do. F. W.	11	—	—
1819 } 1821 }	Do. M.	31	—	6
1824	Do.	2	—	—
1825	Do.	14	—	—
	Do. Isaak	2	—	—
1825	Dreyer, Kasper	2	—	—
„	Do. Roedolf	5	—	—
1819	Dreyer, F. P.	25 }	—	—
„	Do. Jan	4 }	—	5
1825	Do. J. P.	15 }	—	—
1819	Do.	9 }	—	—
1822	Dietz, A. B.	53	—	—
1823	Do.	8	—	—
1822	Durand, J.	13	—	—
„	Dixon, J. H.	11	—	1
1823	Dredge, S.	4	—	—
1823	Dunn, R. N.	—	2	—
1819	Dreyer, Ignace	35	—	4

Claims for Cattle lost, etc.—continued.

Year.	Claimants' Names.	Cattle lost.	Horses lost.	Cattle returned.
1819	Driver	75	—	7
1819 } 1821 }	Espagh, A.	128	7	22
	Do. J.	5	—	
„	Do. Joachim	163	5	
„	Els, Jan	8	—	2
1822	Do. N.	10	—	2
„	Erith, T.	30	—	30
„	Eatwell	2	—	1
„	Evans	23	—	3
1822	Forrester, P.	2	—	2
1823	Do.	8		
1825	Do.	16		
1822	Ford, W.	6	—	1
1823	Do.	6		
1820	Faltyn, Johs.	15	—	1
1825	Fraymes & Johnstone	41	—	4
1822	Freemantle, Mrs.	5	—	—
1822	Forbes, E.	11	—	7
1823	Do.	3		
1825	Do.	36		
„	Do. A.	28		
1823	Friday, Human	14	—	2
	Fair, J.	38	—	4
	Faircloth, S.	4	—	—
	Fleming (identified as his)	—	—	1
1822	Greyling, Joh.	6	—	—
	Do. A.	31	—	4
	Gower	10	—	1
1825	Garvey, Pat.	2	—	—
	Goddard	7	—	1
	Grimsdale	7	—	1
1819	Hendrik, Couche	26	—	3
1825	Hottentot (name unknown)	2	—	—
1819 } 1821 }	Hendriks, S.	28	—	2
	Hartzenberg, J.	1	—	—
	Howison	31	2	—
1822	Hartzenberg	21	—	2
	Howard's party	21	—	10
1823	Hayhurst	8	—	—
1822	Hobson, D. and W. C.	32	—	11
1823	Do.	38		
1824	Do.	35		
1825	Do.	18		
1822	Holder	—	1	—
1823	Do.	1	—	—
1822	Johnstone	7	—	—
1823	Jenkins, J.	1	—	—

Claims for Cattle lost, etc.—continued.

Year.	Claimants' Names.	Cattle lost.	Horses lost.	Cattle returned.
1824	Irish Party	3	—	—
	Jasan (identified as his)	—	—	1
1822	King, Mr.	15	—	1
	Kenny, Mr.	12	—	—
1823	King, Thos.	4	2	—
	Kemp, J.	5	—	—
1819)	De Lange, B.	13	—	—
1821)	Do. J.	113	2	4
1822	Do.	100	5	
1824	Do.	1	—	
	Loft	12	—	2
1819)	Lombard, H.	4	—	6
1821)	Do.	17		
1824	Do. Hermans	12		
1825	Do.	30	—	5
1824	Lombard, H. J.	—	2	—
1819)	Do. J.	55	—	—
1821)	Do.	27	—	—
1822	Do.	2	—	—
1824	Do.	2	—	—
1825	Lee & Cock	30	—	—
1822	Lee, Wm.	8	—	—
1824	Lindon, B. V.	6	—	—
1825	Linker, Kasper	2	—	—
1823	Leach, B.	4	—	1
1819)	Lutting	3	—	—
1821)	Liversage and Party	44	—	—
1822	Liversage, S.	14	—	2
1819)	Meyer, W. P.	—	2	2
1821)	Do.	—	2	
1824	Do.	5	—	
1825	Do. W.	5	—	
1824	Do. C.	1	—	
1822	Do.	1	2	
1824	Do.	10	3	
1825	Mahony, Thos.	65	—	19
1822	Do.	75	1	
1823	Do.	20	—	
1824	Do.	40	1	
1825	Do.	16	—	6
1822	Marshall & Honey	38	—	
1823	Do.	5	2	—
1825	Mynhardt, Senr.	7	—	1
1822	Mouncey, C.	5	—	—
1822	Mumford	5	—	—
1823	Do.	6	—	—

Claims for Cattle lost, etc.—continued.

Year.	Claimants' Name.	Cattle lost.	Horses lost.	Cattle returned.
1822	Manley, Thos.	10	—	3
1823	Do.	10		
1825	Do.	10		
1822	Mundell, J.	17	—	2
"	Millar	4	—	1
1823	Do. W.	2	—	—
	Macdonald, A.	6	—	—
1822	Do.	7	—	—
1823	Van der Merwe, W.	13	—	2
1825	Do. G.	8	—	—
1824	Murray, J.	39	—	4
1823	Mollet	9	—	2
1823	Niemand, Ml.	6	—	—
1819	" N.	16	—	—
1823	" N. H.	6	—	—
1824	Nottingham Party	4	—	—
1819	Nel, J.	10	2	1
1821				
1822	Do. Senr.	24	5	2
1825	Do. Gerrit	13	—	1
1822	Do. Stephanus	31	7	—
1823	Do.	55	1	9
1824	Do.	1	1	
1825	Do.	—	2	
"	Nieland, J.	22	—	—
1819	Oosthuyzen, S. M.	112	—	—
"	Ogilvie	10	—	—
1822	Onkruydt, M. G.	4	—	—
1823	Do.	11	2	—
1822	Owen, W. S.	3	—	2
1823	Do.	13		
	Page, Thos.	13	—	1
1819	Do. Captn.	24	—	—
1819	Potgieter, J.	4	—	—
1820				
1824	Do. W.	19	—	—
1823	Do. Saln.	13	—	2
	Do. Do.	41	—	4
1822	Powel	7	—	—
1823	Do.	7	—	—
1822	Pain, T.	5	—	1
1823	Do.	5		
1822	Pigot, Major and Party	20	—	—
	Palmer	22	—	2
1823	Pearce, R.	1	—	—
	Penny, Chs.	21	—	—
	Peacock, Rd.	9	—	—
	Pitstock, R.	3	—	—
1824	Philipps, T.	10	—	—

Claims for Cattle lost, etc.—continued.

Year.	Claimants' Name.	Cattle lost.	Horses lost.	Cattle returned.
	Painter, R.	4	—	1
	Patrie, B.	3	—	—
	Poulton	4	—	1
1819	van Rooyen, C.	40	—	—
1822	Do. D. W.	36	—	9
1823	Do.	49	—	—
1820	Do. G.	—	2	—
1819}	Do. D.	42	—	15
1821}	Do.	76	—	—
1822	Do.	—	—	—
1819}	Do. J.	34	—	1
1821}	Do.	—	—	—
"	Do. M. C.	37	—	3
	Rensburg, F.	39	—	—
	Retief, P.	25	—	—
1822	Do.	4	—	4
	Reynolds, R.	5	—	1
	Rudman, B.	7	—	—
1823	Rubidge, R. H.	3	—	—
1825	Do.	20	—	2
"	Ross, D.	10	—	2
1823	Rae, W.	2	—	1
	Randall	11	—	2
	Slinger, John	8	—	1
1822	Smith, W.	30	—	3
	Do. J.	10	—	—
	Sitzman, J.	20	—	—
1823	Do. P.	2	—	3
1822	Stubbs, J.	92	4	—
1823	Do. Mrs.	28	—	30
1822	Scott, G.	23	4	—
1823	Do. Jos.	3	—	—
1822	Scott, Thos.	2	—	—
1823	Shaw	11	—	—
1825	Do.	2	—	2
1823	Sweetman, Thos.	2	—	—
	Schalkwyk, C.	46	—	5
	Do. Teunis	16	—	2
	Do. Jan	13	—	2
	Sephton, H. J.	19	—	2
	Shepherd, W.	10	—	—
	Simmons, B.	1	—	—
1822	Stanley, J.	1	—	—
	Do.	7	—	—
1823	Do.	—	1	—
1822	Scanlan	2	—	—
1823	Do.	4	—	2
1825	Do.	10	—	—
1822	Searle, E.	5	—	—

Claims for Cattle lost, etc.—continued.

Year.	Claimants' Name.	Cattle lost.	Horses lost.	Cattle returned.
	Shono	2	—	—
1823	Do.	2	—	—
1822	Thomas, James	10	—	2
1825	Do.	17	—	2
1822	Timms, J.	35	—	4
1823	Trotter, W.	13	—	—
1819	Theopolis Institution	425	—	16
1824	Do.	10	—	—
	Thackwray, Joh.	52	—	7
	Do. W.	14	—	—
	Tow	14	—	1
1822	Ubsdell, G.	15	—	2
1823	Do.	2	—	—
	Ulyate, H.	17	—	2
1823	Venables, D.	5	—	—
1820}	Wentworth, W.	4	—	1
1821}				
1823				
1824	Do.	5	—	—
1822	Do.	3	—	—
	Woest, Th.	4	—	—
	Do. D. B.	30	—	—
	Wilmot, J.	14	—	—
1823	Wait, W.	9	1	1
	Walker	1	—	—
	Wilson	18	—	2
	Watson, G.	1	—	—
	Willan, G.	2	—	1
1825	Wallace	88	—	—
	Total	5,576	117	455

Memorandum. The above Statement of Cattle taken by the Caffers is yet incomplete, as notwithstanding the Public Notice calling for Returns, many Persons have neglected to send them in, and there are besides a large number which were taken at the attack on Graham's Town in 1819.

Cattle Delivered into the District Pound by the Military on the 29th November 1825	219
Do. Do. on the 29th December 1825	254
	473
Cattle distributed to Claimants by the Landdrost, 31st December 1825	455
	15
Cattle remaining in the Pound (3 calves dead).	15
Claims unsatisfied in Horses 117, Cattle	5,121

[Copy.]

*List of all Appointments made by His Excellency the Governor
LORD CHARLES SOMERSET during the year 1825.*

21 January 1825.

V. A. Schonberg to be Sequestrator, *vice* R. J. van der Riet, who retires.

Harry Rivers to be Landdrost of Swellendam, *vice* V. A. Schonberg.

W. B. Dundas to be Landdrost of Albany, *vice* Harry Rivers.

John Wyer to be District Surgeon of Simon's Town, *vice* George Glaeser, resigned.

27 January 1825.

R. J. van der Riet to be Political Commissioner for Church Affairs, *vice* P. J. Truter, Senior, who retires.

18 February 1825.

William Hayward to be Commissioner for inquiring into, and adjusting, certain Differences existing in the Sub-Drostdy of Clanwilliam.

George Marsh to be Secretary to the above Commission.

John Osmond to do the Duties of Collector of Customs at Simon's Town during the absence of Francis Dashwood.

20 February 1825.

Donald Moodie to be Government Resident at Port Frances.

25 March 1825.

J. van Ryneveld to be Deputy Landdrost of Clanwilliam, *vice* Walter Synnot, resigned.

31 March 1825.

J. H. Brand to be Member of the Court of Justice, *vice* F. R. Bresler, deceased.

J. M. Horak to be Receiver of Land Revenue, *vice* J. H. Brand.

S. V. Cloete to be Wharfmaster, *vice* J. M. Horak.

W. M. Mackay to be Landdrost of Somerset.

M. J. van Nuldt Onkruydt to be Secretary of Somerset.

- F. W. Pettingal to be Land Surveyor of Somerset.
J. Younger to be District Surveyor of Somerset.
A. G. von Bratt to be District Clerk and Registrar of Slaves of Somerset.
G. Dyason to be District Clerk and Registrar of Slaves of Albany, *vice* M. J. van Nuldt Onkruydt.
J. de Smidt to be District Translator of Albany, *vice* M. J. van Nuldt Onkruydt.

5 April 1825.

Francis Evatt to be Government Resident at Algoa Bay.

7 April 1825.

J. G. Brink to be Collector of Stamp Dues.

8 April 1825.

- P. Auret to be Assistant Deputy Fiscal.
C. M. Zastron to be Bookkeeper to the Printing Department, *vice* J. G. Brink, promoted.
H. Tennant to be Accountant in the Colonial Office, *vice* F. S. Watermeyer, removed to the Orphan Chamber.

15 April 1825.

M. G. Blake to be Government Resident of Simon's Town, *pro tempore*.

29 April 1825.

William Hewetson to act as President of the Lombard and Discount Banks during the absence on leave of J. Marshall.

2 May 1825.

P. G. Brink to act as Clerk of the Council.

6 May 1825.

J. Honey to be District Surgeon of Caledon, *vice* T. Price.

3 June 1825.

Lieutenant-Colonel H. Somerset to be Commandant and Government Resident at Simon's Town, *vice* Lieutenant-Colonel H. M. Scott, resigned.

10 June 1825.

James Horne to be a Member of the Orphan Chamber, *vice* A. J. van Breda, deceased.

C. Blanckenberg to be Second Assistant to the Receiver General, *vice* James Horne.

17 June 1825.

M. A. Armstrong to be Secretary to the Court of Magistracy at Port Elizabeth.

7 July 1825.

J. D. Overbeek to be Collector of Stamp Dues, *vice* J. G. Brink, resigned.

14 July 1825.

Lieutenant Heddle to be Secretary to the Court of Magistracy at Port Frances.

21 July 1825.

Major M. G. Blake to be Commandant and Government Resident of Simon's Town, *vice* Lieutenant-Colonel H. Somerset, resigned.

28 July 1825.

F. Hope to be Superintendent of Government Works and Buildings.

W. Jones to be Overseer of Government Works.

1 August 1825.

P. J. Truter to be Bookkeeper to the Printing Department, *vice* Mr. Zastron, resigned.

4 August 1825.

Rev. F. Fallows and Dr. A. Smith to be additional Members of the Committee of the South African Public Library.

George Marsh to be Superintendent of the Government Printing Office, *vice* A. Richert, senior.

E. Bergh to be Secretary to the District of Graaff Reinet, *vice* T. Muller, resigned.

15 August 1825.

Jacobus Marais to be Special Heemraad at Cradock.

24 August 1825.

Rev. George Thom, D.D., to be Minister of the Dutch Reformed Church at Tulbagh, *vice* Rev. J. J. Kicherer, deceased.

7 September 1825.

J. Honey to be Resident Surgeon to the Town Somerset Hospital, *vice* Dr. Liesching, Junior, resigned.

13 October 1825.

Robert Saunders to be English Teacher at Tulbagh, *vice* Mr. Rattray.

20 October 1825.

W. C. van Ryneveld to act as Superintendent of Police.

P. Auret to be Deputy Superintendent of Police.

27 October 1825.

P. G. Elemans to be additional Land Surveyor to the District of Somerset.

Rev. Mr. Morgan to be Clergyman of Somerset.

J. P. de Wet, LL.D., to be Advocate for the Landdrosts of the several Districts and for the Resident of Simon's Town.

1 November 1825.

John Arthur, M.D., Physician to the Forces,

J. H. F. C. L. Wehr, M.D.,

L. Liesching, Junior, M.D.,

W. H. Lys, Surgeon, and

John Murray, Surgeon to the Forces, to be Members of the Supreme Medical Committee.

T. K. Deane to be Secretary to the Supreme Medical Committee.

Dr. Andrew Smith to act as Member of the Supreme Medical Committee during the absence on leave of Dr. Wehr.

3 November 1825.

D. Pawle to be District Surgeon of George, *vice* Mr. Sommerville, resigned.

10 November 1825.

Rev. Francis McClelland to be Chaplain of Port Elizabeth.

M. A. Armstrong to be Vendue-Master within the Township of Port Elizabeth.

17 November 1825.

D. J. Kuys to be Joint Sequestrator.

W. J. Earle to be English Teacher at Bathurst, *vice* Rev. Mr. Boardman, deceased.

John Coleman to be Teacher of the Free School at Simon's Town, *vice* W. Clark, dismissed.

15 November 1825.

William Hewetson to be one of the Directors of the Lombard and Discount Banks, *vice* A. V. Bergh, resigned.

1 December 1825.

Rd. Nichols to be Assistant to the Clerk of the Council.

22 December 1825.

L. Mund to be one of the Land Surveyors in the Swellendam District, *vice* J. H. Voorman, deceased.

Abstract of the Accounts of His Majesty's Receiver General at the Cape of Good Hope, for the year 1825.

REVENUE.

	<i>Rds.</i>	<i>sk.</i>	<i>st.</i>
Balance	300,620	3	0½
Lombard Bank	72,470	4	2
Discount bank	54,030	3	1
Vendue duties	161,175	3	1
Customs	263,321	7	3
Land revenue office	81,825	1	2
Tithes and transfer duties	333,164	4	3
Stamps	156,652	7	0
Sequestrator's department	28,226	1	4
Printing department	20,369	6	4
Commando tax	45,520	0	0
Port dues	13,449	0	5
Postage	25,346	7	0
Fines	540	0	0
Carry forward	1,556,713	2	1½

	<i>Rds.</i>	<i>sk.</i>	<i>st.</i>
Brought forward	1,556,713	2	1½
Fees of offices	82,765	2	1
Ditto wine taster's department	15,575	2	0
Annual repayment by Stellenbosch	3,000	0	0
Rent of a mill	251	4	2
Tolls	7,093	6	0
Public Library	5,009	3	3
Agent for the affairs of the H. E. I. Company, a loan	250,000	0	0
Miscellaneous receipts	84,544	5	4½
	<hr/>		
	<i>Rixds.</i> 2,004,953	2	0

EXPENDITURE.

Civil list, sterling salaries	174,438	1	4
Colonial salaries	432,210	2	1
Public buildings (erection of new and repairs of old buildings)	89,280	4	3
Cape regiment	125,532	5	5
Pay of Hottentot captains	731	7	5
Expenses of offices	33,666	1	4
Criminal prisoners and convicts	16,310	0	1
Bible and school fund, in aid of the same	4,451	3	5
Freight and passage money, travelling expenses, &c.	668	4	0
House rent and lodging money	3,128	5	0
Vessels and boats, purchase money and repairs of ditto, including charges of the harbour master's departments at outposts	25,932	0	4
Buckbay and Grootepost establishments	1,273	5	4
Government Constantia wine	4,598	4	0
Commission of circuit	3,300	0	0
Annual repayment by Stellenbosch (destroyed)	6,000	0	0
Expenses of surveys	2,522	3	5
Road through Franschehoek	29,270	1	5
Roads and bridges	919	2	4
Leper's Institution	12,276	1	0
Commission for adjusting the claims of the settlers	3,154	4	2
Albany levy	2,872	0	0
Colonial paymaster, disbursements of his office	840,221	3	4
Miscellaneous expenditure	101,285	2	0
Balance	90,908	7	4
	<hr/>		
	<i>Rixds.</i> 2,004,953	2	0

(Signed) J. W. STOLL, Recr. Genl.

MISCELLANEOUS RECEIPTS :—1825.

	<i>Rds.</i>	<i>sk.</i>	<i>st.</i>
Burgher senate, in reimbursement of part of the capital advanced to them by the colonial government . . .	17,670	0	0
President and directors of the bank, in part repayment of the advance made by government to the burgher senate on account of the waterworks	12,334	0	0
Postmaster, the amount of several articles sold by public sale	78	6	0
Colonial paymaster, balance remaining in the hands of the acting paymaster of the Cape corps	1,184	1	1
Ditto Ditto	41	1	0
Ditto, being the balance of sales of commissions in the Cape corps	6,161	2	2
Commissary of vendues, the amount of several articles sold on account of Government	8,381	0	0
Colonial paymaster, the amount overdrawn by Lieut. Adams	725	3	0
Landdrost of Swellendam, the balance of Rds. 1,000, advanced to defray certain expenses of the leper institution	612	0	0
Mr. Buchanan, in reimbursement of an advance made to him for the purchase of reeds	300	0	0
Port captain, the proceeds of some old copper sold by him	538	0	0
Colonial paymaster, the advance made to the Rev. Mr. Judge, and refunded by him	1,333	2	4
Ditto, the amount of pay, erroneously drawn by Major Blake, as commandant of Simons Town	306	5	2
Ditto, the amount of pay overdrawn by Capt. Harding	438	5	3
Commissary General, the proceeds of the sale of some cast horses belonging to the Cape Regiment	5,701	2	4
His Excellency the Governor, the amount of salary drawn as governor of this colony, from 2nd of November 1813, to 31st March 1814.	22,446	1	3
Colonial paymaster, the amount overdrawn by Capt. Page, of the Cape Corps	61	4	2
Ditto, fees on the commission of Capt. St. John and Lieut. Armstrong	238	5	2
Ditto, balance of salary due to the Rev. Mr. Geary	94	1	0½
Acting paymaster, Cape Corps, an overpayment made for said corps	328	0	2
His Majesty's fiscal, the amount of three years interest on a bond passed by Mr. Macintosh	858	4	0
Agent for Cape Corps, pay overdrawn by Ensign Dalgetty, of said corps	276	4	0
Carry forward	80,109	2	1½

	<i>Rds.</i>	<i>sk.</i>	<i>st.</i>
Brought forward	80,109	2	1½
Superintendent of works and buildings, sundry articles belonging to the Newlands establishment, sold by public sale	2,013	0	0
Joint commissaries of vendues, the amount of woollen jackets belonging to the Cape cavalry, sold by auction	20	0	0
Resident of Simons Town, the amount of some condemned stinkwood sold by public sale	155	0	0
Superintendent of works, the amount of works performed on the private account of his Excellency the Governor, at Newlands, by the military artificers	1,931	5	5
Error in last year's account	0	0	4
His Majesty's fiscal, being sums refunded for the provision- ing of criminal prisoners, during the months of July, August and September last	93	4	2
Superintendent of police, ditto ditto ditto, during the months of November and December.	222	0	4
	<hr/>		
	<i>Rixds.</i> 84,544	5	4½

(Signed) J. W. STOLL, Recr. Genl.

MISCELLANEOUS EXPENDITURE :—1825.

Mr. John Squire, government resident at Plettenberg's Bay, being for victualling the government servants there for the months of July, August, and September 1824	123	0	0
Ditto ditto, for October, November, December, 1824	123	0	0
Mrs. Sarah Balston, being for haberdashery and soap sup- plied to the Wynberg Free School	46	0	0
Landdrost and Heemraden of Uitenhage, being for allow- ance to auctioneers, who attended at sale of the several wine and brandy licences	50	0	0
Mr. D. Somervill, district surgeon at George, being his allowance for having continued the vaccine virus in said district from 1st July to 31st December 1824	150	0	0
H. Murphy, Esq., a remuneration for extra services, as translator to the committee appointed for the purpose of defining the laws which are in force respecting the slaves, etc.	1,500	0	0
John Melvill, Esq., government agent at Griqua Town, being a donation towards defraying the travelling expenses of the Griqua chiefs, incurred on their visit to Cape Town	200	0	0
Rev. Mr. Hough, the balance of the purchase-money of a house and garden sold by him to government for a public classical school	4,666	5	2
	<hr/>		
Carry forward	6,858	5	2

	<i>Rds.</i>	<i>sk.</i>	<i>st.</i>
Brought forward	6,858	5	2
Mr. Andrew Smith, district surgeon of Albany, being his allowance for having continued the vaccine virus in said district, from 14th March to 17th November 1823	204	5	1
S. H. Brand, Esq., being interest from 1st October to 31st December 1824, at 6 per cent per annum, on a capital of 60,000, being the amount due to him by government for the remainder of the purchase-money of a house and premises at Simons Town.	300	0	0
Mr. J. Hope, being a remuneration for superintending the erection of the public buildings at Graham's Town, from 1st October to 31st December 1823	246	3	4
A. M'Kenzie and Benjamin Simons, being for repairs done to the several drifts in the vicinity of Graham's Town	1,360	6	0
Ditto ditto ditto	1,840	2	0
T. White, for attending twelve sales as auctioneer at Simon's Town, at Rds. 6 for each sale	72	0	0
W. Hawkins, Esq., agent for the affairs of the Honourable East India Company's service, being three months interest, from the 1st October to the 31st December 1824, at 4 per cent per annum on Rds. 200,000 deposited in the Government Discount Bank	2,000	0	0
George Muller, being for fresh meat and offal supplied for the use of the lions and tigers in the government menagerie for the months of October, November and December 1824	225	0	0
J. Melvill, Government agent at Griqua Town, being the balance of a donation granted by the colonial government, towards defraying the travelling expenses of the Griqua chiefs on their visit to Cape Town	200	0	0
L. Twentyman, being for sundry articles furnished by him, intended as presents to the Griqua chiefs	545	0	0
J. Serventyn, for articles supplied for the use of the government stone quarry at Robben Island, during the months of October, November and December 1823	193	0	0
Mr. Thomas Perry, surgeon at Graaff-Reinet, being his allowance for having continued the vaccine virus in said district, from 1st October to 31st December 1824	75	0	0
George Gilbert, being for articles supplied for the use of the stone quarry at Robben Island	105	0	0
Mr. J. Humphreys, being a remuneration for his services, in the collector of tithes office	420	0	0
Messrs. Herman & Co., being for articles supplied, intended as presents to the Caffre chiefs.	111	4	0
Mr. W. Thompson, ditto ditto	305	0	0
Carry forward	15,062	2	1

	<i>Rds.</i>	<i>sk.</i>	<i>st.</i>
Brought forward	15,062	2	1
M. J. J. M'Carthy, Esq., being the amount of six months salary allowed Christopher Bird, Esq. as late secretary to this government for the purpose of defraying the expenses of his return to England, according to directions of the Secretary of State	24,654	7	3
W. W. Harding, Esq., government resident at Plettenbergs Bay, being for victualling the government apprentices there from 1st January to 31st March 1825.	123	0	0
Ditto, for clothing supplied to ditto for the year 1825	131	2	0
D. Somerville, district surgeon at George, being the allowance due to him for keeping up the vaccine virus in said district, for the months of January, February and March 1825	75	0	0
Mr. Bamberger, being for provisions supplied to four seamen belonging to the wrecked ship <i>Mary</i> , in conformity with the directions contained in the Act of Parliament respecting castaway seamen.	71	3	0
J. H. Brand, Esq., in part payment of a remaining capital of Rds.20,000, due to him by Government on the purchase of his house and premises at Simons Town	5,000	0	0
W. Hawkins, Esq., agent for the affairs of the Hon. East India Company service, being 14 days interest, from 1st to 14th March 1825, at 4 per cent per annum on Rds.100,000, deposited in the government discount bank	153	3	2
J. H. Brand, Esq., being for interest from 1st January to 31st March 1825, at 6 per cent per annum, on a capital of 20,000, the amount due to him by government for the remainder of the purchase money for a house and premises at Simons Town	300	0	0
Mr. A. Vermaak, being for articles furnished as presents for the use of Caffre interpreters	109	0	0
Mr. D. J. Mahony, district surgeon at Swellendam, being his allowance for having continued the vaccine virus at said district, during the months of October, November and December 1824	75	0	0
Ditto ditto, for January, February and March 1825	75	0	0
W. Hawkins, Esq., agent for the affairs of the Hon. East India Company service, two months interest, from 1st January to 28th February 1825, at 4 per cent per annum on Rds.200,000, deposited in the government discount bank	1,333	2	4
Dr. R. Shand, district surgeon of Stellenbosch, for keeping up the vaccine virus in said district, between 1st April 1824 and 31st March 1825	300	0	0
Carry forward	47,463	4	4

	<i>Rds.</i>	<i>sk.</i>	<i>st.</i>
Brought forward	47,463	4	4
T. White, auctioneer at Simon's Town, for holding eleven sales at that place during the quarter ending 31st March 1825	66	0	0
Dr. A. Smith, superintendent of the South African Museum, being an advance for the museum to be accounted for hereafter	1,000	0	0
Dr. Price, late district surgeon at Caledon, for keeping up the vaccine virus, between 1st January and 30th September 1824	225	0	0
W. Harding, Esq., government resident at Plettenberg's Bay, for victualling the government servants at that place, during April, May, and June 1825	93	0	0
Dr. Somervill, district surgeon at George, being his allowance for keeping up the vaccine virus during the months of April, May and June 1825	75	0	0
Mr. J. Squire, being for articles supplied to the government apprentices at Plettenberg's Bay, during the year 1824	98	2	0
J. H. Brand, Esq., being in part payment of the remaining sum of Rds.15,000, due to him by government on the purchase of his house and premises at Simon's Town	5,000	0	0
Ditto, being for interest at 6 per cent per annum, from the 1st to 30th April last, on Rds.15,000, the remainder of the capital due to him	250	0	0
The sequestrator in his capacity as administrator to the estate of C. Albertyn, and his separated wife M. J. Bosman, being for the amount of purchase of the loan place Wolvegat, situated at the river Zonder End, bought by the late receiver general of land revenue; Mr. Buisinne, for account of the colonial government at the auction of the above estate	13,200	0	0
John Serventyn, being for articles supplied, and work performed for the use of the government stone quarry at Robben Island	310	4	0
D. Bankes, being for a new signal post erected at the Kynsna	60	0	0
Landdrost and Heemraden of Albany, being a loan made by government to said district for liquidating the claims upon it, to be repaid hereafter	33,443	7	2
	<hr/>		
	<i>Rixds.</i> 101,285	2	0

(Signed) J. W. STOLL, Recr. Genl.

[Original.]

Statement shewing the declared value and duties received upon each of the different species of commodities imported in Table Bay between the 1st January and 31st December 1825, with the rate of Duty applicable to each, and distinguishing Foreign from British Vessels.

	Value.	Duties.
<i>British Goods in British Vessels from Great Britain.</i>		
Agricultural Implements	£1,130	£36 14 6
Apothecary	1,642	53 7 4
Apparel and Slops	8,045	261 9 3
Bacon and Hams, 14,500 lbs.	586	19 1 7
Beef and Pork, 88 barrels	293	9 10 5
Beer	3,218	104 11 8
Bellows (Smiths')	82	2 13 11
Blacking	658	21 7 8
Books (printed)	1,195	38 16 9
Brass and Copper Wire	3,413	110 18 5
Brushes and Brooms	342	11 2 4
Cabinet and Upholstery Ware	1,627	52 17 7
Candles, Tallow, 235 cwt.	882	28 13 4
Wax and Sperm, 1,333 lbs.	200	6 10 0
Coal Tar, 70 barrels	65	2 2 3
Coals, 695 chaldrons	2,623	85 4 11
Carriages	1,158	37 12 8
Cheese, 6,090 lbs.	267	8 13 7
Cyder and Perry	141	4 11 0
Clocks	408	13 5 2
Confectionery	167	5 8 7
Copper Sheets and Nails, 7 cwt.	50	1 12 6
Cement	150	4 17 6
Cordage, 639 cwt.	1,167	37 18 7
Corks and Bungs	106	3 8 10
Cotton Manufactures	33,525	1,089 11 3
Corn, Grain, and Meal, viz. Peas	187	6 1 7
Do., Malt	172	5 11 11
Earthenware	3,110	101 1 6
Fish	235	7 12 9
Glue	203	6 11 11
Gunpowder, 3,000 lbs.	178	5 15 9
Guns and Fowling Pieces	614	19 19 1
Glass, viz. Flint	519	16 17 4
Carry forward	£68,358	£2,221 13 5

Statement, etc.—continued.

	Value.	Duties.
Brought forward	£68,358	£2,221 13 5
Glass, Plate and Window	906	29 8 10
Do., Bottles	193	6 5 5
Do., Looking	650	21 2 6
Haberdashery and Millinery	12,200	396 10 0
Hair (Horse)	328	10 13 2
Hardware and Cutlery	9,126	296 11 10
Hats, Straw and Willow	982	31 18 4
Do., Woollen	5,497	178 13 1
Hops, 90 cwt.	488	15 17 2
Jewellery	1,540	50 1 0
Iron, Bar, Bolt, and Rod	1,644	53 8 7
Do., Hoops	1,287	41 16 7
Isinglass	78	2 10 9
Lead, Bar, Pig, and Sheet, 741 cwt.	1,132	36 15 10
Do., Shot, 317 cwt.	466	15 2 10
Leather, Tanned, Tawed, and Dressed	318	10 6 8
Do., Wrought	7,014	227 19 1
Linen Manufactures	5,567	180 18 7
Lines and Twines	449	14 12 6
Lime	8	— 5 2
Mathematical and Optical Instruments	352	11 8 10
Marble	105	3 8 3
Maps and Charts	288	9 7 2
Musical Instruments	1,121	36 8 8
Painters' Oils, Colours, and Materials	3,849	125 2 6
Pearl and Scotch Barley, 240 cwt.	300	9 15 0
Perfumery	1,189	38 13 0
Pewter and Tinware	959	31 3 4
Pickles, Mustard, and Sauces	877	28 10 2
Printed Materials	188	6 2 2
Plated, Gilt, and Japanned Ware	3,318	107 16 8
Spirits, Whiskey, 24 gallons	12	— 7 10
Saddlery and Harness	3,691	119 19 2
Salt	112	3 12 10
Silk Manufactures	1,705	55 8 3
Stuffs,	4,654	151 5 1
Soap, 1108 cwt.	2,004	65 2 7
Starch, 248 cwt.	680	22 2 0
Stationery	4,897	159 3 1
Steel	8	— 5 2
Sugar (refined), 287 cwt.	840	27 6 0
Tin Plates	86	2 13 10
Tobacco (manufactured)	83	2 13 11
Tobacco Pipes	280	9 2 0
Toys	1,026	33 6 10
Turnery	947	30 15 7
Carry forward	£151,802	£4,933 11 3

Statement, etc.—continued.

	Value.	Duties.
Brought forward	£151,802	£4,933 11 3
Umbrellas and Parasols	294	9 11 1
Watches	727	23 12 7
Wood Pipe Packs	3,995	129 16 9
Do. Casks	480	15 12 0
Woollens	25,671	834 8 0
TOTAL	£182,969	£5,946 11 8
<i>Foreign and East India Goods in British Vessels from Great Britain.</i>		
Apothecary	£335	£33 10 0
Beads, 431 cwt.	4,298	429 16 0
Cheese, 93 cwt.	377	37 14 0
Confectionery	78	7 16 0
Coffee, 1400 lbs.	43	4 6 0
Calicoes and Muslins	459	45 18 0
Galls	23	2 6 0
Isinglass	43	4 6 0
Nankeens	209	20 18 0
Olive Oil	244	24 8 0
Pitch, 3 barrels	5	- 10 0
Painters' Colours and Materials	18	1 16 0
Silk Manufactures	689	68 18 0
Spirits, Brandy, 60,842 gallons	9,471	947 2 0
Do., Gin, 3,152 gallons	355	35 10 0
Stationery	69	6 18 0
Toys	50	5 0 0
Tar, 381 barrels	412	41 4 0
Tobacco, 22,030 lbs.	675	67 10 0
Wines, viz. French, 283 dozen	300	30 0 0
Do. Madeira, 299 dozen and 1,286 gallons	686	68 12 0
Do. Port, 748 dozen and 874 gallons	1,171	117 2 0
Do. Spanish, 318 dozen and 260 gallons	460	46 0 0
Wood, Deals	3,023	302 6 0
Do. Mahogany	400	40 0 0
Do. Staves	2,541	254 2 0
Do. Timber	730	73 0 0
TOTAL	£27,164	£2,716 8 0
<i>British Plantation Goods in British Vessels from Great Britain.</i>		
Rum, 1,175 gallons	£130	£4 4 6
Wood, Staves	1,936	62 18 4
Wine, Cape, 8,016 gallons	370	12 0 7
TOTAL	£2,436	£79 3 5

Statement, etc.—continued.

	Value.	Duties.
<i>Foreign Goods in British Vessels from South America and the West Indies.</i>		
Beads, 9 cwt.	£112	£11 4 0
Coffee, 74,062 lbs.	2,004	200 8 0
Chocolate, 680 lbs.	40	4 0 0
Candles, Wax and Sperm, 620 lbs.	94	9 8 0
Do. Tallow, 400 lbs.	15	1 10 0
Drugs	111	11 2 0
Furniture	260	26 0 0
Oil, Olive	32	3 4 0
Soap, 2,500 lbs.	50	5 0 0
Sugar, 50,000 lbs.	566	56 12 0
Spirits and Liqueurs, 86 gallons	49	4 18 0
Tobacco, 38,490 lbs.	1,030	103 0 0
TOTAL	£4,363	£436 6 0
<i>Foreign and East India Goods in British Vessels from the Eastward and Mauritius.</i>		
Beads, 22 cwt.	£166	£16 12 0
Calicos and Muslins	16,626	1,662 12 0
Candles, Wax	71	7 2 0
Carriages	81	8 2 0
China Ware	22	2 4 0
Coffee, 38,200 lbs.	1,085	108 10 0
Confectionery	206	20 12 0
Cordage, 141 cwt.	173	17 6 0
Rice, 5,888 bags	5,211	521 2 0
Drugs	98	9 16 0
Furniture	75	7 10 0
Gunnies	20	2 0 0
Galls	50	5 0 0
Hides, 192 pieces	60	6 0 0
Indigo, 40 lbs.	6	- 12 0
Ivory Wares and Tortoise Shell	268	26 16 0
Leather, Wrought	30	3 0 0
Linen	245	24 10 0
Lacquered Ware	80	8 0 0
Mats	13	1 6 0
Millinery	77	7 14 0
Nankeens	3,037	303 14 0
Oil, Cocoa Nut, 820 gallons	123	12 6 0
Pepper, 500 lbs.	88	8 16 0
Carry forward	£27,911	£2,791 2 0

Statement, etc.—continued.

	Value.	Duties.
Brought forward	£27,911	£2,791 2 0
Perfumery	58	5 16 0
Pickles, Mustard, and Sauces	11	1 2 0
Rattans	83	8 6 0
Sago	11	1 2 0
Soap, 6,000 lbs.	75	7 10 0
Saltpetre	14	1 8 0
Silks	2,052	205 4 0
Slops	22	2 4 0
Spirits, viz. Arrack, 9,309 gallons	465	46 10 0
Do. Brandy, 410 gallons	69	6 18 0
Do. Liqueurs, 2 gallons	1	— 2 0
Spices	241	24 2 0
Sugar, 878,200 lbs.	6,118	611 16 0
Sugar Candy, 2,250 lbs.	44	4 8 0
Tamarinds, 18,900 lbs.	205	20 10 0
Tea, 113,215 lbs.	16,752	1,675 4 0
Tobacco, 3,350 lbs.	136	13 12 0
Toys	55	5 10 0
Wood	18	1 16 0
Wines, viz. French, 331 dozen	309	30 18 0
Do. Madeira, 19 dozen and 230 gallons	101	10 2 0
Do. Port, 122 dozen	138	13 16 0
Do. Spanish, 30 dozen	31	3 2 0
TOTAL	£54,920	£5,492 0 0
<i>Foreign Goods in British Vessels from France.</i>		
Corks	£90	£9 0 0
Haberdashery	64	6 8 0
Linen	95	9 10 0
Musical Instruments	53	5 6 0
Macaroni	46	4 12 0
Olive Oil	58	5 16 0
Preserves	156	15 12 0
Perfumery	95	9 10 0
Pickles, Mustard, and Sauces	82	8 4 0
Spirits, viz. Brandy, 15,016 gallons	2,415	241 10 0
Do. Liqueurs, 365 gallons	39	3 18 0
Stationery	183	18 6 0
Silks	417	41 14 0
Vinegar	17	1 14 0
Wine, 420 dozen and 720 gallons	546	54 12 0
Wood (Staves)	181	18 2 0
TOTAL	£4,537	£453 14 0

Statement, etc.—continued.

	Value.	Duties.
<i>Foreign Goods in French Vessels from France.</i>		
Confectionery	£36	£3 12 0
Cheese, 720 lbs.	30	3 0 0
Corks	206	20 12 0
Fish	4	— 8 0
Glass (Window)	164	16 8 0
Haberdashery	518	51 16 0
Macaroni	74	7 8 0
Oil (Olive)	347	34 14 0
Pickles, Mustard, and Sauces	71	7 2 0
Perfumery	95	9 10 0
Preserves	156	15 12 0
Paper Hangings	22	2 4 0
Painters' Colours and Materials	26	2 12 0
Silks	935	93 10 0
Spirits, Brandy, 4,250 gallons	612	61 4 0
Do. Liqueurs, 79 gallons	62	6 4 0
Stationery	68	6 16 0
Sugar (refined) 1,650 lbs.	50	5 0 0
Toys	65	6 10 0
Wine, 946 dozen and 3,110 gallons	1,437	143 14 0
TOTAL	£4,978	£497 16 0
<i>Foreign Goods in Dutch Vessels from the Netherlands.</i>		
Apothecary	£456	£45 12 0
Apparel and Slops	69	6 18 0
Bricks	140	14 0 0
Butter, 420 lbs.	15	1 10 0
Beer	113	11 6 0
Books (printed)	577	57 14 0
Brass and Copper Ware	656	65 12 0
Brushes and Brooms	91	9 2 0
Cheese, 36,848 lbs.	1,468	146 16 0
Confectionery	89	8 18 0
Cordage, 10 cwt.	19	1 18 0
Fish	196	19 12 0
Furniture	221	22 2 0
Glassware	268	26 16 0
Hams, 8,263 lbs.	319	31 18 0
Haberdashery	491	49 2 0
Linen	289	28 18 0
Lines and Twines	147	14 14 0
Carry forward	£5,624	£562 8 0

Statement, etc.—continued.

	Value.	Duties.
Brought forward	£5,624	£562 8 0
Musical Instruments	76	7 12 0
Painters' Oils, Colours, and Materials	228	22 16 0
Pickles, Mustard, and Sauces	119	11 18 0
Pearl Barley, 1,500 lbs.	137	13 14 0
Paper Hanging	114	11 8 0
Spirits, viz. Gin, 3,320 gallons	512	51 4 0
Do. Brandy, 136 gallons	28	2 16 0
Do. Liqueurs, 100	67	6 14 0
Silks	511	51 2 0
Sausages	64	6 8 0
Starch	75	7 10 0
Stationery	299	29 18 0
Tinware	30	3 0 0
Tobacco Pipes	69	6 18 0
Tobacco and Snuff, 3,550 lbs.	183	18 6 0
Toys	450	45 0 0
Vinegar	757	75 14 0
Water, Mineral	171	17 2 0
Wine, Red	825	82 10 0
Do. Rhenish	184	18 8 0
Wood	330	33 0 0
TOTAL	£10,853	£1,085 6 0
<i>Foreign Goods in Dutch Vessels from Java.</i>		
Coffee, 34,361 lbs.	£1,036	£145 19 6
Cheroots	10	1 12 0
Chocolate	3	- 9 7
Preserves	6	- 19 2
Pickles and Sauces	3	- 9 7
Spices, 222 lbs.	33	5 5 7
Sugar, 2,100 lbs.	25	14 10 0
TOTAL	£1,116	£169 5 5
<i>Foreign Goods in American Vessels from the United States.</i>		
Beef and Pork, 3 barrels	£4	£- 8 0
Cheese, 1,100 lbs.	42	4 4 0
Confectionery	25	2 10 0
Fish	99	9 18 0
Furniture	23	2 6 0
Hams, 500 lbs.	188	18 16 0
Carry forward	£381	£38 2 0

Statement, etc.—continued.

	Value.	Duties.
Brought forward	£381	£38 2 0
Leather	27	2 14 0
Painters' Oils, Colours, and Materials	94	9 8 0
Soap, 7,000 lbs.	63	6 6 0
Tobacco and Snuff, 29,150 lbs.	971	97 2 0
TOTAL	£1,536	£153 12 0
<i>Foreign Goods in American Vessels from Java landed for the purpose of defraying the expenses of refreshment and repairs.</i>		
Coffee, 29,700 lbs.	£920	£127 13 0
<i>Recapitulation.</i>		
British Goods in British Vessels from Great Britain, charged with a duty of $3\frac{1}{4}$ per cent on the declared value thereof	£182,969	£5,946 11 8
Foreign and East India Goods in British Vessels from Great Britain, charged with a duty of 10 per cent on the declared value thereof	27,164	2,716 8 0
British Plantation Goods in British Vessels from Great Britain, charged with a duty of $3\frac{1}{4}$ per cent on the declared value thereof	2,436	79 3 5
Foreign Goods in British Vessels from South America and the West Indies, charged with a duty of 10 per cent on the value thereof	4,363	436 6 0
Foreign and East India Goods in British Vessels from the Eastward and Mauritius, charged with a duty of 10 per cent on the declared value thereof	54,920	5,492 0 0
Foreign Goods in British Vessels from France, charged with a duty of 10 per cent on the declared value thereof	4,537	453 14 0
Foreign Goods in French Vessels from France, charged with a duty of 10 per cent on the declared value thereof	4,978	497 16 0
Foreign Goods in Dutch Vessels from the Netherlands, charged with a duty of 10 per cent on the declared value thereof	10,853	1,085 6 0
Foreign Goods in Dutch Vessels from Java, charged with a duty of 10 per cent and a countervailing duty on the declared value thereof	1,116	169 5 5
Carry forward	£293,336	£16,876 10 6

Statement, etc.—continued.

	Value.	Duties.
Brought forward	£293,336	£16,876 10 6
Foreign Goods in American Vessels from the United States, charged with a duty of 10 per cent on the declared value thereof	1,536	153 12 0
Foreign Goods in American Vessels from Java, with a duty of 10 per cent and a counter-vailing duty on the declared value thereof	920	127 13 0
TOTAL	£295,792	£17,157 15 6

(Signed) CHARLES BLAIR, Collector of Customs,
W. WILBERFORCE BIRD, Comptroller of Customs.

[Original.]

Statement shewing the value of the different Species of Produce and Merchandize exported from Table Bay, Cape of Good Hope, between the 1st January and 31st December 1825.

Colonial Produce exported to Great Britain.

	Value.
Aloes, 481,537 lbs.	£6,221
Argol, 32,254 lbs.	732
Buchu, 33,485 lbs.	1,434
Bone, Whale, 13,902 lbs.	420
Curiosities	68
Elephant and Sea Cow Teeth, 102,973 lbs.	16,201
Feathers, Ostrich, 1,465 lbs.	6,186
Fruits, dried, 44,140 lbs.	600
Gnoos, 4 head	68
Gum, 111,853 lbs.	2,184
Hides, Horse and Ox, 29,637 pieces	23,434
Horns, Ox, 62,554 pieces	1,456
Horns, Wildebeasts, 24 pieces	6
Lions, 9 head	92
Oil, Whale, 26,043 gallons	1,683
Skins, Goat, 40,265 pieces	6,341
Do. Seal, 13,756 pieces	4,158
Carry forward	£71,284

	Value.
Brought forward	£71,284
Skins, Sheep, 54,640 pieces	3,512
Do. Calf, 2,834 pieces	797
Seeds (Garden)	496
Spirits, Brandy, 550 gallons	75
Wine, all sorts, 701,703 gallons	82,653
Do. Constantia, 2,337 gallons	1,492
Wool, 29,845 lbs.	1,740
Wax, Berry, 240 lbs.	4
Do. Bees, 1,067 lbs.	77
Zebras, 23 head	283
TOTAL	£162,413

Colonial Produce exported to St. Helena.

Butter, 34,052 lbs.	£875
Corn and Grain, viz. Barley, 2,143 muids	777
Do. Oats, 832 muids	252
Fruits dried, 5,015 lbs.	123
Hay, 50,000 lbs.	128
Horses, 6 head	125
Oxen, Cows, and Calves, 30 head	75
Oil, Whale, 4,378 gallons	412
Poultry	27
Rusks, 425 lbs.	11
Sausages	8
Sheep, 880 head	348
Wine, all sorts, 100,062 gallons	5,924
Do. Constantia, 38 gallons	30
TOTAL	£9,115

Colonial Produce exported to the Mauritius and East Indies.

Aloes, 6,000 lbs.	£77
Butter, 48,643 lbs.	1,288
Corn, Grain, and Meal, viz. Barley, 750 muids	283
Do. Oats, 1,547 muids	464
Do. Wheat	5,386
Curiosities	25
Elephant and Sea Cow Teeth	140
Feathers, Ostrich	280
Fish	80
Fruits dried, 41,137 lbs.	820
Carry forward	£8,843

	Value.
Brought forward	£8,843
Flour, 15,500 lbs.	145
Horses, 62 head	2 468
Mules, 8 head	80
Oxen, Cows, and Calves, 11 head	39
Oil, Whale, 5,000 gallons	375
Seeds (Garden)	292
Sheep, 54 head	22
Spirits, Brandy, 153 gallons	12
Wine, all sorts, 22,077 gallons	2,474
Do. Constantia, 2,975 gallons	749
TOTAL	£15,499

Colonial Produce exported to South America and the West Indies.

Butter, 9,400 lbs.	£220
Wheat, 857,700 lbs.	4,412
Wine, all sorts, 166,492 gallons	12,384
Do. Constantia, 19 gallons	11
TOTAL	£17,027

Colonial Produce exported in French Vessels to Bourbon.

Butter, 10,093 lbs.	£252
Barley, 55 muids	25
Beans and Peas, 66 muids	53
Fish	21
Horses, 69 head	1,230
Oxen, Cows, and Calves, 24	181
Polonies	46
Sheep, 120 head	44
TOTAL	£1,852

Colonial Produce exported to New South Wales.

Butter, 11,570 lbs.	£289
Fruits dried, 11,200 lbs.	255
Spirits viz. Brandy, 106 gallons	16
Tobacco, 1,400 lbs.	35
Wine, all sorts, 33,313 gallons	5,429
Do. Constantia, 57 gallons	39
TOTAL	£6,063

Colonial Produce exported to the Netherlands in Dutch Vessels.

	Value.
Aloes, 41,500 lbs.	£628
Bone, whale, 700 lbs.	10
Confectionery	19
Curiosities	5
Elephant and Sea Cow Teeth, 1,705 lbs.	245
Feathers, Ostrich, 1 lb.	5
Hides, Ox, 85 pieces	110
Oil, Whale, 5,600 gallons	226
Skins, Goat, 1,200 pieces	130
Wool, 3,000 lbs.	113
Seeds (Garden)	11
Wine, all sorts, 6,717 gallons	741
Do. Constantia, 19 gallons	15
TOTAL	£2,258

Colonial Produce exported to Java in Dutch Vessels.

Beer, 150 gallons	£9
Butter, 100 lbs.	4
Fruits dried, 3,800 lbs.	72
Horses, 8 head	302
Seeds (Garden)	4
Spirits, Brandy, 936 gallons	141
Vinegar, 76 gallons	4
Wine, all sorts, 38 gallons	4
TOTAL	£540

Articles not being Colonial Produce exported to Great Britain.

Apparel and Slops	£150
Books	30
China Ware	10
Copper, Old, 22,700 lbs.	584
Cottons	1,090
Coffee, 14,300 lbs.	620
Gold Bars, 89 ounces	300
Indigo, 1,128 lbs.	240
Iron Bars, Bolts, and Rod, 840 cwt.	482
Oil, Castor, 114 gallons	42
Rice, 762 bags	812
Spices	834
Woollens	120
TOTAL	£5,314

*Articles not being Colonial Produce exported to
St. Helena.*

	Value.
Books	£7
Beer	15
Coffee, 400 lbs.	15
Candles, Tallow, 2,800 lbs.	125
Cottons	147
Glassware	15
Hardware and Cutlery	125
Sugar, 1,000 lbs.	10
Starch	3
Stationery	32
Toys	79
Wine, Port, 36 dozen	44
Do. Madeira, 24 dozen and 240 gallons	92
TOTAL	£709

*Articles not being Colonial Produce exported to New
South Wales.*

Cottons	£110
Coffee, 24,980 lbs.	800
Soap, 480 lbs.	12
Tobacco, 15,000 lbs.	560
TOTAL	£1,482

*Articles not being Colonial Produce exported to the
Mauritius and East Indies.*

Apothecary	£10
Bacon and Hams, 1,700 lbs.	70
Beef and Pork, 356 barrels	953
Beads, 705 lbs.	60
Beer	140
Blacking	45
Carriages	215
Cheese, 1,230 lbs.	49
Copper, old, 2,600 lbs.	75
Cottons	8,725
Cyder and Perry	100
Cordage, 27 cwt.	73
Candles, Wax, 13 cwt.	146
Earthenware	33
Furniture, Household	80
Carry forward	£10,774

	Value.
Brought forward	£10,774
Fish, Salted	3
Glassware	205
Hats	55
Hardware and Cutlery	484
Haberdashery and Millinery	657
Iron Hoops and Bars, 440 cwt.	338
Linen Manufactures	575
Lead	44
Musical Instruments	260
Pickles, Mustard, and Sauces	41
Painters' Oils and Colours	311
Stationery	268
Steel, 1,551 lbs.	93
Spirits, Brandy, 778 gallons	572
Silks	338
Saddlery and Harness	207
Tin Plates	358
Tobacco, 2,325 lbs.	79
Umbrellas and Parasols	60
Wood	72
Woollens	1,068
Wine, Madeira, 120 gallons	37
Do. French, 12 gallons	9
TOTAL	£16,908

*Articles not being Colonial Produce exported to the
Netherlands in Dutch Vessels.*

Haberdashery and Millinery	£23
--------------------------------------	-----

*Articles not being Colonial Produce exported to Java
in Dutch Vessels.*

Apothecary	£832
----------------------	------

Specie exported.

Ducats, 4½	£2
Guilders, 9,320	758
Gold Mohurs, 125	175
Rupees, 746	61
Pagodas, 2	1
Spanish Dollars, 22,143	4,651
TOTAL	£5,648

Recapitulation of Colonial Produce.

	Value.
Aloes, 529,037 lbs.	£6,926
Argol, 32,254 lbs.	732
Buchu, 33,485 lbs.	1,434
Bone, Whale, 14,602 lbs.	430
Butter, 113,858 lbs.	2,928
Beer, 150 gallons	9
Curiosities	98
Confectionery	19
Corn, Grain, and Meal, Barley, 2,948 muids	1,085
Do. Oats, 2,379 muids	716
Do. Wheat, 1,866,780 lbs.	9,798
Do. Beans and Peas, 66 muids	53
Elephant and Sea Cow Teeth, 106,778 lbs.	16,586
Fruits (dried), 105,292 lbs.	1,870
Feathers, Ostrich, 1,495 lbs.	6,471
Fish	101
Flour, 15,500 lbs.	145
Gnoos, 4 head	68
Gum, 111,853 lbs.	2,184
Hides, Horse and Ox, 29,722 pieces	23,544
Horns, Ox, 62,554	1,456
Hay, 50,000 lbs.	128
Horns, Wildebeast, 24	6
Horses, 145 head	4,125
Lions, 9	92
Mules, 8	80
Oil, Whale, 41,021 gallons	2,696
Oxen, Cows, and Calves, 65 head	295
Poultry	27
Polonies	46
Rusks, 425 lbs.	11
Skins, Goat, 41,465 pieces	6,471
Do. Seal, 13,756 pieces	4,158
Do. Sheep, 54,640 pieces	3,512
Do. Calf, 2,834 pieces	797
Seeds (Garden)	803
Spirits, Brandy, 1,745 gallons	244
Sausages	8
Sheep, 1,054 head	414
Tobacco, 1,400 lbs.	35
Vinegar, 76 gallons	4
Wine, all sorts, 1,030,402 gallons	109,609
Do. Constantia, 5,445 gallons	2,336
Carry forward	£212,550

	Value.
Brought forward	£212,550
Wool, 32,845 lbs.	1,853
Wax, Berry, 240 lbs.	4
Do. Bees, 1,067 lbs.	77
Zebras, 23 head	283
TOTAL	£214,767

Recapitulation of Articles not being Colonial Produce.

To Great Britain	£5,314
St. Helena	709
New South Wales	1,482
Mauritius and East Indies	16,908
The Netherlands	23
Java	832
TOTAL	£25,268

(Signed) CHARLES BLAIR, Collector of Customs,
W. WILBERFORCE BIRD, Comptroller of Customs.

Minutes of Council.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, *May 4, 1825.*

His Excellency the Governor having on the twenty-ninth ultimo received a despatch from Earl Bathurst, one of His Majesty's principal secretaries of State, enclosing additional Instructions under the Royal Signet and Sign Manual, for creating a Council to assist in the administration of the affairs of this Government, the following Proclamation was issued on the second instant :

[Proclamation of the 2nd May 1825 by Lord Charles Somerset.]

And the Gentlemen therein nominated Members of Council having been assembled by summons at Government House at one o'clock this day, His Majesty's Instructions (of which the following is a Copy) were read to them by the Colonial Secretary.

[Additional Instructions from the King to Lord Charles Somerset, dated 9th of February 1825.]

The Members of the Council thereupon proceeded to the Council Room, where in the presence of His Majesty's Commissioners of Inquiry and several of the Officers of this Government, the following oaths were administered to them by His Excellency the Governor :

I, JOHANNES ANDREAS TRUTER,
RICHARD PLASKET,
JOHN DANIELL,
JOHN BELL,
WALTER BENTINCK,
JOACHIM WILLIAM STOLL,

do truly and sincerely acknowledge, profess, testify and declare in my conscience, before God and the World, that Our Sovereign Lord King George is lawful and rightful King of this Realm, and all other His Majesty's dominions and countries thereunto belonging. And I do solemnly and sincerely declare that I do believe in my conscience that not any of the Descendants of the Person who pretended to be Prince of Wales during the life of the late King James the Second, and since his decease pretended to be and took upon himself the style and title of King of England by the name of James the Third, or of Scotland by the name of James the Eighth, or the style and title of King of Great Britain, hath any right or title whatsoever to the Crown of this Realm or any other the dominions thereunto belonging ; And I do renounce, refuse and abjure any allegiance or obedience to any of them, and I do swear that I will bear faith and true allegiance to His Majesty King George and Him will defend to the utmost of my power against all traitorous conspiracies and attempts whatsoever which shall be made against His Person, Crown or Dignity. And I will do my utmost endeavours to disclose and make known to His Majesty and His Successors all Treasons and Traitorous conspiracies which I shall know to be against Him or any of them. And I do faithfully promise to the utmost of my power to support, maintain and defend the succession of the Crown against the descendants of the said James and against all other Persons whatsoever, which succession by an Act intituled " An Act for the further limitation of the Crown and better securing the rights and liberties of the subject is and

stands limited to the Princess Sophia, Electoress and Duchess Dowager of Hanover, and the Heirs of her body being Protestants." And all these things I do plainly and sincerely acknowledge and swear according to these express words by me spoken and according to the plain common sense and understanding of the same words, without any equivocation, mental evasion or secret reservation whatsoever; And I do make this recognition, acknowledgement, abjuration, renunciation, and promise heartily, willingly, and truly upon the true faith of a Christian.

So help me God!

(Signed) J. A. TRUTER,
RICHARD PLASKET,
JOHN DANIELL,
JOHN BELL,
WALTER BENTINCK,
J. W. STOLL.

Sworn before me at Government House, Cape of Good Hope, this 4th day of May 1825.

(Signed) CHARLES HENRY SOMERSET.

I, JOHANNES ANDREAS TRUTER,
RICHARD PLASKET,
JOHN DANIELL,
JOHN BELL,
WALTER BENTINCK,
JOACHIM WILLIAM STOLL,

do sincerely promise and swear that I will be faithful and bear true Allegiance to his Majesty King George.

So help me God!

(Signed) J. A. TRUTER,
RICHARD PLASKET,
JOHN DANIELL,
JOHN BELL,
WALTER BENTINCK,
J. W. STOLL.

Sworn before me at Government House, Cape of Good Hope, this 4th day of May 1825.

(Signed) CHARLES HENRY SOMERSET.

I, JOHANNES ANDREAS TRUTER,
RICHARD PLASKET,
JOHN DANIELL,
JOHN BELL,
WALTER BENTINCK,
JOACHIM WILLIAM STOLL,

do swear that I do from my heart abhor, detest and abjure as impious and heretical the damnable doctrine and position that Princes excommunicated or deprived by the Pope or any authority of the See of Rome may be deposed or murdered by their subjects or any other whatsoever. And I do declare that no foreign Prince, Prelate, State or Potentate hath or ought to have any Jurisdiction, Superiority, Preëminence or Authority, Ecclesiastical or Spiritual within this Realm.

So help me God !

(Signed) J. A. TRUTER,
RICHARD PLASKET,
JOHN DANIELL,
JOHN BELL,
WALTER BENTINCK,
J. W. STOLL.

Sworn before me at Government House, Cape of Good Hope, this 4th day of May 1825.

(Signed) CHARLES HENRY SOMERSET.

I, JOHANNES ANDREAS TRUTER,
RICHARD PLASKET,
JOHN DANIELL,
JOHN BELL,
WALTER BENTINCK,
JOACHIM WILLIAM STOLL,

do promise and swear that I will faithfully and diligently execute to the utmost of my abilities the several duties of the Office, Place of Trust and Profit conferred on me.

So help me God !

(Signed) J. A. TRUTER,
RICHARD PLASKET,
JOHN DANIELL,

JOHN BELL,
WALTER BENTINCK,
J. W. STOLL.

Sworn before me at Government House, Cape of Good Hope,
this 4th day of May, 1825.

(Signed) CHARLES HENRY SOMERSET.

I, JOHANNES ANDREAS TRUTER,
RICHARD PLASKET,
JOHN DANIELL,
JOHN BELL,
WALTER BENTINCK,
JOACHIM WILLIAM STOLL,

do swear that I will not upon any account at any time whatever
disclose or discover any matter brought before this Council, nor
the vote or opinion of any particular Member thereof unless to
His Majesty's Government or when required to give evidence as
a Witness by a Court of Justice, in due course of law.

So help me God !

(Signed) J. A. TRUTER,
RICHARD PLASKET,
JOHN DANIELL,
JOHN BELL,
WALTER BENTINCK,
J. W. STOLL.

Sworn before me at Government House, Cape of Good Hope,
this 4th day of May, 1825.

(Signed) CHARLES HENRY SOMERSET.

The Council thus established then took their seats as follows
under a Royal Salute.

His Excellency the Governor,
The Chief Justice,
The Colonial Secretary,
The Officer next in Command to the Commander of the
Forces,

Lieutenant Colonel Bell,
The Auditor General,
The Receiver General.

Thereupon the spectators having retired, and the doors having been closed, the Colonial Secretary communicated the following extracts of Despatches from the Secretary of State to the Members of Council :

[Despatches from Earl Bathurst to Lord Charles Somerset, of date 9th February 1825.]

After the communication of these Despatches, the Colonial Secretary administered the following oaths to the Acting Clerk of the Council and his Assistant :

I, PETER GERHARD BRINK,
THOMAS MILLER,

[The foregoing oaths.]

(Signed) P. G. BRINK,
THOMAS MILLER.

After which the Council adjourned.

(Signed) CHARLES HENRY SOMERSET,
J. A. TRUTER, JOHN BELL,
RICHD. PLASKET, WALTER BENTINCK,
J. DANIELL, Com., J. W. STOLL.

In my presence.

(Signed) P. G. BRINK,
Acting Clerk of the Council.

At a Council held at Government House on the twenty-eighth day of May Eighteen hundred and twenty-five.

Present : His Excellency the Governor,
The Chief Justice,
The Colonial Secretary,
The Officer next in Command to the Commander of
the Forces,
Lieutenant Colonel Bell,
The Auditor General,
The Receiver General.

The Minutes of the preceding Meeting having been read, approved and signed by the Members of Council, His Excellency the Governor submitted for the consideration of the Members of Council the following draft of an *Ordinance of His Excellency the Governor in Council* for introducing the use of the English Language in the Judicial Transactions of the Court of Magistracy at Algoa Bay (Port Elizabeth) and assigning proper limits to the Territory within which the said Court is authorised to exercise its Jurisdiction.

Whereas by a Proclamation bearing date the 5th July, 1822, it has been ordered and directed, that from and after the first day of January, in the year of Our Lord one thousand eight hundred and twenty-seven, the English language shall be exclusively used in all judicial Acts in the Supreme and Inferior Courts of this Colony; and whereas the majority of the Inhabitants who are subject to the Jurisdiction of the Court of Magistracy at Algoa Bay (Port Elizabeth) are native British Subjects, and consequently it would be highly inconvenient to them to use any other but the English Language in their Judicial Proceedings before the said Court of Magistracy. Be it therefore enacted that so much of the aforesaid Proclamation of the 5th July 1822 as may be considered to regard the Jurisdiction of the said Court of Magistracy, shall be, and the same is hereby repealed.

And be it further enacted that from the date of the Promulgation of this Ordinance, all Judicial Proceedings in the aforesaid Court of Magistracy shall be carried on, and all Records and other Judicial Acts relating thereto shall be written in the English Language.

And whereas it has appeared to me requisite that the limits of the Township of Algoa Bay (Port Elizabeth) within which the said Court of Magistracy is authorised to exercise its Jurisdiction, shall be properly ascertained; it is hereby further ordered and directed that an imaginary line drawn from the place of Michael Cordie and McCulloch, situated at the South West point of Algoa Bay, up to the place of Jacobus Theodorus Botha, thence to the place of Gert H. Halshuizen, thence to the place of the Widow Pieter Schouw, now Newcomb's, then down the little Zwartkops River, whose source is at the last mentioned place, following the same down to where it empties itself into

the Great Zwartkops River, and thence down the same to its mouth at the Coast, including all the Inhabitants residing at the Places and within the limits before mentioned, shall form the Township of Algoa Bay (Port Elizabeth).

And be it further enacted that the Town at Algoa Bay shall in future be designated in all Public Acts, as Port Elizabeth.

Which having been unanimously approved, directions were given for the issue thereof.

His Excellency thereupon proposed for the consideration of Council the question as to the tenure on which the several buildings occupied by the Military Department are held ; and submitted for the perusal of the Members of Council Copies of the Correspondence (as per list underneath) that passed upon the subject of the stores near the Wharf, now occupied by the Commissariat Department, these buildings forming part of the aforesaid property.

List of papers on the subject of the Stores occupied by the Commissariat Department near the Wharf.

No. 1. Cape of Good Hope. Despatch dated 4th of January, 1824. Assistant Commissary General Hewetson to the Secretary to the Treasury, with enclosures on the subject of the purchase and repairs of certain public Buildings occupied by the Commissariat, stated to be Colonial Property.

Enclosures :

No. 1. Military Secretary 28th August 1823 to Assistant Commissary General Hewetson.

No. 2. Assistant Commissary General Hewetson 30th August 1823 in reply to Military Secretary's letter No. 1.

No. 3. Military Secretary December 8, 1823, to Assistant Commissary General Hewetson.

No. 4. Assistant Commissary General Hewetson December 13, 1823, in reply to Military Secretary's letter No. 3.

No. 5. Military Secretary 29 December 1823, in reply to Assistant Commissary General Hewetson's letter No. 4.

No. 2. Earl Bathurst, London 26 July 1824, to Lord Charles Somerset, stating that it is the opinion of the Lords Commissioners of His Majesty's Treasury that the said Public Buildings

should still be occupied by the Commissariat Department without the payment of Rents to the Colonial Government, and that the repairs of these Buildings be provided for in the same manner as for all other Public Buildings occupied by the Military Department at the Cape. Also instructing his Lordship to carry this arrangement into effect.

No. 3. Lord Charles Somerset, 28th December 1824, to Earl Bathurst in reply to Earl Bathurst's letter 26th July, 1824, No. 2.

No. 4. Assistant Secretary to Government Feb. 28, 1825, to His Majesty's Commissioners of Inquiry with Enclosures on the subject of the pledge for the Paper Currency in circulation at the Cape of Good Hope.

Enclosures :

No. 1. 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 April 10, 1793.

No. 2. Extract of a resolution passed by the Governor and Council of Policy at the Cape of Good Hope on the 28th August 1793.

No. 3. Extract from the Books kept by the Commercial Bookkeeper at the Cape of Good Hope. In the Castle of Good Hope, 31st August 1793.

No. 4. The Committee for inspecting Public Buildings 17th May 1825 to the Military Secretary requesting to know by what tenures the buildings they are to examine are held.

After a few preliminary remarks it was proposed to defer the discussion of this subject till the next meeting, whereupon the Council adjourned.

(Signed)	CHARLES HENRY SOMERSET.
J. A. TRUTER,	JOHN BELL,
RICHARD PLASKET,	WALTER BENTINCK,
J. DANIELL,	J. W. STOLL.

In my presence.

(Signed) P. G. BRINK, Acting Clerk of the Council.

At a Council held at Government House on the sixth day of June, Eighteen hundred and twenty five years.

Present :

His Excellency the Governor,
The Chief Justice,
The Colonial Secretary,
The Officer next in Command to the Commander of the
Forces,
Lieutenant Colonel Bell,
The Auditor General,
The Receiver General.

After the minutes of the preceding Meeting had been read, approved and signed, the subject of the public Buildings (the discussion of which had been deferred until this meeting) was taken into consideration, and it was

Resolved,

First, that all Public Buildings belong to the Crown.

Second, That the Military Department can have no right to any Buildings except those which were occupied by the Military of the Batavian Government at the time of the capitulation, and that even this right is coupled with the pledge for the Paper Money, and

Third, That with regard to such Buildings belonging to the Civil Government and Municipal Authorities at the time of the Capitulation that may have since been transferred to the Military Department, the Military can have no right thereto beyond that of temporary possession.

The following Despatches which His Excellency the Governor received from His Majesty's principal Secretary of State for the Colonies and from the Lords Commissioners of His Majesty's Treasury, communicating the determination of His Majesty's Government to establish the British Currency as the circulating medium of all the Colonial possessions of the Crown, and signifying His Majesty's Commands that a Proclamation be issued by His Excellency in Council, declaring that the British Silver Money shall be a legal Tender in this Colony in discharge of all Debts due to Individuals and to the Public, at the rate of one shilling and sixpence for each paper rixdollar and so in proportion for any greater or less sum, and that such further measures be taken as are therein directed, were thereupon read.

[Letter from Earl Bathurst to Lord Charles Somerset, dated 6th March 1825, Letters from George Harrison, Esqre., to Lord Charles Somerset, dated 7th March and 5th March 1825, and Treasury Circular of the 12th February 1825.]

Table of the gross weight, of the contents in pure silver, and of the value computed at the rate of 5s. 2d. per oz. Troy, British Standard fineness, of the undermentioned Silver Coins taken from Assays made at the mints at Paris and London, together with the Rate at which those coins are to be issued (when British coin is not in the British Chest) for the pay of the British Troops in the Colony.

	Gross Weight of the Coins.	Contents in Pure Silver.	Value at 5s. 2d. per oz. Standard.		To be issued to the Troops at	
	Grains.	Grains.	s.	d. dec.	Shil.	Pen.
<i>French :</i>						
Piece of 5 Francs . . .	385	344.9	4	0.16	4	0
Piece of 2 Francs . . .	155	138.8	1	7.38	1	8
Franc	77½	69.4	0	9.69	0	10
<i>Sicilian :</i>						
Dollar or Scudo	422	348.2	4	0.62	4	1
Piece of 40 Grains . . .	141	117.5	1	4.40	1	5
Piece of 20 Grains . . .	72	59.1	0	8.25	0	9
<i>Spanish :</i>						
Dollar	416	370.9	4	3.79	4	4
<i>United States of America :</i>						
Dollar	416	370.1	4	3.68	4	4
<i>East Indies :</i>						
Calcutta Rupee	192	175.9	2	0.56	2	1
Bombay or Surat Rupee .	179	164.7	1	11.01	1	11

[Letter from George Harrison, Esqre., to Assistant Commissary General Hewetson, dated 5th March 1825.]

These Despatches having been laid before the Council and taken into their consideration, it was proposed to issue the following Proclamation, in order to give effect to the directions of Earl Bathurst's Despatch above alluded to,

Ordinance of His Excellency the Governor in Council
For making British Silver Money &c.

This Proclamation having been taken into the consideration of the Council, they came to the following Resolution :

Resolved :

That as the proposed Proclamation merely gives effect to the

Commands of His Majesty's Government the Council are of opinion that no discretion is left with them on the subject and that the Proclamation be therefore published.

In submitting to the consideration of Council a Despatch from Earl Bathurst under the date 8th of February 1825, covering an Order from 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, together with two Proclamations which have been issued for the purpose of modifying and explaining certain provisions of the said Order, and desiring that in order that the arrangements already adopted by His 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 above Order and Proclamation, a Draft of an Order may 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 this Settlement. His Excellency the Governor stated that having referred those Papers to the Chief Justice for his opinion on the measures already adopted and those still in contemplation for the improvement of the Slave Population in this Colony, His Excellency has received that gentleman's reply on the 25th ultimo, which he likewise submitted for the consideration of Council, as well as the Communications which he received some time ago from the Court of Justice and from the Landdrost and Board of Landdrost and Heemraden of Stellenbosch on the subject of the feeling of dissatisfaction and insubordination that prevail amongst the Slave Population of the Colony brought about by the circulation of the Report of a general emancipation.

These Papers having been laid upon the Table, the Council adjourned.

(Signed)	CHARLES HENRY SOMERSET,
J. A. TRUTER,	JOHN BELL,
RICHARD PLASKET,	WALTER BENTINCK,
J. DANIELL,	J. W. STOLL.

In my presence.

(Signed) P. G. BRINK,
Acting Clerk of the Council.

At a Council held in the Council Room on the thirteenth day of June, Eighteen hundred and twenty five,

Present : His Excellency the Governor,
 The Chief Justice,
 The Colonial Secretary,
 The Officer next in Command to the Commander of
 the Forces,
 Lieutenant Colonel Bell,
 The Auditor General,
 The Receiver General.

The Minutes of the preceding Meeting having been read, approved and signed, His Excellency the Governor communicated to Council that since the last Meeting He had received from the Burgher Senate a Memorial praying, on the grounds therein set forth, that His Excellency would be pleased to suspend the operation of the Ordinance lately promulgated for making British Silver Money a legal Tender in discharge of all Debts due to Individuals and to Government, at the rate of One Shilling and Six pence for each Paper Rix Dollar, as well as a subsequent Letter, covering a remonstrance from the Inhabitants of this Town against that measure, to which His Excellency stated He had taken upon himself to reply. The Memorial and Letter and the answer thereto being of the following tenor :

CAPE TOWN, *June 8, 1825.*

To His Excellency the Governor in Council.

May it please your Excellency !

The general sensation created in the public mind by the publication of your Excellency's Ordinance in Council for making British Silver Money a legal Tender in discharge of all Debts due to Individuals and to Government at the rate of One shilling and sixpence for each Paper Rixdollar, and our own apprehension of the Evil with which that measure appears to be fraught, though it could not withhold us from an implicit performance of the Order which we had received to promulgate the Ordinance in question, induces us respectfully to approach your Excellency, humbly and earnestly praying that your Excellency may be pleased to suspend its operation, until in compliance with our sacred duty we shall have laid before your Excellency the humble and the general remonstrance of the

Inhabitants of this Town against the introduction of a measure apparently so detrimental to their best Interest.

And your Excellency's Memorialists as in duty bound will ever pray.

(Signed) J. VAN DER POEL, President,
G. H. MEYER,
P. WOUTERSEN.

The Members Messrs. Hofmeyr and Brink being absent.

By Command of the President and Members of the Burgher Senate.

(Signed) P. J. TRUTER, Secretary.

COLONIAL OFFICE, *June 10, 1825.*

GENTLEMEN,—His Excellency the Governor has had the honor to receive, and has taken into His serious consideration the letter which you addressed to His Excellency in Council under date the 8th instant, praying that His Excellency would be pleased to suspend the operation of the Ordinance lately promulgated for making British Silver Money a legal Tender in the discharge of all Debts whether due to Government or to Individuals at the rate of One Shilling and Six Pence per Paper Rix Dollar, on the plea that this measure had created a very general sensation in the public mind, as being apparently detrimental to the best interests of the Colony, and that it is the intention of the Inhabitants of this Town to make a general remonstrance on the subject.

His Excellency most sincerely regrets that any Measures which His Majesty's confidential advisers should have felt it their duty to recommend to His Majesty to adopt should be so regarded by your respectable Body, or by the Public. At the same time His long intimacy with the Colony, and the sincere attachment which that Intimacy has created in His Excellency's breast, will ever prompt him to submit to the Throne any prayer connected with the wishes, the feelings or the Interests of the Colonists.

His Excellency regrets that it is not in His power from the Royal Commands he has received on the occasion to suspend the measure, but He can confidently assert that His Majesty's Government have adopted it with the best Intentions for the ultimate welfare of the Colony.

It is well known that no important change can be made in any

state without the Interests of some few Individuals being partially borne upon, and He trusts when this measure is more maturely considered and more fully understood, it will appear that the general advantages that must accrue from giving an intrinsic value to the Currency of this Colony will over-balance the Injuries which it is apprehended Individual property may receive. I have &c.

(Signed) RICHARD PLASKET, Secty. to Govt.

To the President and Members of the Burgher Senate.

TOWN HOUSE, *June 10th, 1825.*

SIR,—This morning while assembled in our Court Hall, we were approached by a considerable number of the Inhabitants of this Town, headed by a venerable old gentleman, who with tears in his eyes and with a faltering voice presented a Memorial to our Board in the name of himself and those that surrounded him, of which we beg to enclose a translated copy, for the Information of His Excellency the Governor, as indicative of that deep sensation which the Ordinance in Council of the 6th Instant has created in the public mind.

For the further information of His Excellency the Governor we beg to submit that several of the respectable Inhabitants then present have expressed the unanimous wish of the assembly to be allowed to hold a public meeting of all the Inhabitants of Cape Town, on some convenient day in the course of next week, at the Town House, for the purpose of conjointly taking into consideration and recording such grounds and facts, on which they mean to rest the Remonstrance which they intend most humbly and most earnestly to submit to the Gracious consideration of His Excellency the Governor; and that we have deemed it our duty to accede to this unanimous request subject to His Excellency's approbation. We have &c.

(Signed) G. H. MEYER, Loco Presid.

By Command of the President and Members of the Burgher Senate.

(Signed) P. J. TRUTER, Secretary.

To Sir Richard Plasket, Knt., Secretary to Government, Cape of Good Hope.

To the President and Members of the Burgher Senate at the Cape of Good Hope.

CAPE TOWN, *June 10, 1825.*

GENTLEMEN,—At the present moment of general disquietude and amazement which pervades the public mind, the undersigned Burghers and Inhabitants of this Town take the liberty of addressing you and of requesting your assistance and support as Elders of the Community, in diverting in a becoming and lawful manner the Evil which impends over us. We need scarcely mention that we advert to the reduction in the value of our Cape Rixdollar to 1s. 6*d.*, Eighteen Pence Sterling money, according to the Ordinance of His Excellency the Governor in Council issued on the 6th Instant, and which was published by you in the usual manner.

By this measure all the Inhabitants of this Colony who possess property will be so injured, that we see nothing but poverty and absolute ruin awaiting us and our posterity, if it be put into execution.

To dilate upon this subject and pourtray the mischief which already surrounds us, and which we have still to anticipate, would be unnecessary and irrelevant to our present purpose. We have, however, not yet relinquished all hope, and trust that the Evil still may and will be redressed.

In this hope we are strengthened by the reflection of the manner in which our Cape Currency was introduced by the Dutch Government and maintained and supported by that Government, and that we were left in the firm belief and persuasion under the British Administration, as well by public Acts and Proclamations as by the general and exclusively acknowledged model of calculation adopted by the Government itself, that Rds. 5 were equivalent to £1 Sterling, or two Cape Skillings to one Shilling Sterling.

Who cannot call to his recollection the Proclamation published by Sir David Baird in January 1806, and that published by Lord Caledon in May 1807, and others of a similar tenor? And nevertheless we suddenly see our Rixdollar depreciated to 18 Pence.

We entertain too much confidence in our respected Government to imbibe the idea that we shall not be heard when our Interests are represented in a proper and becoming manner.

We, therefore, solicit your co-operation, and request in the first place that you will consider this communication as our Remonstrance and Protest, and insert the same in your Records, and that you will avail yourselves of a suitable opportunity to address the Government in your own name on this subject.

And Memorialists &c.

(Signed by 118 Persons.)

COLONIAL OFFICE, *June 11, 1825.*

GENTLEMEN,—His Excellency the Governor having already replied to your letter under date the 8th Instant, He desires me to say that He can only add, with reference to the Memorial which you have subsequently transmitted to Him from many of the most respectable Inhabitants of this Town, upon the same subject, that he has not the least objection to a Public Meeting being held by the Inhabitants of Cape Town, at the Town House, for the purpose specified in your letter, and that He has already given His sanction to that measure.

I have &c.

(Signed) RICHARD PLASKET, Secy. to Govt.

The President and Members of the Burgher Senate.

Read a Memorial just received by the Secretary to the Council, addressed to His Excellency the Governor in Council, and signed by 297 Inhabitants of this Colony being landed Proprietors and otherwise interested in fixed and other property in this Settlement, praying that the operation of the Ordinance in question, in as far as it regards Debts due to Individuals, may be suspended until His Majesty's Pleasure shall be known, of which Memorial the following is a copy :

His Excellency the Governor in Council.

CAPE OF GOOD HOPE.

The Memorial of certain Inhabitants of this Colony, being landed Proprietors and otherwise interested in fixed and other property,

Humbly Sheweth,

That your Memorialists have read and considered with the

deepest concern and regret the Ordinance promulgated yesterday "For making British Silver Money a legal Tender in discharge of all Debts due to Individuals and to Government, at the rate of One Shilling and Six Pence for each Paper Dollar, and so in proportion for any greater or less sum," which it is therein enacted and declared is to have immediate effect, and which, if enforced, cannot fail of entailing the most ruinous and disastrous consequences and of involving them and their families in the utmost distress.

That your Memorialists are in the major part persons born in this country, whose ancestors settled in it in earlier times; and they have one and all resided here under the Batavian and succeeding British Governments for many, many years.

That your Memorialists generally have experienced the consequences of the several changes that have taken place with regard to the occupation of this Colony; and they have, moreover, been subjected to the effects of certain measures, which from time to time the Colonial Government deemed it expedient to adopt; but your Memorialists, whilst they lamented their operation, loyally and cheerfully obeyed, as they will ever be anxious to do, every command of Government, never suspecting that the Currency would be redeemed upon any other than the original understanding.

That your Memorialists are one and all, more or less interested in landed Freehold Property, and especially in the circulating Medium of the Colony, according to its fixed and standard value, at the period of its introduction and as supported by the many subsequent proclamations of the Colonial Government.

That your Memorialists are wholly at a loss to account for the cause of the adoption of what appears to them in the light of a precipitate measure, and one that they cannot suppose has ever had the advantage of a Report from His Majesty's Commissioners of Inquiry upon it; else they conceive that a result more nearly approximating their legitimate and well-grounded claims would have been the consequence. But as the Ordinance at present stands, your Memorialists are threatened with the loss of the principal part of their properties, and the exposure of their Families to the greatest and most afflicting distress; and your Memorialists are impressed with the idea that had His

Majesty's ministers been fully aware of the ruinous effects which the measure was calculated to produce, they would certainly not have issued such an Ordinance. And your Memorialists are further led to persuade themselves that the same conviction must operate on the mind of your Excellency and the Honorable Members of the Council.

That your Memorialists feeling that they have not had an opportunity of asserting their just, and as they always considered, unquestionable claims, may find it imperative for the preservation of their rights and interest to seek the protection of the High Authorities in England ; but, pending the accomplishment of such a reference, the operation of the existing Ordinance would subject them to irremediable inconvenience and irretrievable loss.

Wherefore your Memorialists humbly pray, as your Excellency and the Honorable Members of the Council must be so well aware of all the circumstances relative to the Paper Currency, that your Excellency and the Council will be pleased to suspend the operation of the Ordinance in question as regards the "making British Silver Money a legal Tender in discharge of all Debts due to Individuals," until your Memorialists shall have had an opportunity of making their representations, and of receiving the determination of the Home Government upon the same. And your Memorialists will ever pray.

CAPE TOWN, CAPE OF GOOD HOPE, *June 8, 1825.*

[Here follow Two hundred and ninety seven signatures).

To this Memorial His Excellency proposed to give the following answer, which he likewise communicated for the information of Council :

His Excellency the Governor has had the honor to receive the Memorial addressed to him in Council by a numerous and respectable body of the Inhabitants of this Colony, being landed proprietors and otherwise interested in fixed and other property in this Settlement, soliciting Him to suspend the operation of the Ordinance dated the 6th Instant for making British Silver Money a legal Tender in discharge of all debts due to Individuals and to Government, at the rate of One Shilling and Six Pence for each Paper Rixdollar, and so in proportion for any greater or less sum.

Whilst His Excellency regrets that the Royal Commands He has received preclude him from acquiescing in the prayer of their Memorial to suspend this measure, He assures the Memorialists that He shall always consider it His duty to submit to His Majesty's Government any Representations of the Inhabitants of this Colony (couched in respectful terms) which they are desirous to lay at His Majesty's Feet.

With regard to the allusion made to "certain measures which from time to time the Colonial Government have deemed it expedient to adopt," the operation of which the Memorialists have lamented; as the measures are not specified, His Excellency is at a loss to know to what they allude; but if the Memorialists will candidly state them, they shall become objects of His earliest attention and consideration.

His Excellency then stated, that although He had made up His mind on the subject, He would be glad to have the opinion of Council on the question whether He would be justified in suspending the execution of a measure upon which He had received the positive Commands of His Majesty. Whereupon the Members of Council gave their opinions as follow :

The Chief Justice was of opinion that the execution of the Order, as it related to the discharge of all Debts due to Individuals would be attended with injurious consequences to the Colonists which it would not be in the power of the Colonial Government to redress, if the Order, as was expected, were withdrawn; and that, therefore, if His Excellency the Governor did not feel himself justified in granting the requested suspension, he deemed it his duty to recommend the adoption of such measures, in the interim, until His Majesty's pleasure on the representation of the Inhabitants should be known, as might tend to soften the operation of the measure in question, so as to prevent the impossibility of giving redress, when ultimately that representation might meet with a favourable result.

The Colonial Secretary was of opinion that the Governor ought not to suspend the measure which He had been commanded to carry into effect both by Earl Bathurst and the Lords Commissioners of His Majesty's Treasury. They must presume that the British Government would not have adopted it without due consideration of all the Interests concerned.

As to suspending the operation of that part of the measure

which applied to Individual debts, and allowing the other part of it to remain in force, it would inevitably lead to general confusion.

That the only mode which he could point out for preventing any difficulties that might arise from the operation of the Measure, should his Majesty's Government deem the general remonstrances which had been made against it by the Inhabitants of sufficient weight to induce them to alter the rate at which the British Money had been made a legal Tender, was by giving Public Notice that until His Majesty's pleasure on the subject be made known, any Persons who might feel themselves aggrieved under the Government Ordinance, by having British Money tendered to them in payment of Debts at the rate specified in the Ordinance, would be allowed (on application to Government to that effect) to deposit such British Money in the Commissariat Department or in the Treasury; and to receive back the amount in Paper Rix Dollars at the same rate.

The Officer next in Command to the Commander of the Forces was of opinion that His Majesty's Commands on the execution of the Ordinance left no discretionary power in the hands of His Excellency the Governor in Council, and that consequently His Lordship would not be justified in suspending or even modifying its operation.

Lieutenant Colonel Bell was of opinion that His Excellency under the present circumstance ought not to suspend the operation of the Ordinance in Council No. 2, but that that opinion did not imply his approbation of the measure thereby directed to be carried into effect.

The Auditor General was of opinion that it was not in the power of His Excellency the Governor to suspend the operation of the Ordinance of 6th June, No. 2, nor any part thereof, but that at the same time, the sudden although unavoidable adoption of that measure was much to be regretted.

The Receiver General did not think that His Excellency the Governor would be justified in suspending the Order received and promulgated on the 6th Instant; but that as the execution thereof would be attended with the most serious consequences to the Inhabitants (as had been already observed by Sir John Truter) it would in his opinion be most desirable, that, until His Majesty's Pleasure should be known on the addresses the

Inhabitants were about to present, such Measures should be adopted by which the consequences before alluded to would be obviated.

Thereupon the Council adjourned.

(Signed) CHARLES HENRY SOMERSET,
J. A. TRUTER, JOHN BELL,
RICHD. PLASKET, WALTER BENTINCK,
JOHN DANIELL, J. W. STOLL.

In my presence.

(Signed) P. G. BRINK, Acting Clerk of the Council.

At a Council held in the Council Room this twentyfirst day of June, Eighteen hundred and twenty five years.

Present :

His Excellency the Governor,
The Chief Justice,
The Colonial Secretary,
The Officer next in Command to the Commander of the
Forces,
Lieutenant Colonel Bell,
The Auditor General,
The Receiver General.

After the minutes of the preceding Meeting had been read, approved and signed, His Excellency the Governor communicated to the Members of Council the following letters which had been received by Him since the last Meeting.

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

MY LORD,—The undersigned President and Members of the Burgher Senate have the honor to acknowledge the receipt of your Excellency's letter of the 10th Instant, expressing your Excellency's regret at not feeling able to suspend the execution of the Ordinance of your Excellency in Council of the 6th Instant. The undersigned, however, would conceive themselves deficient in their most sacred duties towards the Public were

they to refrain from again pressing upon the minds of your Excellency and His Council that they have been called upon by every class of the society at the moment this Ordinance was promulgated, and that this simultaneous movement of every description of persons must convince Your Excellency that an irretrievable depreciation of the Cape Currency, and the consequent loss of every Individual in proportion to the property possessed by each has been immediately felt, and they would be deemed more culpable in their obligations to the Public—as well as to Your Excellency—were they to withhold the information from Your Excellency that an alarming rise in many necessaries of life has already taken place, which is likely to entail a total ruin upon the middle Order, in the event of the abovementioned Ordinance being rigidly enforced. The undersigned feel themselves thus imperatively called upon again to call the attention of your Excellency and Council to these fatal results immediately attending this Ordinance, and therefore humbly to request that it may please your Excellency in Council to take such measures and make such enactments as shall be deemed expedient to counteract, at least for the present, the growing and accumulating evils resulting from the Ordinance in question, until the further pleasure of His Majesty shall be made known to your Excellency in Council upon the grievances which the undersigned understand will forthwith be forwarded to His August Majesty.

In waiting your Excellency's favorable answer, we have the honor to subscribe ourselves with due respect, &c.

(Signed) J. VAN DER POEL, President,
 J. N. HOFMEYR,
 G. H. MEYER,
 J. M. BRINK,
 P. WOUTERSEN.

In my presence, By absence of the Secretary of the Burgher Senate.

J. P. SWEMMER, Chief Clerk.

CAPE TOWN, *June 16, 1825.*

SIR,—We have the honor to acquaint you for the information of His Excellency the Governor that at a meeting of a very

large body of Freeholders and Residents of this Town, convened on the 14th Instant in the Town Hall under the sanction of Government, we were appointed to form a Committee for the purpose of preparing a Memorial to His Majesty on the subject of the Ordinance of His Excellency The Governor in Council of the 6th Instant, and generally to substantiate the grievances they anticipate from the operation of that Ordinance, a trust which we shall endeavour to discharge by forwarding that Memorial to His Excellency with as little delay as so important a subject can justify. His Excellency in his reply of the 13th instant having been pleased to notify His readiness to forward such Memorial.

In adverting to that reply, while we cannot cease deeply to lament that His Excellency in Council has been precluded by the Royal Commands from acquiescing in the prayer of so large a proportion of Freeholders of this Town, we cannot but trust that we are also discharging our duties to the Government by informing His Excellency of the immediate confusion and doubt already thrown into every pecuniary Transaction by the above Ordinance, owing to the uncertainty in which every Creditor and Debtor is placed as to the mode in which the former is to receive and the latter to discharge his Engagements; although it be consonant to the first principles of Justice that every party in an engagement is bound to the strict performance of the same, without being affected by any legislative enactments which can never be made to have any retrospective application.

The evil consequences attending such a state of uncertainty thus induce us in the most submissive manner to venture to suggest to His Excellency, whether by some explanatory enactment that doubt at least might not be removed in the minds of the Public, by expressly declaring that the Ordinance of His Excellency in Council of the 6th Instant has no reference to, nor is binding upon, any obligations entered into previous to that date (in which the Parties must remain bound by the tenor of their engagements) and only provides for every contract or pecuniary transaction formed subsequent to that period; which provision will tend to remove or alleviate some part of the grievances felt and complained of by the Public.

With reference to that part of His Excellency's Reply in

which His Excellency has been kindly pleased to require from the persons who signed and forwarded the Memorial of the 8th Instant to His Excellency in Council candidly to acquaint His Excellency with those measures of the Government, the operation of which they had lamented, with a promise that they should become objects of His earliest attention and consideration, we cannot but notice, nor can we sufficiently express our thanks to His Excellency for the liberal and paternal view which His Excellency has taken of that part of their representation, and in complying with His Excellency's desire on that head, finding ourselves called upon candidly to state them, we must also, in Justice to those Measures, acknowledge that we are now commenting upon their injurious consequences, while no one can for a moment expect an infallibility to attach to every measure arising from the best of motives and designed to meet the exigencies of Government.

The measures of Government relative to this subject which have been the source of regret to that part of the Public whose Interests we are now advocating consist chiefly in the following :

1stly. In the excessive overissue of Paper Currency above the wants of the Public, and

2ndly. In the non-fulfilment of the assurances held out to the Public to redeem that overissue by destroying it, whenever that money issued should have attained the objects required.

The limits of this letter preclude the possibility of dilating at length upon these different topics, particularly as they will come more fully under investigation when forming part of the substance of the Memorial to His Majesty ; it will, therefore, be sufficient here merely to refer to the Proclamation of the 14th June, 1810, and the several Issues of Paper Currency founded thereon, by which, *without any necessity being felt by the Public*, an additional Sum of *One Million of Rixdollars* was added to the Paper Currency then already superabundant, the immediate object of which was to depreciate the *internal* value of the circulating Medium of the Colony, and to raise the exchange with England from 18 to 60 per Cent premium, an injury thus immediately felt by the Public at large, and increased by a subsequent further issue ; as it must be perceptible to every

person that such a redundant circulation of Paper Currency, precisely as with every other article or commodity must lose in its value in proportion to its excess above the wants or demands of the community.

The second grievance and injury experienced by the Public, arising from the former, consist in the non-fulfilment of those assurances under which those Issues had been made ; for the Public, although momentarily suffering under the depreciation of the currency from its superabundance, yet perceived as the Government had considerable general improvements in view, that their interests might for a moment have been overlooked, since they had obtained the promise that the moment that Public benefit was attained, the medium temporarily required would have been redeemed, and their capitals thereby brought up to their primitive value. Without referring to any other, we merely crave the attention of His Excellency to His Proclamation of the 21st June 1822, which has confirmed to us all that guarantee. We have, in the meanwhile, seen that Medium obtain the objects desired. We have seen Magnificent Public Buildings and Drostdies erected. We have seen the Town Shambles and Waterworks established, yielding a very large portion of Public Revenue, and with the exception of a very insignificant sum, the whole of that circulating medium issued for specific purposes, which it has long since attained, is to this moment unredeemed and continues in circulation to the very great and general depreciation of the whole.

The effects of these measures having mainly contributed towards the unprecedented rise in the Exchange from 20 or 25 per cent to near 200 per cent premium in spite of the increased and universal efforts made for the improvement of the Colony, have thereby paralysed its utmost energies and brought the Country to a state calling for the immediate attention of the Government. We have therefore ventured thus cursorily and hastily to submit these considerations to His Excellency, in order to meet that anxiety which His Excellency has now expressed, and has even evinced, to investigate every subject connected with its welfare, and, therefore, beg leave to reserve their more ample suggestions to the Memorial preparing to His Majesty, which with the documents supporting the same, will, we doubt not be deemed worthy of His Excellency's most

serious attention, and merit his lively co-operation to remedy these evils.

We have the honor &c.

	(Signed)	W. HAWKINS, Chairman,
P. L. CLOETE,		D. F. BERRANGÉ,
W. ROBERTSON,		H. G. MUNTINGH,
STEPHEN TWYXCROSS,		J. N. NEETHLING,
C. MATTHIESSEN,		J. A. JOUBERT,
HAMILTON ROSS,		E. BERGH,
J. S. VAN DEN BERG,		J. J. L. SMUTS,
H. CHIAPPINI,		H. CLOETE, L. son,
		Secretary.

The following Proclamations were then proposed to be issued, which having been approved, directions were given for the promulgation thereof.

Ordinance of His Excellency the Governor in Council

For reducing the reward hitherto paid for destroying Tigers to five rixdollars per head.

Whereas by the Government Proclamation under date the 21st March 1822, a reward of twenty-five rixdollars was authorised by Government for every tiger destroyed by the inhabitants of this Colony, which reward was reduced to ten rixdollars by Proclamation of the 4th April and 21st November 1823, in as far as regards the Districts of Graaff Reinet, Uitenhage, Albany, Worcester and Swellendam. And whereas considerable expense has been incurred on this head in several of the Districts of this Colony, without any adequate benefit;

His Excellency the Governor in Council is hereby pleased to order and direct, that from and after the date of the Promulgation of this Ordinance a reward of five rixdollars only shall be given by the competent authorities in the District for every tiger so destroyed.

Ordinance of His Excellency the Governor in Council directing that from and after the 15th of July 1825, all licences to trade with the Caffres at Fort Willshire, or at any other places which may hereafter be fixed on by Government,

shall be written on a stamp of 80 rixdollars, renewable annually.

Whereas by the Proclamation of His Excellency the Governor under date 23rd July 1824, certain regulations and restrictions were enacted for carrying on a traffick at Fort Willshire, between the Colonists and the Caffre Nation.

And whereas it is deemed advisable with a view to limit the attendance at the Fairs established at Fort Willshire to regular Traders, and to prevent a concourse of speculative adventurers, that a stamp duty be paid on each licence issued by the Landdrosts for permission to carry on such traffick.

His Excellency the Governor in Council is hereby pleased to order and direct that from and after the fifteenth day of July next, all Licences to trade with the Caffres at Fort Willshire or at any other places which may hereafter be fixed on by Government, shall be written on a stamp to the amount of eighty rixdollars, renewable annually; and that the licences now issued shall be immediately called in and cancelled, and be of no further avail after the fifteenth day of July next.

And any Persons trafficking at such fairs without such stamped licence as above-mentioned, will be subject, on conviction before a competent Tribunal, to the penalties fixed in the 10th Article of the Proclamation of the 23rd July 1824.

Thereupon the Council adjourned.

(Signed)	CHARLES HENRY SOMERSET,
J. A. TRUTER,	JOHN BELL,
RICHARD PLASKET,	WALTER BENTINCK,
J. DANIELL,	J. W. STOLL.

In my presence.

(Signed) P. G. BRINK,
Acting Clerk of the Council.

At a Council held in the Council Room this twenty seventh day of June, Eighteen hundred and twenty five,

Present : His Excellency the Governor,
The Chief Justice,
The Colonial Secretary,

The Officer next in Command to the Commander of
the Forces,
Lieutenant Colonel Bell,
The Auditor General,
The Receiver General.

The Minutes of the preceding Meeting having been read, approved and signed, the following Memorial was read :

To His Excellency General the Right Honorable Lord Charles Henry Somerset, Governor, and the Honorable Members of Council at the Cape of Good Hope.

The Memorial of the undersigned Chairman and Members of the Committee appointed by the Freeholders of this Town on the 14th instant, Most humbly Sheweth,

That the undersigned, entrusted with the charge of laying before His Majesty the grievances of the Public at the operation of the Ordinance of the 6th Instant, having nearly collected all the documents required to support their Memorial, yet uncertain as to the extent of the Injury to be anticipated from the effect of the said Ordinance, beg leave humbly to pray that it may please your Excellency in Council to acquaint your Memorialists whether the Royal Order, alluded to in the said Ordinance of the 6th Instant, makes it imperative upon every Individual to receive Eighteen Pence Silver for every Rix-dollar of debt contracted or Bond passed prior as well as subsequent to the date of the said Ordinance, and whether the above-mentioned Royal Order thus makes it absolutely compulsory on all holders of Bonds or Paper Currency to render up the same upon the above tender of 18*d*. Silver per Rixdollar of 48 Stivers ; as the Memorialists deem it necessary to have that point clearly established before addressing His Most Excellent Majesty on this subject.

And Memorialists as in duty bound shall ever pray.

Cape Town, June 27, 1825.

(Signed) W. HAWKINS,	STEPHEN TWYXCROSS,
Chairman,	P. L. CLOETE, Senr.,
J. J. VAN DEN BERG,	H. CLOETE, L. son, jr.,
J. H. NEETHLING,	J. A. JOUBERT,

A. CHIAPPINI,
C. MATTHIESSEN,
N. G. MUNTINGH,
HAMILTON ROSS,

J. J. L. SMUTS,
H. CLOETE, L. son,
Secretary,
WM. ROBERTSON.

This Memorial having been taken into the consideration of Council, together with the letter addressed by the Committee to the Chief Secretary to Government on the sixteenth instant (a copy of which is inserted in the Minutes of the last Meeting) it was Resolved,

First, That it is the opinion of Council that the Ordinance of His Excellency in Council which was issued on the 6th Instant by Command of His Majesty is binding upon all obligations existing between Individuals or Parties whether entered into previously or subsequently to the date of that Ordinance, and

Second, That a Copy of this Resolution be sent by the Chief Secretary to Government to the Memorialists in reply to their Memorial.

His Excellency the Governor in Council having further taken into consideration the various Representations and Remonstrances which have been made to Government on the subject of the Ordinance No. 2 of the 6th Instant, and more particularly those addressed to His Excellency in Council by the President and Members of the Burgher Senate under date the 8th, 10th, and 14th Instant, and by the Inhabitants of Cape Town dated the 8th Instant, together with the opinion of the Chief Justice already recorded in the Minutes of Council, as to the effect of that Ordinance, it was Resolved,

That although the Council still continue of opinion that His Excellency the Governor ought not to suspend the operation of the said Ordinance, they deem it adviseable to adopt a temporary measure on the occasion, which while it will rather facilitate than retard the circulation of the British Money throughout the Colony, by calming the present alarmed feelings of the Inhabitants, will at the same time prevent any difficulties that might arise hereafter, should His Majesty's Government deem the Representations above alluded to of sufficient weight to authorise any deviation from the rate now fixed between the

Paper Rixdollar and British Sterling Money, and they feel more inclined to recommend the adoption of this Measure, as it cannot, as far as they are aware, be attended with any Inconvenience, should no such alteration take place, and may be rescinded without difficulty.

The Council are therefore of opinion that the proposal suggested by the Secretary to Government at a former meeting should be forthwith adopted.

The following Memorandum was then drawn up by Sir Richard Plasket and approved of, and His Excellency The Governor was requested to order it to be published forthwith as a Government Advertisement to remain in force until such time as His Majesty's Pleasure may be known thereon, or until further Instructions be received on the subject from His Majesty's Government.

Memorandum.

With reference to the Ordinance of His Excellency the Governor in Council, No. 2, dated the 6th of this month, making British Silver Money a legal tender throughout this Colony in discharge of debts due to Individuals or to the Public, at the rate of One Shilling and Six Pence for each Paper Rixdollar, Notice is hereby given that *until further Orders* any Person or Persons wishing to exchange British Silver Money (received by them as a legal tender in discharge of Debts) for Paper Rixdollars at the same rate at which the British Silver Money is issued, may obtain such Paper Money by applying to the Bank on Mondays and Fridays in each week, from 10 A.M. till Noon. No application, however, will be attended to for sums under Rds. 100 or £7 10s.

Any Person resident in the Country Districts who may wish to effect such exchange of British Silver Money for Paper Rixdollars will receive the same on application to the several Landdrosts for any sum to the extent of 100 Rixdollars or upwards.

After this it was proposed to issue the following Ordinance drawn up by His Majesty's Fiscal, and submitted to and approved by the Chief Justice :

Ordinance of His Excellency the Governor in Council

For destroying a sum of 20,000 Rixdollars old and defaced paper money, and the debentures called in and delivered to His

Majesty's Receiver General, according to the Proclamation of the 12th November last, together with a sum of 3,000 rixdollars, being the 20th instalment of the sum of 75,000 rixdollars created and advanced by the Batavian Government in the year 1804, for the special purpose of repairing the damages occasioned by a fire in the village of Stellenbosch.

Whereas the Paper Money, stamped and signed according to the Proclamation of the 22nd April last, to the amount of 20,000 rixdollars, has been placed in the custody of J. W. Stoll, Esq., His Majesty's Receiver General, in order to be exchanged with an equal quantity of worn out and defaced money, which is also in the hands of the said Receiver General.

And whereas the Landdrost and Heemraden of Stellenbosch have repaid to the Colonial Treasury the sum of 3,000 rixdollars, being the twentieth instalment of the sum of 75,000 rixdollars which had been created and advanced by the Batavian Government, in the year 1804, for the special purpose of repairing the damages occasioned by a fire in that village, and which money was to be repaid by Instalments of 3,000 rixdollars per annum, and publicly destroyed as directed by the Proclamation of the Governor and Council of the 30th September 1804.

And whereas the Debentures issued according to the Proclamation of the 21st June 1822, have been called in and delivered to the said Receiver General, according to the Proclamation of the 12th November last.

These are therefore, to require and direct, that D. Denyssen, Esqre., His Majesty's Fiscal, W. Hewetson, Esqre., Assistant Commissary General, together with two Members of the Court of Justice, and two Members of the Burgher Senate, to be appointed by the Court and Senate, do meet at the Office of Revenue on Wednesday next the 29th instant, at 10 o'clock, and that they do, then and there, receive from J. W. Stoll, Esqre., His Majesty's Receiver General, the above-mentioned sums of 20,000 and 3,000 rixdollars, as also the above-mentioned Debentures, and after examining the same, that they do, in their presence, cause the same to be publicly burned and destroyed.

And in case the examination of the several pieces of money which constitute the above sums of 20,000 and of 3,000 rix-

dollars, and of the debentures so to be received by them, cannot be concluded in one day, they are then and in that case, to adjourn and proceed therein as shall appear best to them ; but so as to finish and conclude in the shortest time possible.

And it is further directed that the several persons above-mentioned, do sign three certificates of their proceedings herein, to be drawn up and prepared by Mr. C. M. Zastron, Clerk in the Colonial Secretary's Office, under the direction of the Fiscal, two of which certificates are to be delivered to J. W. Stoll, Esqre., as his discharge for the sum of 30,000 rixdollars, and also of the aforesaid debentures, with which he now stands charged to His Majesty, and the other is to be lodged in the Records of the Court of Justice by the Fiscal and the Members thereunto belonging, at the next meeting after the signing as above directed.

And His Majesty's Fiscal is also hereby directed to require and demand of the Court of Justice, within fourteen days after the lodging of such Certificate as above-mentioned that they do pass a Public Act, under their hand and the seal of the Court, certifying and declaring all their Proceedings which have been held and have taken place with regard to the stamping and signing of the several pieces of money as expressed in the Proclamation of the 22nd April last : as also of the exchanging and destroying of worn out and defaced money equivalent thereto, and of the 3,000 rixdollars received from the Landdrost and Heemraden of Stellenbosch, and of the aforesaid Debentures ; annexing to or including in such their Act, authentic copies of the several Certificates lodged, as directed in their Records, which Public Act is to be presented to His Excellency the Governor, to be disposed of in such manner as His Excellency may think expedient for the satisfaction of His Majesty in the Premises.

For all which this shall be to all concerned a full and sufficient Warrant and Authority.

God save the King !

Thereupon the Council adjourned.

(Signed)
J. A. TRUTER,

CHARLES HENRY SOMERSET,
JOHN BELL,

RICHARD PLASKET,
J. DANIELL,

WALTER BENTINCK,
J. W. STOLL.

In my presence.

(Signed) P. G. BRINK,
Acting Clerk of the Council.

At a Council held in the Council Room, this fourth day of July, Eighteen hundred and twenty-five years.

Present : His Excellency the Governor,
The Chief Justice,
The Colonial Secretary,
The Officer next in Command to the Commander of
the Forces,
Lieutenant Colonel Bell,
The Auditor General,
The Receiver General.

The Minutes of the preceding Meeting having been read, approved and signed, the following Despatches from His Majesty's Secretary of State for the Colonial Department to His Excellency the Governor and the Enclosures therein referred to were again taken into consideration.

[Despatch from Earl Bathurst to Lord Charles Somerset, dated 8th February 1825.]

(The Enclosures referred to in the above Despatch are deposited in the Office of the Secretary to Government.)

After several of the points contained in His Majesty's Order in Council for making provision for the religious Instruction of the Slaves in the Island of Trinidad and for the improvement of their condition had become the subjects of the deliberation of Council, the further consideration of that Order was postponed till the next meeting, and the Council adjourned.

(Signed) CHARLES HENRY SOMERSET,
JOHN BELL,
WALTER BENTINCK,
J. W. STOLL.

J. A. TRUTER,
RICHARD PLASKET,
J. DANIELL,

In my presence.

(Signed) P. G. BRINK,
Acting Clerk of the Council.

At a Council held in the Council Room on the twelfth day of July eighteen hundred and twenty-five,

Present : His Excellency the Governor,
The Chief Justice,
The Colonial Secretary,
The Officer next in Command to the Commander of
the Forces,
Lieutenant Colonel Bell,
The Auditor General,
The Receiver General.

The Minutes of the preceding Meeting having been read, approved and signed, the following Despatch which His Excellency the Governor received from His Majesty's Secretary of State for the Colonies, was read.

[Despatch from Earl Bathurst to Lord Charles Somerset, dated 10th of April 1825.]

(A copy of the Circular Instruction from the Treasury Chambers, dated 12th February 1825, addressed to the Officers in charge of the duties of the Commissariat Department is inserted in the Minutes of the Council held on the sixth day of June.)

These papers having been taken into the consideration of the Council, it was Resolved,

That the above Order of His Majesty in Council, and the Instructions to the Officer in charge of the duties of the Commissariat Department, enclosed in the above Despatch, as well as those addressed to that officer by the Lords Commissioners of His Majesty's Treasury under date the 5th of March last, and a copy of which is inserted in the Minutes of the sixth ultimo, be forthwith promulgated for general information.

His Excellency the Governor then communicated to Council the following additional Addresses on the subject of the Ordinance in Council of the sixth ultimo, received from the Inhabitants of the Cape and Stellenbosch Districts, by the Landdrosts and Heemraden of their respective Districts, and forwarded by them to Government :

CAPE TOWN, *June 25th 1825.*

SIR,—We have the honor to transmit to you a Memorial addressed to us by several Inhabitants of the Cape District on the subject of the Ordinance issued by His Excellency in Council on the sixth ultimo, for making British Silver Money a legal Tender in discharge of all debts due to Individuals and to Government at the rate of one shilling and sixpence for each paper rixdollar, and to request that you may be pleased to lay the same before His Excellency the Governor and to solicit his favorable consideration thereof. We have &c.

(Signed) J. W. STOLL,
J. A. VAN BRED A,
J. A. SMUTS,
F. H. WOEKE,
H. P. MOLLER,
J. G. BLANCKENBERG.

Landdrost and Heemraden of the Cape District.

To Sir Richard Plasket, Knight, Secretary to Government,

CONSTANTIA, *June 20, 1825.*

GENTLEMEN,—At the present moment of general disquietude and amazement which pervades the public mind, we the undersigned Inhabitants of the Cape District take the liberty of addressing you and to solicit of you as the Protectors of our interests and of our welfare your assistance and support in diverting in a becoming and lawful manner the evil which impends over us.

We need scarcely mention that we advert to the reduction in value of our Cape rixdollar to eighteen pence sterling money, according to the Ordinance of His Excellency the Governor in Council issued on the sixth instant, and which was published in the usual manner.

By this reduction all the Inhabitants of this Colony who possess money or fixed property, and particularly we Agriculturists will be so much injured that nothing but poverty and absolute ruin await us and our posterity, if it be put into execution.

To dilate upon this subject and pourtray the mischief which

already surrounds us and which we have still to anticipate would be unnecessary and irrelevant to our present purpose. We have, however, not yet relinquished all hope and trust that the evil still may and will be redressed.

In this hope we are strengthened by the reflection of the manner in which our Cape Currency was introduced by the Dutch Government and maintained and supported by that Government, and we were left in the firm belief and persuasion under the British Administration as well by public Acts and Proclamations as by the general and exclusively acknowledged mode of calculation and by the fresh issue and circulation of similar Cape Paper Currency at forty-eight pence per rixdollar adopted by the Government itself, that Rds. 5 were equivalent to one pound sterling, or two Cape skillings to one shilling sterling.

Who cannot call to recollection the Proclamation published by Sir David Baird in January 1806, and that published by Lord Caledon in May 1807, and others of a similar tenor and yet we see our Cape rixdollars of forty-eight pence at once reduced to only eighteen pence.

We entertain too much confidence in our respected Government to imbibe the idea that we shall not be heard when our interests are represented in a proper and becoming manner. We, therefore, solicit your co-operation, and request in the first place that you will consider this communication as our Remonstrance and Protest, and insert the same in your records, and that you will avail yourselves of a suitable opportunity to address the Government in your own names on this subject.

(Here follow 36 signatures).

SECRETARY'S OFFICE, STELLENBOSCH, *July 4th 1825.*

SIR,—By direction of the Board of Landdrost and Heemraden, I herewith have the honor of forwarding to you an address which the Board has received from some of the Inhabitants of this District relative to the British Silver Money, with kind solicitation you will be pleased to lay the same before His Excellency the Governor. I have &c.

(Signed) P. C. VAN BLOMMESTEIN.

To Sir Richard Plasket, Knight, Secretary to Government.

STELLENBOSCH, June 15, 1825.

To Landdrost and Heemraden of the District Stellenbosch.

GENTLEMEN,—At the present moment &c. (to the same effect as preceding letter).

(Here follow 165 signatures.)

These addresses having been read, it was Resolved,

That they be inserted in the Minutes of Council and Copies thereof forwarded to England with the rest of the Memorials on the same subject.

His Excellency then ordered to be read the following preliminary Petition addressed to His Majesty by the Committee appointed by the Freeholders and Inhabitants of Cape Town and forwarded to His Excellency at a late hour on the fifth Instant, with a request that His Excellency would transmit it to Earl Bathurst by a vessel (the *Britannia*) destined to sail at daylight on the 7th.

To the King's most excellent Majesty.

The Humble Petition of the Committee appointed by the Freeholders and Inhabitants of Cape Town convened under the sanction of Government for taking into consideration the operation of the Ordinance of His Excellency the Governor in Council of the sixth of June ultimo, making British Silver Money a legal Tender in discharge of all Debts due by and to Individuals at one shilling and six pence sterling for each paper rixdollar.

Most Gracious Sovereign,

We your Majesty's most loyal and dutiful subjects the Committee appointed by the Freeholders and Inhabitants of Cape Town convened under the sanction of Government for taking into consideration the operation of the Ordinance of His Excellency the Governor in Council of the sixth June ultimo, making British Silver money a legal tender in discharge of all debts due by and to Individuals at one shilling and six pence sterling for each paper rixdollar, impressed with grateful acknowledgements for your Majesty's unceasing and unremitting

solicitude for the welfare, happiness and prosperity of this Colony, in so very many ways already exemplified, beg leave with all humility to lay themselves at your Royal Feet humbly imploring your Majesty's most gracious attention to the grievous distractions which it is conceived will arise to the Colony at large should the measure of your Majesty's Royal wisdom be established as a fixed and permanent Currency.

But on account of the distance of the different Districts of this widely extended Colony it is impossible to obtain with all the assiduity and vigilance of your Majesty's dutiful and loyal subjects the Committee, the information for which they are more immediately deputed as a body at this early period to collect. Your Majesty's most dutiful and loyal subjects the Committee cannot acquit their loyal feelings in duty to Your Majesty without thus taking the earliest and first opportunity of humbly addressing Your Majesty (a vessel being now on the eve of departure) trusting and imploring Your Majesty will be graciously pleased to direct His Excellency the Governor in Council of this Settlement to suspend the operation of the above Ordinance until such time as Your Majesty's Petitioners shall have an opportunity of laying at Your Royal Feet the prayer of the Public on this subject.

Your Majesty's Petitioners as in duty bound will ever pray.

(Signed) W. HAWKINS, Chairman,

E. BERGH,	HENRY BUCKTON,
GT. HY. MAASDORP,	A. McDONALD,
C. MATTHIESSEN,	P. L. CLOETE,
HAMILTON ROSS,	H. CLOETE, L. son,
J. J. VAN DEN BERG,	J. H. NEETHLING,
STEPHEN TWYXCROSS,	J. J. L. SMUTS,
WM. ROBERTSON,	D. F. BERRANGE,
J. F. BECK,	J. A. JOUBERT,
H. G. MUNTINGH,	H. CLOETE, Law. son.
A. CHIAPPINI,	

TOWN HOUSE, CAPE TOWN, *July 4, 1825.*

His Excellency stated for the information of Council that he had transmitted this Petition to the Secretary of State, together with a Copy of the Proceedings which had ultimately taken place in Council on the subject of the Currency, which detail

all the measures adopted by Government since the publication of the Ordinance of the sixth ultimo.

The Council then proceeded to the consideration of the remaining points touching the provisions made in His Majesty's Order in Council for the amelioration and improvement of the condition, and for the religious Instruction of the Slaves at Trinidad, and after having fully discussed the same as to their applicability to this Colony, the Chief Justice was requested to frame a draft of an Order for the further consideration of Council, which Order, when it shall have been approved by Council, it was proposed to submit to Earl Bathurst, together with the reasons at large for not recommending the adoption of such points as are considered inapplicable to the state of Slavery in this Colony. The whole of the Papers upon this Subject were, therefore, directed to be handed over to Sir John Truter, who took upon himself to prepare a Draft of the proposed Order.

His Excellency then submitted for the consideration of Council the following letters from the Landdrosts of Graaff Reinet and Somerset, relative to the ingress of Savages into their Districts, with the view that some Regulations might be made for the provision of these distressed people.

GRAAFF REINET, *June 1, 1825.*

SIR,—On the receipt of your letter of the 8th April last relative to the Mantatees and other natives from the Interior who have of late taken refuge within this District, I called upon the Field Cornets for correct returns of the number of that people to be found in their divisions, and have the honor now to inform you that according to their Reports there are altogether 175 men, 93 women and 33 children, independent of those who have been apprenticed to Inhabitants for seven years according to an Order from your Office dated 27th August 1823, of which Apprentices I also enclose a List. It is, however, necessary to inform you that the Field Cornets' returns cannot be implicitly calculated on, owing to the following circumstances, viz. when the above-mentioned unfortunate fugitives began to make their appearance among the farmers in numbers in a dispersed state, scattered over a vast extent of Frontier, it was but natural to suppose that in the calamities they had suffered during successive defeats and oppressions by merciless

conquerors and masters, the man had been separated from his wife, the parents from their children, and I caused it to be clearly understood that whatever humanity or kindness should be shown to them should not be considered as constituting a claim to their services, that consequently they should be at full liberty to depart when they thought proper, or to go from one place to another in search of their lost wives, parents, husbands or children ; those, therefore, who have suffered such loss and others perhaps without so good a reason are constantly moving from one division to the other, so that it has hitherto been out of the power of the Field Cornets to keep correct lists.

In my late visit to the border I paid particular attention to those of the above savages now with the farmers, but am sorry to say that a want of good interpreters made my communications with them very imperfect ; they all seemed quite happy in their present situations, and most anxious to remain therein, though I would not adduce this feeling as a proof of their being in reality well treated, much less of the Policy of leaving them where they are ; as that feeling of course originates in a mere comparison of their present state with what they suffered since they were driven from their own country, which must have been quite dreadful. I am credibly informed that the bones of those who have perished from hunger and their wounds are scattered all over the country along the Caledon River, and some who escaping one misery got in among the Griquas and Corannas, have come across the Great River with their backs literally cut to pieces by the sjamboks of those worse than savages.

In justice to our Colonists it must be added that after the most anxious inquiry I have not been able to discover any instance of cruelty having been used to them within our limits. As, however, it appears by your letter that His Excellency the Governor has under consideration a plan for their disposal, all further remarks on my part would be obtrusive.

It is perhaps not superfluous to add that the above-mentioned statements do not refer to Bosjesmen, as in regard to that tribe laws are already established. I have &c.

(Signed) A. STOCKENSTROM.

To the Secretary to Government.

(Enclosed in the above letter is a list of those Mantatees who have been apprenticed.)

LANDDROST'S OFFICE, SOMERSET, *June 23, 1825.*

SIR,—In compliance with the directions contained in your letter of the 15th April last, I have now the honor to forward to you a list of all the Mantatees and other savages who have taken refuge in this district. I have &c.

(Signed) W. M. MACKAY, Landdrost.

Sir Richard Plasket,
Secretary to Government.

Return of the Number of Goes, Mantatees, and other Savages in the District of Somerset.

Nations.	Number of Males.		Number of Females.		Total.	Place of Residence.	Remarks.
	Above 16 years.	Below 16 years.	Above 16 years.	Below 16 years.			
Mantatees	3	4	4	1	12	Cradock . . . Fd. Corny: Agter Sneeuwberg Field Cornetcy Brakke River .	All these people are working for their food with different inhabitants.
"	2	-	3	-	5		
Goes	18	6	17	7	48		
Toro	1	-	-	-	1		
					66		

This Return comprehends the number in the District on the 1st of June 1825. On the 22nd of June a Report was received from the Field Cornet of Brakke River stating that on the sixteenth of the month sixty-two "Goes" men, women and children entered that Field Cornetcy, and the numbers are almost daily increasing.

(Signed) W. M. MACKAY, Landdrost.

These letters having been ordered to be laid upon the Table, the Council adjourned.

(Signed) CHARLES HENRY SOMERSET,
JOHN BELL,
WALTER BENTINCK,
J. W. STOLL.

In my presence.

(Signed) P. G. BRINK,
Acting Clerk of the Council.

At a Council held in the Council room this Eighteenth day of July, Eighteen hundred and twenty-five years.

Present : His Excellency the Governor,
The Colonial Secretary,
The Officer next in Command to the Commander of
the Forces,
The Auditor General,
The Receiver General.

The Minutes of the preceding Meeting having been read, approved and signed, His Excellency the Governor communicated to Council that since the last meeting He had received a letter from the Landdrost of Somerset reporting that in addition to the former return which he had transmitted of the Mantatees, Goes, &c., who had taken refuge in his District, a new influx of the Goes tribe to the amount of upwards of two hundred persons had lately taken place in the North Eastern Frontier, that His Excellency had in consequence directed the following letter to be addressed to the Landdrost of that District, containing the temporary measures which His Excellency has deemed it expedient to adopt in regard to these Savages.

COLONIAL OFFICE, *July 14th 1825.*

SIR,—I have submitted to His Excellency the Governor your letter of the 30th ultimo, reporting that in addition to the former return which you had transmitted of the Mantatees, Goes, &c., who had taken refuge in your District, a new influx of the Goes tribe, to the amount of upwards of two hundred persons had lately taken place in the North Eastern frontier, and that the farmers in the neighbourhood had taken upon themselves to divide these savages among them and their friends with a view of benefiting by their services, and that some of the Boers had demanded permission to proceed to the Orange River in order to procure a further supply of them, and which request you had refused.

His Excellency the Governor desires me to inform you that the question as to the disposition of such of the Savage Tribes bordering upon the Frontier who may take refuge in the Colony is at present under the consideration of Council, and some fixed Regulations on the subject will shortly be issued.

In the meantime His Excellency desires me to signify to you his approbation of your conduct in refusing the request of the Farmers to proceed to the Orange River for the purpose of inviting these people into our Territory, and he desires that you will take the most prompt and decisive measures for discouraging by every means in your power the influx of these or any other of the Savage Tribes bordering on the Colony into our side of the Frontier, and that you will admit of no exception whatever to this rule under any other circumstances than those of the actual want of the means of subsistence.

Upon this subject His Excellency desires that you will give the strictest Orders to all the Field Cornets of the Frontier part of your District, and that you will state distinctly to them that they must on this occasion sacrifice all feelings of private interest or advantage to the Orders of Government, and His Excellency trusts with confidence to your seeing his Instructions on this head carried into the most effectual execution.

With regard to such of these Savage tribes who have already entered the District His Excellency desires that the whole of them may be produced before your Board of Landdrost and Heemraden, which must be assembled for the purpose. That you will through the means of some competent Interpreter state to them that the British Government can only receive them under its protection upon one plea, and that is upon their being totally destitute and unable to provide themselves with the means of subsistence elsewhere, and you will order safe conduct to be given and every attention to be paid to those who may feel inclined to return to their Tribes beyond the Frontier.

From the manner, however, in which these Savages have entered the Colony His Excellency is not sanguine enough to suppose that many of them will feel inclined, even if they had the power, to rejoin their native tribes. It will therefore be necessary for him to take the most effectual means of protecting those who may remain and for preventing any undue advantage being taken of their total ignorance and helpless state by those to whom they may have been momentarily indebted for sustenance and support.

The question is one of most material importance to the Colony, and His Excellency therefore desires that you will not allow yourself to be thwarted or turned aside from the Instructions

you will receive on this Head by any arguments of policy, interest or feeling which may be used by the Inhabitants on this occasion, but that you will limit yourself without exercising any discretion upon the subject to giving effect to the following Instructions :

1st. It is His Excellency's positive desire that none of these Savages be permitted to remain in the service of anyone who may be a Slave Proprietor or who has slaves in his employ ; and in making this known to the Parties who may have already been provided with them, you are hereby authorised to grant them any moderate remuneration for the expenses they may have been at in supporting and conveying these poor creatures to you.

2nd. You are further empowered to distribute to any of the Farmers or other Residents in your District, not being Slave Proprietors or employing Slaves, as many of these Savages as they may feel inclined to support, provided the Strangers themselves voluntarily agree to enter into their Service, under the express condition that they are to be decently clothed and well fed, and that each individual receive a name and be registered in a Book to be opened by you for this purpose, under such names and with a full specification of all their peculiar marks and characteristic features, their ages, sex, size, height, &c. ; and that a memorandum thereof signed by you be given to the persons to whom they may be allotted. It is further desired that man and wife or the woman with young children may not be separated, or at all events without the full concurrence of the Parties.

3rd. The Farmers or other Residents will, after the Registry shall be effected, be allowed to keep these people in their service until the ensuing Opgaaf, when the whole of them are again to be brought before the Board of Landdrost and Heemraden, and when such of them who may still continue willing to remain in the service of the Farmers to whom they have been allotted will be regularly apprenticed to them for five, seven, or ten years, as may hereafter be determined upon by His Excellency the Governor in Council, under proper Deeds of Apprenticeship, and will then become subject to the laws relating to Apprentices in this Colony.

The Deeds of Apprenticeship will provide for a severe penalty

in case of not reporting any death or the birth of any children or prolonged absence of these savages from their Masters, and in the meantime you will notify in the Memorandum to be given to the Farmers specifying the Persons allotted to them, that any failure in this respect will render them incompetent to benefit by the services of any of these Savages in future ; should you feel difficulty in finding Persons of good character, not being Slave Owners, to take charge of these people, you will be good enough to forward those who may remain undisposed of, and who may be anxious to stay in the Colony, to the Landdrost of Albany, who will receive Instructions as to their future Provision.

It is His Excellency's intention that any expenses incurred on account of remuneration for the temporary support and maintenance given to these poor people by the Boers should be defrayed by the Parties to whom they may subsequently be allotted. I have &c.

(Signed) RICHARD PLASKET, Secretary to Government.

To the Landdrost of Somerset.

This letter having been read and taken into the consideration of Council, it was

Resolved,

That the same be approved of, and that the adoption of these measures be recommended in the other Frontier Districts of this Settlement into which these Tribes have taken or may take refuge, until the pleasure of His Majesty's Government (to whom His Excellency proposed to submit the case) be known on the subject.

Thereupon the Council adjourned.

(Signed) CHARLES HENRY SOMERSET,
RICHARD PLASKET, W. BENTINCK,
J. DANIELL, J. W. STOLL.
JOHN BELL,

In my presence.

(Signed) P. G. BRINK, Acting Clerk of the Council.

At a Council held in the Council Room this twenty-fifth day of July, Eighteen hundred and twenty-five years.

Present, His Excellency the Governor,
 The Chief Justice,
 The Officer next in Command to the Commander
 of the Forces,
 Lieutenant Colonel Bell,
 The Auditor General,
 The Receiver General.

The Minutes of the preceding Meeting having been read, approved and signed, His Excellency the Governor submitted for the consideration of Council the draft of an Order for the amelioration of the condition and the religious Instruction of the Slaves in this Colony framed by the Chief Justice from His Majesty's Order in Council for the Island of Trinidad in as far as the provisions thereof are applicable to this Settlement, which having been laid upon the table, the Council adjourned.

(Signed) CHARLES HENRY SOMERSET,
 J. A. TRUTER, WALTER BENTINCK,
 J. DANIELL, J. W. STOLL.
 JOHN BELL,

In my presence,

(Signed) P. G. BRINK, Acting Clerk of the Council.

At a Council held in the Council Room this twenty-sixth day of July, Eighteen hundred and twenty-five years.

Present, His Excellency the Governor,
 The Chief Justice,
 The Colonial Secretary,
 The Officer next in Command to the Commander of
 the Forces,
 Lieutenant Colonel Bell,
 The Auditor General,
 The Receiver General.

The Minutes of the preceding Meeting having been read, approved and signed, the Council proceeded to take under

their consideration the Order for the amelioration of the condition and the Religious Instruction of the Slaves in this Colony which had been laid upon the Table at the last Meeting, and the greater part of the same having been deliberated upon the Council adjourned.

(Signed) CHARLES HENRY SOMERSET,
J. A. TRUTER, JOHN BELL,
RICHARD PLASKET, WALTER BENTINCK,
J. DANIELL, J. W. STOLL.

In my presence.

(Signed) P. G. BRINK, Acting Clerk of the Council.

At a Council held in the Council Room this first day of August, Eighteen hundred and twenty-five years.

Present, His Excellency the Governor,
The Chief Justice,
The Colonial Secretary,
Lieutenant Colonel Bell,
The Auditor General,
The Receiver General.

The Minutes of the preceding Meeting having been read, approved and signed, the Council resumed their deliberation upon the Order for the amelioration and religious Instruction of the Slaves in this Colony, and having concluded the same, a fair Copy was directed to be made thereof to be laid before Council at their next meeting. After this it was proposed to issue the following Proclamation, drawn up by His Majesty's Fiscal and approved by the Chief Justice for the stamping of a sum of 40,000 Rixdollars to replace an equal amount of worn out and defaced Paper Currency, now in the custody of the Receiver General.

Ordinance

Of His Excellency the Governor in Council, For the stamping and signing of a sum of 40,000 Rixdollars, in lieu of an equal amount of worn out and defaced Paper Money.

Whereas His Majesty's Receiver General has reported to His Excellency the Governor, that there is at present in his custody

the sum of 40,000 Rixdollars worn out and defaced Paper Money unfit for further circulation.

These are, therefore, to order and direct, that the Secretary of the Court of Justice do on Wednesday the third Instant, attend at the Colonial Secretary's Office, where, on application to the Colonial Secretary, (in whose custody they are) he will receive the stamps, together with the quantity of cartoon necessary for the purpose, and that he do, in the presence of the Fiscal and two Members of the Court of Justice, who are hereby required to attend at the time aforesaid at the usual place and in the usual manner, cause the number of 400 pieces of 100 Rds. each, the backs of which are yellow and marked (100) to be stamped; which pieces, when so stamped, are to be delivered by the Fiscal and Members of the Court of Justice aforesaid to the Colonial Secretary, to whom they are also, at the same time, to return the stamps; which stamps being replaced in the Box in which they are usually kept, the Box shall be sealed with His Excellency the Governor's seal and with that of the Court of Justice, and so remain until further wanted; of all which the Fiscal and Members of the Court of Justice are to make a public Act of Certification, in presence of the Court, on the next Court day, to be registered in the Records of the Court.

And it is further directed that such Pieces (being regularly marked and numbered, and the value of each Piece with the date duly printed thereon) shall be signed by Messrs. W. Hiddingh, D. J. Kuys, and J. H. Frouenfelder. And it is hereby further directed that such money so stamped and signed do remain in the custody of His Majesty's Receiver General, until Report be made of its being finished, when such further Orders shall be given as may be expedient.

And for the several matters herein mentioned, this shall be to all concerned a full and sufficient Warrant.

The Receiver General hereupon stated that since his Report to Government the amount of Paper Money in the Treasury unfit for further circulation had accumulated to a sum of 56,000 Rixdollars, and that he had that morning prepared a letter representing the circumstance to His Excellency the Governor and praying that the amount to be stamped might be increased to that sum, which letter he produced in Council.

It was, therefore

Resolved,

That the amount of Paper Money to be stamped on this occasion be increased as proposed; and directions having accordingly been given for preparing and issuing an Ordinance to that effect, the Council adjourned.

(Signed) CHARLES HENRY SOMERSET,
J. A. TRUTER, WALTER BENTINCK,
RICHARD PLASKET, J. W. STOLL,
JOHN BELL,

In my presence.

(Signed) P. G. BRINK, Acting Clerk of the Council.

At a Council held in the Council Room this Eighth day of August, Eighteen hundred and twenty-five years.

Present, His Excellency the Governor,
The Chief Justice,
The Colonial Secretary,
The Officer next in Command to the Commander
of the Forces,
Lieutenant Colonel Bell,
The Auditor General,
The Receiver General.

The Minutes of the preceding Meeting having been read, approved and signed, the Order for the amelioration of the condition and religious instruction of the Slaves in this Colony framed from His Majesty's Order in Council for Trinidad was read a second time, and after various alterations had been made therein, it was approved, and it was Resolved,

That at the next Meeting explanatory notes should be drawn up for the information of His Majesty's Secretary of State, detailing the reasons for altering or passing over altogether some of the Articles contained in the Trinidad Order in Council, and which do not appear to the Council to be applicable to this Colony.

Hereupon the Council adjourned.

(Signed) CHARLES HENRY SOMERSET,
 J. A. TRUTER, JOHN BELL,
 RICHARD PLASKET, WALTER BENTINCK,
 J. DANIELL, J. W. STOLL.

In my presence.

(Signed) P. G. BRINK, Acting Clerk of the Council.

At a Council held in the Council Room this sixteenth day of August, Eighteen hundred and twenty-five years.

Present, His Excellency the Governor,
 The Chief Justice,
 The Colonial Secretary,
 The Officer next in Command to the Commander
 of the Forces,
 Lieutenant Colonel Bell,
 The Auditor General,
 The Receiver General.

The Minutes of the preceding Meeting having been read, approved and signed, it was

Resolved,

That previously to drawing up the explanatory notes for the information of His Majesty's Secretary of State (as agreed to in the last meeting) detailing the reasons for altering or passing over altogether in the Order framed for the amelioration and religious instruction of the Slaves in this Colony, some of the Articles contained in the Trinidad Order, and which do not appear to the Council to be applicable to the state of this Settlement, a Memorandum of the different Points in which the Order proposed for this Colony differs from the Trinidad Order and the subsequent enactments made for that Island be made out, and copies thereof be sent to the Members of Council to afford them an opportunity to make their Comments thereupon before Monday next, until which day the Council adjourned.

(Signed) CHARLES HENRY SOMERSET,
 J. A. TRUTER, JOHN BELL,

RICHARD PLASKET,
J. DANIELL,

WALTER BENTINCK,
J. W. STOLL.

In my presence.

(Signed) P. G. BRINK, Acting Clerk of the Council.

At a Council held in the Council Room this Twenty-second day of August, Eighteen hundred and twenty-five years.

Present : His Excellency the Governor,
The Chief Justice,
The Colonial Secretary,
Lieutenant Colonel Bell,
The Auditor General,
The Receiver General.

The Minutes of the preceding Meeting having been read, approved and signed, the explanatory notes drawn up by the Council detailing the reasons for altering or passing over altogether some of the Articles in the Trinidad Order in Council, which not appearing to be applicable to this Colony, have not been introduced into the present Order in Council, were read and approved, and a fair copy was directed to be made thereof.

After this a Proclamation (drawn up by His Majesty's Fiscal and reported upon by the Chief Justice) for the more effectual prevention of crimes committed by deserted convicts and by gangs of vagrants was read, and the same having been taken into consideration it was

Resolved, That some amendments and alterations be made therein, and that the final decision of Council thereon be suspended until His Majesty's Fiscal shall have prepared the drafts of such amendments and alterations, and until His Excellency the Governor shall have received from the Chief Justice his Report upon them.

It was further

Resolved,

That an Ordinance be issued (drawn up by His Majesty's Fiscal and approved of by the Chief Justice) for destroying a sum of 56,000 Rixdollars defaced Paper Money in the custody of the Receiver General, unfit for further circulation.

Hereupon the Council adjourned.

(Signed) CHARLES HENRY SOMERSET,
 J. A. TRUTER, WALTER BENTINCK,
 RICHARD PLASKET, J. W. STOLL.
 JOHN BELL,

In my presence.

(Signed) P. G. BRINK,
 Acting Clerk of the Council.

At a Council held in the Council Room this Twenty-ninth day of August, Eighteen hundred and twenty-five years.

Present : His Excellency the Governor,
 The Chief Justice,
 The Colonial Secretary,
 Lieutenant Colonel Bell,
 The Auditor General,
 The Receiver General.

The Minutes of the preceding Meeting having been read, approved and signed, the Explanatory Notes detailing the reasons for altering or passing over altogether some of the Articles contained in His Majesty's Order in Council for Trinidad and the subsequent enactments for that Island, were read a second time, and after some alteration had been made therein, it was

Resolved,

That a fair Copy of the proposed Order in Council for this Colony and of the Explanatory Notes above alluded to should be prepared for transmission to His Majesty's Government.

The following amended Ordinance for the more effectual apprehension of deserted convicts and gangs of vagrants (drawn up by His Majesty's Fiscal and approved of by the Chief Justice) was then laid before Council :

Ordinance of His Excellency the Governor in Council

For the more effectual apprehension of deserted convicts and gangs of vagrants.

Whereas it has been represented to His Excellency the

Governor in Council, that from the difficulty of effectually securing the Convicts who are condemned to labour at the Public Works in this Colony, frequent desertions have taken place ; and whereas several gangs of Vagrants, principally consisting of such deserted convicts, are actually collected in various parts of the Interior of this Colony, who, from their previous habits of life, added to the state of vagrancy in which they are necessarily compelled to live, disturb and infest the peaceable inhabitants of the Colony, breaking open houses and stores, plundering cattle, abusing and maltreating the herdsmen, and seducing Slaves and Hottentots to join their gangs ; and whereas from the fear of being retaken and delivered once more into the hands of Justice, these gangs have become desperate, and go about with the view of attacking such persons who might attempt to take them prisoners, and have thus become dangerous to the lives as well as to the property of the Inhabitants, and have actually wounded persons who have been sent out to apprehend them.

And whereas the laws at present in force in this Colony (by which the officers of Justice or Inhabitants called in to aid and assist them in the apprehension of convicts are only authorised to resort to force in case of actual resistance) are insufficient to counteract and defeat the ravages of these desperate offenders. It is hereby enacted and declared that henceforth it shall and may be lawful for the Officers of Justice or of Police, as well as such of the inhabitants who may be specially assembled for the purpose of apprehending such gangs, with the authority of the Landdrosts and under the control of some local authority or Officer of Justice or Police, upon the discovery of one or more persons known to be deserted convicts or notoriously to belong to such gangs of plunderers, in case of obstinate refusal after three repeated calls " To stand " to shoot at such person or persons with small shot, provided, however, they take aim at the legs only of such persons, and provided also that they cannot be otherwise apprehended.

And in order to hold out some encouragement to the Inhabitants of this Colony to apprehend such deserted convicts without the necessity of having recourse to force, as hereintofore authorised, It is hereby enacted and declared that a reward of fifty rixdollars shall be paid by Government for every deserted

convict belonging to any one of the gangs above mentioned who shall be apprehended without being wounded, and delivered into the hands of Justice.

And with the view of giving warning to these misguided persons, and of allowing them time to deliver themselves up to the Local Authorities, His Excellency the Governor in Council is further pleased to enact and declare, that the Provisions of this Proclamation or Ordinance shall not take effect until the first day of October next, after which period all deserted convicts who may be apprehended, either by force or otherwise, independent of the punishment to which they are liable by the existing laws of the Colony, shall be publicly flogged.

This Ordinance having been taken into consideration, it was approved and directed to be published in the usual manner.

Hereupon the Council adjourned.

(Signed) CHARLES HENRY SOMERSET,
 J. A. TRUTER, WALTER BENTINCK,
 RICHARD PLASKET, J. W. STOLL.
 JOHN BELL,

In my presence.

(Signed) P. G. BRINK,
 Acting Clerk of the Council.

At a Council held in the Council Room this fifth day of September, Eighteen hundred and twenty-five years.

Present : His Excellency the Governor,
 The Colonial Secretary,
 Lieutenant Colonel Bell,
 The Auditor General.

The Minutes of the preceding Meeting having been read, approved and signed, the proposed Order for the amelioration of the condition and religious Instruction of the Slaves in this Colony together with the Explanatory Notes detailing the reasons for altering or passing over altogether some of the Articles in His Majesty's Order in Council for Trinidad and the subsequent Enactments for that Island were again taken into the

consideration of Council, and after some verbal alterations had been made therein it was

Resolved,

That fair copies should be made thereof for His Excellency the Governor to be by Him transmitted to His Majesty's Government by the first opportunity, and that the same should also be entered in the Minutes of Council.

Draft of an Order in Council for improving &c.

(See page 128 of Vol. XXIII.)

Reasons for altering or passing over altogether in the Order in Council for the amelioration and religious instruction of the Slaves at the Cape of Good Hope some of the articles in His Majesty's Order in Council for Trinidad and the subsequent enactments made for that Island.

1st. For not appointing the Registrar and Guardian of Slaves a Magistrate.

Because it appears to the Council that a person who is expressly nominated as the Agent and Advocate of one Party viz. the Slave must be incompetent to act as a Magistrate who ought to have no bias on either side.

2. For specifying Sunday alone in the Article relative to working hours in lieu of Saturday after sunset and sunrise on Monday morning.

Because it is provided by the Law of the Colony that no Slaves can be compelled to work more than ten hours in Winter and twelve hours in Summer, without their own consent.

3. For leaving out in the present Order in Council the Clause prohibiting a Whip, Cat or other Instrument of Punishment to be carried in the field as an emblem of authority.

Because it is not customary here to carry whips, cats or other instruments of punishment into the field as an emblem of authority.

4. For leaving out in the present Order in Council the clause directing a Record Book to be kept for entering all punishments inflicted by Slave Owners upon their Slaves.

Because it is impracticable. In many parts of the Colony the farmers are hardly able to write. The farms in this Colony are not plantations with a regular establishment of a Book-

keeper or Person qualified thereto. They rather resemble European Farms, and many of the Farmers only possess one or two slaves at the most. Besides if the measure were to be enforced here, as far as might be practicable, it would be rendered nugatory from the difficulty and almost impossibility of detecting false Entries. The farms for the most part being much isolated, many are situated 10, 12 or even 15 miles from the nearest habitation, and in most cases such Records could only be made as would suit the Interest of the Slave Owner.

5. For not including in the present Order in Council the fee to the Registrar and Guardian of Slaves of £1 Sterling for the manumission of a Slave.

Because it is thereby intended to exonerate the manumission of Slaves from every possible impediment.

6. For introducing the following exception in the present Order in Council in the Article directing Marriages of Slaves without their Owners' consent to be decided by the Registrar and Guardian of Slaves, viz. that in such cases the Slaves, if females, must have attained 15, and, if males, 20 years of age.

Because slaves under that age are considered to be as little qualified to judge of their own well-being as free people, who being females under 18 or males under 21 cannot by the Law of this Colony call upon their Parents to justify their dissent.

7. For limiting in the present Order in Council the age of children who cannot be sold from their Mother to 10 years in lieu of 16, as in the Trinidad Order in Council, and for making a further exception when proof is adduced that it would be for the well-being of the child not to be sold with its mother.

Because in this climate a child of 10 years old no longer stands in need of maternal care. The further exception is made as there may arise cases where the character of the mother would render it unadvisable to dispose of the child with her.

8. For differing from the Trinidad Order in Council which directs that no husband or wife or reputed husband or wife shall be sold separately, if belonging to the same person; and limiting the provision in the present Order to husband and wife *lawfully married* only.

The prevalence of the Mahomedan Religion here, which admits of Polygamy, would render it very inconvenient to

extend this provision to reputed husband and wife. It has, therefore, been deemed expedient to confine it to persons lawfully married.

9. For not adopting the provision in the Trinidad Order in Council directing the Clergymen, &c., to keep a Book for enregistering the names of such Slaves who understand the nature and obligation of an Oath, and any Slave so registered is to be considered as a competent witness in a Court of Law, and for substituting a declaration that all Slaves are by the Laws now in force looked upon (if they understand the nature of an oath) as competent witnesses, subject to the discretion of the Court to admit them under peculiar circumstances, when even they may not understand such obligation.

Because the Court make no distinction between freemen and slaves, and admit not only slaves who profess the Christian Religion but all others of whatever creed they may be, provided they possess a due sense of the nature and obligation of an oath and of the consequences they subject themselves to if the Oath they take is false.

10. For taking off in the present Order in Council the restrictions laid down in the Trinidad Order in Council that no male slave can be punished until 24 hours after the commission of the offence for which he is to be punished, nor unless in the presence of some free person.

Because this Regulation cannot be enforced indiscriminately. If a slave has committed an offence which does not impede the work in which he is employed, there can be no difficulty in delaying his punishment till the following day, but if the progress of the work of a Slave depends on his being immediately corrected, it would be a hardship to deprive the master of the services of his slave for delaying such correction. With regard to a free person being present at the punishment of a slave, it would either be not practicable or be attended with so much difficulty as to render adherence to it hopeless in the greater part of this Colony, on account of the distance between the farms in the Country districts. Besides the necessary presence of a witness at the infliction of a punishment on a Slave would not be a sufficient guarantee as long as such Witness is a Slave Owner himself, and might have to require the attendance of his neighbour as a witness in his turn. The

frequent visits of a diligent Magistrate would, it is submitted, be a much surer safeguard against improper punishment than restrictions which local circumstances prevent a due observance of and render so easy to be evaded.

11. For making in the present Order female slaves liable to private whipping on the shoulders for any domestic offence to the extent to which children of free condition may be punished by their Parents, whilst in the Trinidad Order in Council they are in no case to be flogged or whipped.

Because the total abolition of corporal punishment on female Slaves would tend to one of two extremes, viz. either the law would be openly disobeyed under a plea of paramount necessity, or general insubordination and much evil consequence would be the result of a strict adherence to it.

12. For not adopting the clause in the Trinidad Order in Council which decrees that when a person has been twice convicted of cruel and unlawful punishment of slaves, the whole of the slaves in his possession shall, at the discretion of the Court, be forfeited to His Majesty, and for substituting that the Owner forfeits the slave maltreated only, and that all the others shall be sold for his benefit.

Because the Laws of confiscation of property as a punishment for crimes having been expressly abolished in this Colony, its reintroduction would be considered extremely invidious. Independent of this, the Law, as it now stands, affords the fullest extent of retributive justice against a Master who has ill-treated his Slave, and clearly defines the duty of the Magistrate before whom the case is cognizable. It is nothing new in this Colony to find in the Records of the Courts of Justice that Slaves have been sold in consequence of ill-treatment by their Masters, and that Masters have been declared incapable of being the Owners or proprietors of any Slave or Slaves. In cases where death has been the consequence of the ill-treatment of a Slave, the owner forfeits his own life.

13. For authorising in the present Order the Court of Justice to employ the money arising from the value of a slave manumitted under appraisement, at the request of those concerned without any Interest from Government being allowed, whilst by the Trinidad Order in Council it is to be lodged in the Treasury at 5 per Cent interest.

Because most persons concerned in the property of Slaves reside in the Colony, and the very few Individuals who may have any Interest in such property and do not reside in the Colony have their agents or Representatives here; there can therefore be no occasion to protect the interest of absentees, whilst those present in the Colony have it in their power to receive the money at the moment the payment is made.

14. For leaving out in the present Order the clause contained in the Trinidad Order in Council for the owners of Slaves manumitting Slaves under six years and above fifty to enter into a bond for securing the said slaves from becoming a burthen upon Government.

Because the evil which it is intended to remedy by this clause does not exist, the manumission of Slaves unable to provide for themselves as well as the manumission under six years of age for other than humane and beneficial purposes being unknown in this Colony, a restriction in this respect, therefore, would rather be an impediment than otherwise to manumission.

Appendix, Ordinance 10. It was then proposed to issue an Ordinance (No. 10) drawn up by His Majesty's Fiscal and approved by the Chief Justice for the better apprehending and bringing to justice the person or persons concerned in the murder of the Slave Joel of Mozambique, the property of the Widow of the late Henry Alexander, Esqre.

The Ordinance having been taken into consideration, it was approved and directed to be published in the usual manner.

Whereupon the Council adjourned.

Signed by the members present in the presence of

P. G. BRINK,
Acting Clerk of the Council.

At a Council held in the Council Room this nineteenth day of September in the year of our Lord one thousand eight hundred and twenty-five.

Present : His Excellency the Governor,
The Colonial Secretary,
The Officer next in Command to the Commander of
the Forces,
Lieutenant Colonel Bell,

The Auditor General,
The Receiver General.

The minutes of the preceding Meeting having been read, approved and signed, His Excellency the Governor submitted for the consideration of Council the following letter and annexed outline addressed to Government by Mr. Arthur Hogue proposing to establish a private Bank in this Colony and to issue paper currency upon his own credit :

To Sir Richard Plasket, Knight, &c., &c.,
Secretary to Government.

CAPE TOWN, CAPE OF GOOD HOPE, 15 *September* 1825.

SIR,—I have the honor to report my return to this Colony from England by my ship, the *Venus*, with an extensive and valuable cargo of East India Goods purchased at the East India Company's Sales London, and British Merchandize, and a quantity of Blank Bank Notes, with the view of establishing a private Banking House in the Colony, under the name of the *Bank of South Africa*, upon the principle of the Bank of Scotland and the private Banking Houses in that country, that have been productive of so much benefit, particularly to the Agricultural Interests of the Country, and which for the number of years that I have known the Colony, I have observed a Bank to be very much wanted here, and in consequence when in England I matured a plan with my friends Messrs. Fletcher, Alexander and Co. and Messrs. Coutts & Co. for carrying a Bank into effect, and I have incurred considerable expence in getting a steel plate engraved under Sir William Congrieve's invention and patent, which render forgery almost impossible ; and I have brought out Mr. Robert Waters an able accountant, clerk &c.

My pretensions as to qualifications and means of establishing and carrying on such a business will, I trust, be generally admitted here, particularly amongst the respectable Senior Members of the Dutch Inhabitants of the Cape, to whom I am well known, as coming here from India in the years of 1798, '99, 1800, 1801 and 1802, together with my general character and extensive mercantile operations, at the head of one of the first houses of agency and commerce in Bengal, for nearly twenty years, and I was bred in one of the most respectable and most

successful Banking Establishments in Scotland, viz. the house of Sir William Forbes and Co., Edinburgh, and as to means my present Cargo and the Records of this Government for the years above noticed will shew my capability and the value and extent of my importations from India of merchandize on private account, of specie and of grain for government during times of scarcity in the Colony.

Accompanying I send an outline of the Banking Business that I propose to establish in the Colony, and to which I p'ledge myself and associates strictly to adhere, and to make no material alteration without reference to, and obtaining the sanction of Government and the Public; with regard to security and the solidity of the base for the Bank issue of notes, I will set apart out of the sales of my ship *Venus's* Cargo which will realize from forty or fifty thousand pounds sterling a sum of not less than a hundred thousand rixdollars of the Government paper money, upon which when the confidence of the public is fairly acquired by regularity and punctuality, the issue of the South African Bank Notes will, I have every reason to believe, find a general and accommodating circulation throughout the Colony.

I will therefore esteem it a favour if you will take an early opportunity of laying the present before His Excellency Lord Charles Henry Somerset, Governor in Council, and obtain for me his approbation to my proposed Bank Establishment or as far as he may be pleased to sanction the same. I have &c.

(Signed) ARTHUR HOGUE.

Memorandum. Outline of the operations of the proposed South African Banking Establishment by Arthur Hogue and his associates at Cape Town, Cape of Good Hope.

First. The Bank to be established and conducted upon principles similar to those forming the practice of the Bank of Scotland and private Banks issuing notes in that Country, which has been found upon a century's experience to operate satisfactorily and advantageously, and to have a real deposited capital of at least a hundred thousand rixdollars in the Chest of the Government, Colonial Paper Money.

Second. The Bank will open accounts for Individuals to deposit sums of money which they may draw out again at

pleasure upon cheques as at the Bankers in London, Edinburgh, &c., and the South African Bank will allow interest as the Banks in Scotland do upon such deposits for the time that such are credit accounts.

Third. The Bank will open Cash accounts for Merchants, Traders, Farmers and others whose business requires a temporary aid for a limited period to be agreed upon, and upon the security of two or more with the person requiring the credit, which, when arranged, they may draw out one day, week or month, and pay in another, as the transaction of their business enables them.

Fourth. The Bank will retire and exchange their notes (as the Bankers in Scotland do) monthly or weekly with the Government Bank or others that may be established, *i.e.* all the South African Bank notes that may be received into the Treasury of the Government Bank in the course of receipts during the month or week will be taken up and exchanged by the South African Bank and paid for by the Government Rix-dollar card notes.

Fifth. The Bank will discount Bills, acceptances, promissory notes and other negociable, personal paper and securities of merchants and others requiring temporary accommodation of money.

Sixth. The South African Bank's operation is not intended to embrace dead loans upon houses, lands or fixed property in the Colony, therefore it will not in any measure interfere with the Government Lombard Bank. And if the Government present paper currency of Dutch Rixdollars may be all called in and new notes issued in English pounds, the plate (engraved on steel on Sir William Congrieve's invention and patent) of the South African Bank notes, admits of five and forty different changes and can be altered in conformity with any change of Colonial currency.

(Signed) ARTHUR HOGUE.

These papers having been read, they were directed to be laid on the Table until the next meeting, His Excellency having signified his intention in the meantime to cause a communication to be made to the Chairman of the Committee of the Commercial Exchange with the view of obtaining the opinion of the

mercantile body upon the subject of the proposed establishment, as far as its interests are concerned.

After this His Excellency laid before Council the following extracts of a despatch and enclosures which he had received from His Majesty's Secretary of State for the Colonies under date the 26th March last on the subject of a complaint preferred by Mr. Bishop Burnett relative to the non liquidation of his claim for the value of forage said to have been supplied by him to the Cape Corps of Cavalry when resident in this Colony.

Extract of a despatch from His Majesty's Secretary of State for the Colonies to His Excellency Lord Charles Henry Somerset dated the 26th March 1825.

With respect to Mr. Burnett's claim &c.

Enclosed in this despatch was a paper styled "continuation of Mr. Bishop Burnett's narrative."

His Excellency stated that he had directed Lieutenant Colonel Somerset to be called upon to answer the charge of voluntary neglect imputed to him by Mr. Burnett, and that he would submit for the consideration of Council Colonel Somerset's report together with the proceedings had before the Commission of Circuit at Graham's Town in the year 1821 on an action brought before it by the complainant against the commanding officer of the Cape Corps for the recovery of the claim in question, and the result of such further inquiries as he would deem it necessary to make in this case.

Hereupon the Council adjourned.

Signed by the Members present in the presence of

P. G. BRINK,
Acting Clerk of the Council.

At a Council held in the Council Room this twenty-sixth day of September in the year of our Lord one thousand eight hundred and twenty-five.

Present : His Excellency the Governor,
The Colonial Secretary,
The Auditor General.

The Minutes of the preceding meeting having been read, approved and signed, His Excellency the Governor submitted for the consideration of Council the drafts of two ordinances prepared by His Majesty's Fiscal and approved of by the Chief

Justice, the one for assigning to the office of His Majesty's Fiscal certain duties specially to be entrusted to his charge and for separating therefrom the administration of the police, and the other for appointing an officer to be appointed with the administration of the police and the prosecution of police cases arising within the jurisdiction of Cape Town, which drafts having been laid upon the Table, the Council adjourned.

Signed by the Members present in the presence of

P. G. BRINK, Acting Clerk of the Council.

At a Council held in the Council Room this third day of October in the year of our Lord one thousand eight hundred and twenty-five.

Present : His Excellency the Governor,
The Chief Justice,
The Colonial Secretary,
The Officer next in command to the Commander of
the Forces,
Lieutenant Colonel Bell,
The Auditor General,
The Receiver General.

The Minutes of the preceding Meeting having been read, approved and signed, the drafts of the two ordinances which were laid on the Table were read, approved and directed to be published in the usual manner.

After this His Excellency laid before Council the following reply from the Chairman of the Committee of the Commercial Exchange, stating the objections that present themselves to the proposal of Mr. Arthur Hogue to establish a private Bank in this Colony.

COMMERCIAL EXCHANGE, 29th September 1825.

SIR,—Since my reports to you of the 21st Instant the Committee have conferred with Mr. Hogue upon the nature of the security he had to offer and the principles upon which he intended to carry on his proposed Bank, and having taken the opinion of the mercantile body thereon I am directed to state for the information of His Excellency the Governor in Council that they are unanimously of opinion that no paper currency ought to be issued which is not convertible at the pleasure of the holder into Bullion or its equivalent, and that any issue

without this condition would introduce a factitious capital into circulation to the injury of the commercial interest. I have &c.

(Signed) STEPHEN TWYCROSS, Chairman to the Committee.

To the Secretary to Government.

Resolved that a Copy of the above letter be sent to Mr. Hogue for the further consideration of the object he has in view.

His Excellency further submitted to Council the following application of the Chairman of the Committee of the Commercial Exchange praying that the duty of 2¼ per cent levied under the proclamation of the 2nd May 1806 and renewed by proclamation of the 22nd of April last on moveables bought in at public sales may be abolished, together with a report thereon from the joint Commissaries of Vendues to whom the same had been referred.

COMMERCIAL EXCHANGE, 10 *September* 1825.

SIR,—As several of the principal merchants of Cape Town have requested the Committee of the Commercial Exchange to address you upon the subject of the charges made upon goods bought in, I have the honor to state their sentiments.

That by enforcing the three articles of the Proclamation of the 22nd April 1825 by charging two and a half per cent on goods bought in by the proprietors or their Agents, it tends materially to the disadvantage of the seller, as he is obliged to name the price of his goods, which puts an end to all competition, and they have found the traders leave them with trifling sales effected (excepting in cases where the Sales have been forced) without the least reserve.

I have therefore to beg that you will represent this subject to His Excellency Lord Charles Henry Somerset's consideration, praying that His Excellency may be pleased to rescind that article, as being more conformable to the custom of the Colony, and to the benefit of the Sellers. I have &c.

(Signed) STEPHEN TWYCROSS,
Chairman to the Committee.

To Sir R. Plasket,
Secretary to Government.

VENDUE OFFICE, CAPE TOWN, 22nd September 1825.

SIR,—We have the honor to acknowledge the receipt of a petition of the Chairman of the Committee of the Commercial Exchange dated 10th and referred by Government to us on the 12th instant for report, and beg leave to state.

That the third article of the Proclamation of 22 April 1825 alluded to in the above mentioned petition having been issued on the 2nd May 1806 the Government then only received $1\frac{3}{4}$ per cent out of the $2\frac{1}{2}$ charged on goods bought in, whilst the remaining $\frac{3}{4}$ per cent was enjoyed by the Vendue Master according to the Regulations in force at that time, which charge of $1\frac{3}{4}$ per cent has only amounted upon an average for 1806, 1807, 1808, and 1809 to Rds. 285 per annum.

Since December 1809 we find that no duty whatsoever on goods bought in has been accounted for to Government by this department, and we are informed by some of the officers who at that time were and are still employed in this office and by others, that in consequence of the Sellers and sworn auctioneers then complaining about the disadvantage arising from the charge of the duty before alluded to, as well to Government as themselves, the sworn clerks and auctioneers with the consent of the former Vendue Masters and Commissaries ever since have not enforced the Regulations.

The charge of $2\frac{1}{2}$ per Cent on goods bought in having been renewed by proclamation of the 22nd April 1825, daily complaints of the same nature as those made in the petition now referred to us for report have reached this office, and notwithstanding the punctuality with which that part of the said proclamation has been discharged, the emolument to Government which has arisen from it has only amounted for the months of April and May to Rds. 16 3 1, and we have no doubt but that it has on the other hand diminished the amount of Sales, as the Merchants for fear of being charged with the $2\frac{1}{2}$ per cent on goods which they should not be able to dispose of at public auction, have only been in the habit of offering those articles which they were sure would find a good market, selling the others without a trial at auction by private contract. We therefore fully agree with the merchants that by enforcing the third article of the proclamation of the 22nd of April 1825

it tends materially to the disadvantage of the Seller, and are also of opinion that it will diminish instead of encreasing the income of Government.

We therefore beg leave to propose that His Excellency the Governor may be graciously pleased to rescind that part of the third article of the proclamation of the 22nd April 1825, by which it is ordered to charge $2\frac{1}{2}$ per cent on moveable property exposed for sale and bought in, and to diminish the duty of $2\frac{1}{4}$ per cent on immoveable property exposed for sale and bought in when such property may be disposed of by private contract within six weeks after such attempt at public sale to $1\frac{1}{4}$ per cent. We have &c.

(Signed) CHAS. H. FITZ ROY,
E. BUYSKES,
Joint Commissioners of Vendue.

These papers having been taken into consideration it was Resolved,

That the prayer of the Commercial Body be acceded to, and with regard to that part of the letter from the Commissaries of Vendues in which they recommend a reduction of $1\frac{1}{4}$ per cent in the duty of 2 per cent chargeable on immoveable property exposed for sale and bought in, if the same be disposed of by private contract within six weeks after such attempt at public sale, it was agreed to lower that duty to 1 per Cent, and his Excellency was requested to cause instructions to be given to His Majesty's Fiscal for preparing the draft of an ordinance to give effect to these measures.

Thereupon the Council adjourned.

Memorandum.

His Excellency the Governor having received a letter from His Majesty's Fiscal, since the Council adjourned, suggesting an alteration in one of the proposed ordinances respecting that department, His Excellency has been induced to authorize the Secretary of the Council not to insert the ordinances in question in the above minutes.

Signed by the Members present in the presence of

P. G. BRINK, Acting Clerk of the Council.

At a Council held in the Council Room this tenth day of October in the year of Our Lord one thousand eight hundred and twenty-five.

Present : His Excellency the Governor,
 The Chief Justice,
 The Colonial Secretary,
 The Officer next in Command to the Commander of
 the Forces,
 Lieutenant Colonel Bell,
 The Auditor General,
 The Receiver General.

The Minutes of the preceding meeting having been read, approved and signed, His Excellency the Governor laid before Council the following letter received from His Majesty's Fiscal since the last meeting, suggesting an alteration in the ordinance for assigning to his Office certain duties specially to be entrusted to his charge :

FISCAL'S OFFICE, 3rd October 1825.

SIR,—Finding on my reperusal of the draft I was desired to make of an Ordinance for assigning to the Office of His Majesty's Fiscal certain duties specially to be entrusted to his charge, that the second section thereof would involve a change in the qualification of the Court of Resident and Heemraden of Simon's Town and in the manner of proceeding in criminal cases where the offence is capital which in consideration I am induced to think cannot have been contemplated by Government, I will feel much obliged to you for submitting the hereunto enclosed amended draft of the second section of the said ordinance to the consideration of His Excellency the Governor in Council.

I have &c.

(Signed) D. DENYSSEN, Fiscal.

This letter having been taken into consideration, it was approved by the Chief Justice and the members of the Council, and the two proposed ordinances (Nos. 11 and 12) were therefore assented to and ordered to be published in the usual manner.

Hereupon the Council adjourned.

Signed by the Members present in the presence of

P. G. BRINK,
 Acting Clerk of the Council.

At a Council held in the Council Room this seventeenth day of October in the year of Our Lord one thousand eight hundred and twenty-five.

Present : His Excellency the Governor,
The Chief Justice,
The Colonial Secretary,
Lieutenant Colonel Bell,
The Auditor General,
The Receiver General.

The minutes of the preceding Council having been read, approved and signed, the following Memorial from James Barry to His Excellency the Governor in Council was read :

To His Excellency the Governor in Council.

The Memorial of James Barry M.D. sheweth,

That your Memorialist having received a letter from your Excellency stating it to be your intention to submit for the consideration and decision of Council the whole correspondence that has taken place with regard to the Medical Inspectorship, which your Memorialist respectfully conceives must require more full explanation, your Memorialist humbly requests he may be permitted personally to attend your board for the purpose of submitting such particulars to your notice as may serve to explain away the imputed impropriety of any expressions contained in your Memorialist's correspondence, on the subject of the Medical Inspectorship.

(Signed) JAMES BARRY, M.D.,
Colonial Medical Inspector.

CAPE TOWN, 15th October 1825.

This Memorial having been taken into consideration, it was Resolved,

That the Memorialist be informed that it is not considered consistent with the principles upon which the Council is formed to admit any Individual before it upon his own solicitation, but that should the Council in the consideration of any case submitted to it consider the personal information or explanation of any Individual necessary to its decision thereon, it will not fail to require the attendance of such persons. In the meantime

copies of the whole of the Correspondence that has taken place with regard to the Colonial Medical Inspectorship were directed to be made in order to be laid before Council for its consideration and decision at the next meeting.

After which two ordinances (Nos. 13 and 14) drawn up by His Majesty's Fiscal and approved by the Chief Justice were read, agreed to and directed to be published in the usual manner.

His Excellency then submitted for the consideration of Council a letter he had received from the President and Members of the Burgher Senate suggesting the expediency of prohibiting for the present the exportation of wheat from this Colony, which was directed to be laid on the Table until reports should have been received on the present state of the wheat crops and the quantity of old wheat in the possession of the Inhabitants, to which effect His Excellency was requested to cause enquiries to be made.

Hereupon the Council adjourned.

Signed by the Members present in the presence of

P. G. BRINK,
Acting Clerk of the Council.

At a Council held in the Council Room this twenty-fourth day of October in the year of Our Lord one thousand eight hundred and twenty-five.

Present : His Excellency the Governor,
The Chief Justice,
The Colonial Secretary,
The Officer next in Command to the Commander of
the Forces,
Lieutenant Colonel Bell,
The Auditor General,
The Receiver General.

The minutes of the preceding Meeting having been read, approved and signed, the following letter from the Burgher Senate which was laid upon the table at the last Meeting was taken into consideration :

TOWN HOUSE, CAPE TOWN, 7th October 1825.

MY LORD,—Several reports having reached us that in all probability a bad harvest of wheat may be expected this season, and as our stock in store not even amounts to six thousand muids, a quantity in case of failure of the crop hardly sufficient for two months consumption for the inhabitants of this town, we therefore beg to suggest to your Excellency whether it would not be prudent, under these circumstances, to prohibit for the present the exportation of wheat from this Colony, until such time as all fear for the failure of the next crop shall be removed.

We have the honour to subscribe ourselves with due respect,
&c.

(Signed) J. VAN DER POEL.

By command of the President and Members of the Burgher Senate.

(Signed) P. J. TRUTER, Secretary.

It was then Resolved,

That the Burgher Senate be informed that the Council is of opinion that no public act should be given out at present prohibiting the exportation of wheat, but that the Government should use the necessary precaution in authorising such exportation until the state of the ensuing harvest is better known.

It was further Resolved,

That considering the price of wheat in the Market, the propriety of selling any quantity of the wheat now in store not exceeding one thousand muids and not under 175 Rixdollars the load of 10 muids, be suggested to the Burgher Senate, and His Excellency was requested to give the necessary directions for carrying the above Resolutions into effect.

After this the following documents were laid upon the Table :

1. Copies of the Correspondence that has taken place relative to the Colonial Medical Inspectorship.
2. Copy of Lieutenant Colonel Somerset's refutation of the charges preferred against him in a Memorial of complaint addressed to His Majesty's Secretary of State for the Colonies by Bishop Burnett, and
3. Copy of the proceedings had before the Commission of Circuit at Bathurst in the year eighteen hundred and twenty-

one in the case of the said Burnett claimant for the payment of grass said to have been supplied to the Cape Corps Cavalry.

Hereupon the Council adjourned.

Signed by the Members present, in the presence of

P. G. BRINK,
Acting Clerk of the Council.

At a Council held in the Council Room this twenty-eighth day of October in the year of Our Lord one thousand eight hundred and twenty-five.

Present : His Excellency the Governor,
The Chief Justice,
The Colonial Secretary,
Lieutenant Colonel Bell,
The Auditor General.

The Minutes of the preceding meeting having been read, approved and signed, the papers that were laid on the Table at the last meeting were taken into consideration, and it was Resolved,

That with regard to the claim made by Bishop Burnett for grass said to have been supplied to the Cape Corps of Cavalry, and more particularly to Lieutenant Colonel Somerset's refutation of the charges preferred against him by that Individual, Colonel Somerset be called upon by Government to furnish the following particulars for the information of Council :

1st. The data upon which the certificate was granted to Mr. Burnett by Captain Stuart for 44 loads of grass was made out, and whether the periods of supply were specified.

2. An Extract from the Forage Books of the total quantity of grass cut from Mr. Burnett's farm and of the different periods at which such grass was cut.

3. An Affidavit of the Quarter-Master of the Corps or other officer who may have had the superintendance of the duty relative to the mode pursued in cutting grass for the Cape Corps from other persons' property besides Mr. Bishop Burnett's, and of the manner of keeping the accounts thereof and making payment.

4. Whether in the cuttings of grass or in the mode of assessing the value and of keeping the accounts thereof, any difference was made between Mr. Burnett and the other Residents.

5. Whether any complaints were made for claims not satisfied by any other persons besides Mr. Burnett, and how they were arranged.

6. Whether any receipt or Memorandum was asked for or given by any of the parties, and whether they made out their own accounts or trusted to the account kept by the officers of the Regiment.

And that the further consideration of this subject be deferred till the receipt of the above information, which His Excellency the Governor was requested to cause to be obtained.

In the meantime copies of all the correspondence that has passed between Mr. Burnett and the Government upon the subject of his claim to payment for this grass were directed to be made to be laid before Council, and a letter of explanation received from the Deputy Commissary General Hewetson since the last meeting relative to the grass in question was also directed to be laid upon the Table.

With regard to the Colonial Medical Inspectorship and the Correspondence submitted to Council as connected therewith it was Resolved,

That it is the opinion of Council that the duties imposed by the proclamation of 24 April 1807 on the Medical Committee therein nominated, and which duties with others specified in the proclamation of the 18th of August 1807 and 26th September 1823, have subsequently devolved upon the Colonial Medical Inspector are of a nature and quality which it is not expedient to confide to any one Individual, and that the Council therefore perfectly agree with His Excellency the Governor in the propriety of his proposal to establish a Medical Committee as originally instituted by the above-mentioned proclamation of 24th April 1807. That the Council having expressed their opinion on this subject will refrain from commenting on the tone and temper adopted by Dr. Barry in his official correspondence.

After this the following Memorial was read :

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

The Memorial of Pieter Frederick Dusing Humbly Sheweth
That your Memorialist is one of the licensed Bakers of Cape

Town, and being afraid that the next wheat crops will be very bad and not sufficient for the supply of the inhabitants, feels anxious to make arrangements for the importation of 3 or 4,000 muids from England or elsewhere.

But as circumstances may lead to the price of wheat being less than the rate at which it is allowed to be imported when the wheat in question arrives, Memorialist requests that in such a case he may still be allowed to land and dispose of the same.

And Memorialist shall in duty bound ever pray &c.

(Signed) P. F. DUSING.

CAPE TOWN, *October 26th* 1825.

It was Resolved,

That the consideration of the above Memorial be deferred till next meeting.

Hereupon the Council adjourned.

Signed by the members present, in the presence of

P. G. BRINK, Acting Clerk of the Council.

At a Council held in the Council Room this thirty-first day of October in the year of Our Lord one thousand eight hundred and twenty-five.

Present, His Excellency the Governor,

The Colonial Secretary,

The Officer next in command to the Commander of
the Forces,

Lieutenant Colonel Bell,

The Auditor General,

The Receiver General.

The Minutes of the preceding Meeting having been read, approved and signed, the Memorial from Mr. Dusing submitted to Council at the last meeting was taken into consideration, and it was Resolved

That in the opinion of Council no necessity exists for altering the Regulations of Government relative to the importation of wheat into this Colony as laid down in the Proclamation of the 8th February 1822.

After this the Secretary laid on the Table, in conformity to the Resolution adopted at the last Meeting, copies of the correspondence that has passed between Mr. Bishop Burnett and the Government on the subject of that Individual's claim to payment for grass said to have been supplied to the Cape Cavalry.

Hereupon the Council adjourned.

Signed by the Members present, in the presence of

P. G. BRINK, Acting Clerk of the Council.

At a Council held in the Council Chamber the seventh day of November in the year of Our Lord one thousand eight hundred and twenty-five,

Present, His Excellency the Governor,
The Chief Justice,
The Officer next in Command to the Commander
of the Forces,
Lieutenant Colonel Bell,
The Auditor General,
The Receiver General.

The Minutes of the preceding Council were read, approved and signed. A despatch from His Majesty's principal Secretary of State for the Colonial Department, announcing that His Majesty had been pleased to appoint Dudley Montagu Perceval, Esqre., to be Clerk of the Council here, with a salary of eight hundred pounds per annum, was presented to Council by His Excellency, and read.

Whereupon Mr. Perceval was called in, and took the same oaths of office as are stated in the minutes of the first Meeting of the Council to have been taken by Mr. Brink and Mr. Miller as the Acting Clerks, and signed the same.

Another despatch from the principal Secretary of State for the Colonial Department was laid before the Council and read, announcing His Majesty's most gracious approbation of the course which His Excellency had adopted for carrying into effect His Majesty's instruction for the formation of the Council, and directing that the Members thereof should be permitted to assume the title of "Honourable."

The Memorial of Antonio Chiappini and Company, which states that they are the holders of several dishonored Vendue Rolls, signed by John Willis, Vendue Master at Graham's Town, and prays that the amount thereof may forthwith be paid to the Memorialists out of the Colonial Treasury, was then read, and it was resolved,

That this Memorial be taken into consideration at the next meeting of the Council. And it was ordered that copies of the correspondence which has passed between the Government and the Landdrost of Albany on the subject of the insolvency of John Willis be laid before Council.

It was then ordered that an ordinance be prepared in the usual manner, and issued, for the destroying of fifty thousand rixdollars defaced paper currency, now in the custody of His Majesty's Receiver General.

And the Council adjourned.

(Signed) D. M. PERCEVAL, Clerk of the Council.

At a Council held in the Council Chamber the fourteenth day of November in the year of Our Lord one thousand eight hundred and twenty-five.

Present, His Excellency the Governor,

The Chief Justice,

The Colonial Secretary,

The Officer next in Command to the Commander
of the Forces,

Lieutenant Colonel Bell,

The Auditor General,

The Receiver General.

The minutes of the preceding Council were read and confirmed.

The correspondence between the Colonial Office and the Landdrost of Albany, together with the opinion of His Majesty's Fiscal on the subject of the bankruptcy of the Vendue Master of Albany, was laid on the Table.

The Memorial of Antonio Chiappini and Company was then taken into consideration, and some doubt appeared as to the question whether the responsibility assumed by Government by its proclamation of the twenty-second of April last was

immediate or ultimate, but the majority of Council being of the latter opinion it was Resolved,

That according to the strict letter of the proclamation of the twenty-third of April last, the Government is not bound to make immediate payment of the protested bills of a Vendue Master, but is merely responsible for the deficiencies should the estate with the securities not be sufficient to discharge the same.

At the same time the Council is of opinion that the Government should, as a matter of convenience to the mercantile interests, give every facility towards these payments as soon as the certificates required by the proclamation as to the regularity of the Sales shall have been presented to Government.

And it was ordered, That a Copy of this resolution be transmitted to the Memorialists by the Colonial Secretary.

Grounds of dissent from the first resolution of this day delivered to the Clerk by Lieutenant Colonel Bell.

I think it necessary to record my dissent from the opinion of the Majority of Council on this question, which is one of great public importance. It appears to me that the Colonial Government is bound by its proclamation of the 23rd April 1825 to make payment of all sales effected by the Commissaries of Vendues, or Vendue Masters, in case of the inability or refusal of such officers to make payment, so soon as such inability or refusal shall have been reported by the local authorities, such report being accompanied by satisfactory proof that all the obligations incumbent on the vendor for securing his recourse have been complied with, according to the terms of the Proclamation ; and I ground my reasons for such dissent :

1. On a general view and consideration of the said Proclamation, which establishes certain Regulations a compliance with which gives a pledge to the Vendors that no doubt should exist relative to the security of the proceeds of Public Sales effected through the said officers. This pledge is professedly given because the interests of commerce require it. In my opinion the decision of the Council throws a very great doubt on the security of the proceeds of such sales as far as the immediate *Interests of Commerce* are involved, for the Merchant depends on

payment of his Vendue proceeds on the day the amount becomes due, he appropriates the money so due to other payments, and he is in my opinion fully warranted in doing so with confidence by the assurances contained in the proclamation.

2. The Government having declared its right of a preferable claim over the estate of a Vendue Master, in case of his insolvency, the Vendor can have no claim on such estate, nor can he have any recourse on the Vendue Master's Securities, he is compelled to remain in a state of inactivity and to wait the result of the proceedings of the Law Officers, over whose operations he can have no possible control.

3. It appears to me that the uncertainty of payment in case of such insolvencies will tend most materially to lessen the frequency of Vendue Sales, and will be consequently attended with a diminution of the Revenue arising from that source, and the inconvenience which Government will suffer from its being obliged to make immediate payment of such claims can be but trifling when compared with that which the Vendor must endure from his being deprived of the use of his money for an indefinite length of time.

4. The decision of Council will not, in my opinion, set this question at rest ; it will most probably give rise to troublesome disputations and eventual litigation, all of which may be avoided by following the course of proceedings which I have offered for the adoption of Government.

(Signed) JOHN BELL.

A despatch from Lieutenant Colonel Somerset to the Colonial Secretary, announcing the existence of a considerable traffic for cattle with the Kaffers, and complaining of the difficulties occasioned thereby with respect to the defence of the frontier, was then laid before Council by His Excellency and read.

His Excellency then proposed according to a Memorandum to that effect sent round to the Members of Council on the 10th November, that the trade on the frontier should be thrown open to the Kaffers at the fairs established there. Whereupon it was Resolved,

That it is expedient for the security of the Frontier and for the suppression of smuggling there, that a free Trade for Cattle

with the Kaffers should be permitted. And it was ordered, That His Majesty's Fiscal be directed to prepare a Proclamation to that effect, to be submitted to Council at the next meeting. And the Council adjourned.

(Signed) D. M. PERCEVAL, Clerk of the Council.

At a Council held in the Council Chamber the seventeenth day of November in the year of Our Lord one thousand eight hundred and twenty-five.

Present : His Excellency the Governor,
The Colonial Secretary,
The Officer next in Command to the Commander of
the Forces,
Lieutenant Colonel Bell,
The Auditor General,
The Receiver General.

The minutes of the preceding Council were read and confirmed.

A paper was delivered to the Clerk by Lieutenant-Colonel Bell containing his reasons for dissenting from the resolution adopted by the majority of Council on the fourteenth instant, on the subject of the Bankruptcy of the Vendue Master of Albany. This paper has been entered in the minute book immediately after the report of that day's proceedings.

The draft of an ordinance for opening the trade in Cattle with the Caffre Tribes, according to the resolution of Council to that effect on the 14th instant, was then read, and as it appeared that the draft provided for a free trade at Fort Willshire only, the insertion of the words " or at such other fairs as may hereafter be established on the Frontier " was proposed and adopted. The ordinance thus amended was approved of by the Council. It was ordered

That the same be printed and published.
And the Council adjourned.

(Signed) D. M. PERCEVAL, Clerk of the Council.

At a Council held in the Council Chamber the twenty-first

day of November in the year of Our Lord one thousand eight hundred and twenty-five.

Present : His Excellency the Governor,
 The Chief Justice,
 The Colonial Secretary,
 The Officer next in Command to the Commander of
 the Forces,
 Lieutenant Colonel Bell,
 The Auditor General.

The minutes of the preceding Council were read and confirmed.

His Excellency the Governor submitted to Council a Letter addressed to him in Council from His Majesty's Commissioners of Enquiry, requesting (for the reasons therein stated) to be furnished,

1. With Copies of all or any Documents and Correspondence that may have been submitted to the consideration of Council, upon which the removal of the late Medical Inspector was resolved and the abolition of his office (as announced in a Government Minute), and the appointment of a Committee of Medical Inspection, in another minute of the same date, were declared.

2. With a Copy or Copies of any memorial or information by which the determination of His Excellency the Governor in Council may have been guided on the subject of the ordinance of the seventeenth instant, permitting the Barter in cattle with the Caffre Tribes.

The Council having taken the same into consideration,
 It was Resolved,

That the correspondence and documents requested by the Commissioners of Enquiry be furnished forthwith.

At the same time the Council deem it necessary to remark that the late change which has been made in the mode of carrying into effect the Laws of this Colony relative to the Medical Department (as promulgated by the Proclamations of the twenty-fourth of April and eighteenth of August one thousand eight hundred and twenty-three) was merely an Executive measure, and not a Legislative act, as those laws have not been touched in any way ; and that the measure was submitted by His Excellency the Governor in Council not as an act strictly requiring their deliberation, according to the Constitution of the

Council, but as one on which he was anxious to obtain their opinion and advice.

The Council deem it necessary further to remark that the late Colonial Medical Inspector was not "removed" from the Colonial Medical Department, but appointed to a seat at the Board established to conduct in future the duties attached to that department. The late Colonial Medical Inspector's subordinate rank in the army precluding the possibility of retaining him as President, without depriving the Public of the services of several gentlemen of the faculty whose reputation is of the highest in the Colony. This appointment however the Council now understands from His Excellency Dr. Barry refused to accept, by an official letter of the twenty-fourth of October last.

And the Council adjourned.

(Signed) D. M. PERCEVAL, Clerk of the Council.

At a Council held in the Council Chamber the twenty-eighth day of November in the year of Our Lord one thousand eight hundred and twenty-five.

Present, His Excellency the Governor,
The Chief Justice,
The Colonial Secretary,
The Officer next in Command to the Commander
of the Forces,
Lieutenant Colonel Bell,
The Auditor General,
The Receiver General.

The Minutes of the preceding Council were read and confirmed.

A Memorial from the Winegrowers of the Paarl and Drakenstein was laid on the Table. This document states that the price of wine has fallen to fifty Rds. per leaguer and in some cases even so low as forty rixdollars, the whole of which prices, if received by the grower, would not cover his expenses. That the duties and tolls at present paid by the Wine Farmer amount to $5\frac{1}{2}$ Rixdollars per leaguer. That the Memorialists have suffered much, and are apprehensive of more distress in consequence, and humbly pray to be relieved from the duty of three rixdollars payable per cask brought to Market, and that of 1 Rixdollar charged for gauging the same.

His Excellency was pleased to inform the Council that he would give Orders for a Copy to be made of a Dispatch on this subject lately addressed by His Excellency to the Earl Bathurst, which would be laid before Council at the next meeting.

The following Memorandum was then proposed for insertion in the Minute Book, and agreed to by Council.

Memorandum.

The Signature of the Minutes by all the Members present at each Council from henceforth will be discontinued, as the Minutes are considered to be sufficiently authenticated by the Signature of the Clerk.

The necessity of appointing an Assistant to the Clerk of the Council, in consequence of the voluminous nature of the documents to be prepared in his office for transmission to England, was then represented to Council. And a dispatch from the principal Secretary of State for the Colonial Department was laid before Council by His Excellency and read, which stated that Lord Bathurst had been requested by Mr. Perceval to nominate the bearer thereof, Mr. Richard Nichols, to be his Assistant in the office of clerk of the Council here, which however his Lordship had not thought proper to grant, as it was difficult to judge of the necessity of such an appointment before Mr. Perceval had commenced his duties. In the meantime His Lordship recommended Mr. Nichols to His Excellency for the first vacant situation in this Colony of the value of £150 a year.

The Council being of opinion that the employment of an Assistant to the Clerk is requisite for the proper discharge of his duties, His Excellency was requested to give the necessary instructions for the nomination of Mr. Nichols to that office, with a salary of £150 per annum, to commence from the date of his appointment.

Whereupon Mr. Nichols was called in, and took the same Oaths of Office which are stated in the minutes of the first meeting of the Council to have been taken by the acting Clerks, and signed the same.

And the Council adjourned.

(Signed) D. M. PERCEVAL,
Clerk of the Council.

At a Council held in the Council Chamber the fifth day of December in the year of Our Lord one thousand eight hundred and twenty-five.

Present, His Excellency the Governor,
The Chief Justice,
The Colonial Secretary,
Lieutenant Colonel Bell,
The Auditor General,
The Receiver General.

The minutes of the preceding Council were read and confirmed.

The Memorial of the Inhabitants of the Paarl and Drakenstein was taken into consideration, and a copy of His Excellency's dispatch to the principal Secretary of State for the Colonies on the subject of the Wine duties here, suggesting the reduction thereof and the substitution of an import duty to an equal amount on such articles as are not necessary for agricultural purposes or other improvements in the Colony, was presented to Council and read.

As it appeared from the date of this dispatch that an answer from Earl Bathurst must soon arrive here, it was Resolved

That an answer be sent to Memorialists to inform them that His Excellency has already recommended the subject of their Memorial to the favourable consideration of His Majesty's Government. That it is therefore the opinion of Council that a definitive answer cannot be given to the prayer of the Memorialists until the expected reply to His Excellency's despatch on this subject be received from England.

A Letter from the President and Members of the Burgher Senate, enclosing a Memorial from the privileged Bakers praying for an alteration in the duties levied upon wheat consumed by them was laid before Council.

As this document did not furnish sufficient ground for the decision of Council, It was ordered

That the same do lie on the Table until further information on this matter be procured.

And the Council adjourned.

(Signed) D. M. PERCEVAL, Clerk of the Council.

At a Council held in the Council Chamber the twelfth day of December in the year of Our Lord one thousand eight hundred and twenty-five.

Present, His Excellency the Governor,
 The Chief Justice,
 The Colonial Secretary,
 The Officer next in Command to the Commander
 of the Forces,
 Lieutenant Colonel Bell,
 The Auditor General,
 The Receiver General.

The minutes of the preceding Council were read and confirmed.

The Draft of an Ordinance for establishing a District road-toll near the Ferry boat on the Breede River in the district of Swellendam, and for establishing a toll at the Du Toit's Kloof in the district of Stellenbosch was presented to Council by His Excellency and read.

As it appeared that the latter Toll was thereby assigned to Mr. Schonfeldt as a compensation for his expences in improving the road over Du Toit's Kloof, and as the Council have no information concerning that expenditure, nor any ground for deciding upon the justice of Mr. Schonfeldt's claim for such a remuneration, it was ordered

That this matter be reserved for further consideration, and that copies of the correspondence in the possession of Government on the subject of these tolls be procured.

Copies of a further correspondence between Lieutenant Colonel Somerset and the Colonial Secretary, in reply to the queries proposed by Council on the 28th of October on the subject of Mr. Bishop Burnett's claim on the Commissariat, were laid on the Table. And the report of a Board of Inquiry summoned by order of Lieutenant Colonel Somerset at Graham's Town on the 28th November last to investigate the said claim, was also laid before Council and read. By this document it appears that the Court having examined the Adjutant of the Cape Cavalry, and the Non-commissioned Officers and privates of that corps who were employed in cutting forage on the frontier in the year 1821 were of opinion that no more than

forty-four loads of grass were taken from Bishop Burnett's land, and therefore that the said Individual has no further claim on the Government.

It was then ordered that the Council be summoned to meet on Friday the sixteenth Inst., when Mr. Bishop Burnett's claim will be submitted to their deliberation.

And the Council adjourned.

(Signed) D. M. PERCEVAL, Clerk of the Council.

At a Council held in the Council Chamber the sixteenth day of December in the year of Our Lord one thousand eight hundred and twenty-five.

Present, His Excellency the Governor,
The Chief Justice,
The Colonial Secretary,
Lieutenant Colonel Bell,
The Auditor General.

The Minutes of the preceding Council were read and confirmed.

The whole of the Papers presented to Council on the subject of Mr. Bishop Burnett's claim were laid on the table.

These documents are as follows :

1st. Extract from a Despatch from Earl Bathurst dated 26th March 1825, directing the reference of this matter to Council, and requiring an answer to Mr. B. Burnett's charges from Lieutenant Colonel Somerset, and enclosing,

2dly. A paper styled "Continuation of Mr. B. Burnett's narrative," containing his account of the circumstances connected with his claim.

3dly. The reply of Lieutenant Colonel Somerset to Mr. B. Burnett's charges, dated Graham's Town.

4thly. A letter from W. Hewetson, Esqre., Assistant Commissary General, to Major Fitz-Roy, Military Secretary to His Excellency, dated Cape Town, Oct. 26th, 1825, inclosing the reports of Messrs. Johnstone and Rogerson, Deputy Assistant Commissary Generals, and that of W. Hayward, Esqre., Assistant Commissary of Accounts, on this subject.

5thly. Extract from the Records of the Commission of

Circuit held at Bathurst Oct. 23rd 1821, in the case of Bishop Burnett against Captain Stewart, at that time commanding the Cape Corps.

6thly. A Précis of the Correspondence between Bishop Burnett and the Colonial Government on the subject of this claim.

7thly. The correspondence between Lieutenant Colonel Somerset and the Colonial Secretary in reply to the queries proposed by Council on the 28th of October last.

8thly. The report of a Board of Inquiry held at Graham's Town the 28th of November last, to investigate the truth of B. Burnett's claim by the examination of such soldiers of the Cape Corps who were employed in cutting grass for the Cavalry in 1820-21.

On proceeding to a careful examination and Comparison of these several documents it appeared to Council that a great discrepancy exists between the evidence of the late Captain Stewart before the Court of Circuit in 1821, and that of the soldiers examined by the Board of Inquiry at Graham's Town on the 28th of November; and that Lieutenant Colonel Somerset is of opinion that Captain Stewart, through ignorance of the facts which had occurred before he joined the Corps, had suffered an erroneous statement to be left on the records of the Court of Circuit.

As the elucidation of this case depends materially on the points in question,

It was Resolved

That the further consideration of this matter be postponed, and that His Excellency be requested to forward the Record of the Commission of Circuit held at Bathurst on the 23rd of October 1821 to the Court of Inquiry now sitting at Graham's Town, and that their attention should be specially directed to the evidence of Captain Stewart, who states that the forty-four loads of grass for which a certificate was given to Mr. Bishop Burnett were cut subsequently to Captain Stewart's taking the command of the Corps, (from which it would follow that Mr. B. Burnett might still have a claim upon Government for grass cut whilst Major Somerset was in command) and that they will minutely enquire into the data upon which the said Certificate

was given, and examine the parties who gave the information to Captain Stewart on this occasion, in order to ascertain the correctness of his evidence as to the 44 loads having been cut after Major Somerset's departure. The Court of Inquiry will further investigate whether any grass was cut from Mr. B. Burnett's land subsequently to the date of the Certificate for the 44 loads, and will call upon Adjutant Blakeway to state upon oath his knowledge of the circumstances of the loss of the original certificate by Captain Somerset.

And the Council adjourned.

(Signed) D. M. PERCEVAL,
Clerk of the Council.

At a Council held in the Council Chamber the twenty-fourth day of December in the year of Our Lord one thousand eight hundred and twenty-five.

Present: His Excellency the Governor,
The Chief Justice,
The Colonial Secretary,
The Officer next in Command to the Commander
of the Forces,
Lieutenant Colonel Bell,
The Auditor General,
The Receiver General.

The Minutes of the preceding Council were read and confirmed.

Copies of a Correspondence between D. Schonfeldt on the subject of the Road over the Du Toit's Kloof were laid on the Table.

The Memorial of Mr. J. B. Ebden was laid before the Council by His Excellency. The Memorialist prays that the sanction of Government may be given to the Establishment of a private Bank in this Colony, and that the notes thereof may be received in payment of public contributions, in consideration of a certain sum to be deposited as a Security in the hands of Government.

His Excellency stated that he was induced to propose to the Council the question as to the expediency, on general grounds, of permitting the Establishment of a private Bank here, as no

Instructions had been received by his Excellency on this subject from the Lords of the Treasury, to whom it appeared that the Memorialist had submitted his plans. The Memorialist had represented to his Excellency that a refusal to authorize the public offices to receive his notes would operate as a prohibition of the scheme. His Excellency was of opinion that if those departments only which deposit daily in the Bank were allowed to receive these notes, there would be no danger of any loss to the Government, as the Bank might always exchange the notes as soon as they exceeded the amount of the security deposited there. The Memorialist was ready to accede to this arrangement, as appeared by a letter dated December 19th which accompanied the Memorial. As the Security thus given would be a safeguard to the Government alone, the knowledge that on those conditions these notes would be received at some of the public offices ought not to have the effect of producing in the public a dangerous confidence in the stability of the new Bank.

On a reference to the Minute Book, it appeared that on a former occasion when a similar application was made by Mr. A. Hogue, it was thought proper to defer the decision of Council until the opinion of the Mercantile Body on this subject (as far as concerned the interest of commerce) had been ascertained.

It was therefore resolved that a communication be addressed to the Chairman of the Committee of the Commercial Exchange, for the purpose of learning the opinion of that body on the subject of the proposed Establishment, and that the Memorial should again be taken into consideration as soon as an answer shall be received.

And the Council adjourned.

(Signed) DUDLEY MONTAGU PERCEVAL,
Clerk of the Council.

APPENDIX.

- Ordinance No. 1. (Signed.) C. H. Somerset.

Ordinance of His Excellency the Governor in Council, For introducing the Use of the English Language in the Judicial Transactions of the Court of Magistracy at Algoa Bay, (Port Elizabeth,) and assigning proper Limits to the Territory within which the said Court is authorised to exercise its Jurisdiction.

Whereas by a Proclamation bearing date the 5th July, 1822, it has been Ordered and Directed, that from and after the First Day of January, in the Year of our Lord One Thousand Eight Hundred and Twenty-seven, the English Language shall be exclusively used in all Judicial Acts in the Supreme and Inferior Courts of this Colony;—And whereas the Majority of the Inhabitants who are subject to the Jurisdiction of the Court of Magistracy at Algoa Bay, (Port Elizabeth,) are Native British Subjects, and consequently it would be highly inconvenient to them to use any other but the English language in their Judicial Proceedings before the said Court of Magistracy,—Be it therefore Enacted,—that so much of the aforesaid Proclamation of the 5th July, 1822, as may be considered to regard the Jurisdiction of the said Court of Magistracy shall be, and the same is hereby repealed,

And be it further Enacted, that from the Date of the Promulgation of this Ordinance, all Judicial Proceedings in the aforesaid Court of Magistracy shall be carried on, and all Records and other Judicial Acts relating thereto, shall be written in the English Language.

And whereas it has appeared to me requisite, that the Limits of the Township of Algoa Bay, (Port Elizabeth,) within which the said Court of Magistracy is authorised to exercise its Jurisdiction, shall be properly ascertained; it is hereby further Ordered and Directed, that an imaginary Line drawn from the Place of Michael Cordie and M'Culloch, situated at the South-West Point of Algoa Bay, up to the Place of Jacobus Theodorus Botha, thence to the Place of Gert H. Halshuizen, thence to the Place of the Widow Pieter Schouw, now New-

comb's, then down the little Zwartkops River, whose source is at the last-mentioned Place, following the same down to where it empties itself into the Great Zwartkops River, and thence down the same to its Mouth at the Coast, including all the Inhabitants residing at the Places and within the Limits before-mentioned, shall form the Township of Algoa Bay, (Port Elizabeth).

And be it further Enacted, that the Town at Algoa Bay, shall in future be designated in all Public Acts, as Port Elizabeth.

And that no Person may plead Ignorance hereof, this will be published and affixed in the usual manner.

God save the King !

Given at the Cape of Good Hope, this 28th Day of May, 1825.

By Command of His Excellency the Governor,

(Signed) R. PLASKET, Secretary to Government.

By Order of the Council,

(Signed) P. G. Brink, Acting Clerk of the Council.

Ordinance No. 2. (Signed) C. H. Somerset.

Ordinance of His Excellency the Governor in Council, For making British Silver Money a Legal Tender in Discharge of all Debts due to Individuals, and to Government, at the Rate of One Shilling and Six Pence for each Paper Rix-Dollar.

See Volume XXI, page 476.

Ordinance No. 3. (Signed) C. H. Somerset.

Ordinance of His Excellency the Governor in Council, For reducing the Reward hitherto paid for Destroying Tigers to Five Rix-Dollars per Head.

Whereas by the Government Proclamation under date the

21st March, 1822, a Reward of Twenty-five Rix-dollars was authorised by Government for every Tiger destroyed by the Inhabitants of this Colony, which Reward was reduced to Ten Rix-dollars by Proclamations of the 4th April, and 21st November, 1823, in as far as regards the Districts of Graaff-Reynet, Uitenhage, Albany, Worcester, and Swellendam ;— And whereas considerable Expence has been incurred on this Head in several of the Districts of this Colony, without any adequate Benefit,

His Excellency the Governor in Council is hereby pleased to Order and Direct, that from and after the date of the Promulgation of this Ordinance, a Reward of Five Rix-dollars only, shall be given by the competent Authorities in the Districts, for every Tiger so destroyed.

And that no Person may plead Ignorance hereof, this will be published and affixed in the usual manner.

God save the King !

Given at the Cape of Good Hope, this 21st day of June, 1825.

By Command of His Excellency the Governor,

(Signed) R. PLASKET, Secretary to Government.

By Order of the Council,

(Signed) P. G. BRINK, Acting Clerk of the Council.

Ordinance No. 4. (Signed) C. H. Somerset.

Ordinance of His Excellency the Governor in Council, Directing that from and after the 15th of July, 1825, all Licences to Trade with the Caffres at Fort Willshire, or at any other Places which may hereafter be fixed on by Government, shall be written on a Stamp of 80 Rix-dollars, renewable annually.

Whereas by the Proclamation of His Excellency the Governor,

under date 23rd July, 1824, certain Regulations and Restrictions were Enacted, for carrying on a Traffic at Fort Willshire, between the Colonists and the Caffre Nation :—

And whereas it is deemed adviseable, with a view to limit the Attendance at the Fairs established at Fort Willshire, to regular Traders, and to prevent a Concourse of Speculative Adventurers, that a Stamp Duty be paid on each Licence issued by the Landdrosts for Permission to carry on such Traffick,

His Excellency the Governor in Council is hereby pleased to Order and Direct, that from and after the Fifteenth Day of July next, all Licences to Trade with the Caffres, at Fort Willshire, or at any other Places which may hereafter be fixed on by Government, shall be written on a Stamp to the Amount of Eighty Rix-dollars ; renewable Annually ; and that the Licences now issued shall be immediately called in, and cancelled,—and be of no further avail, after the Fifteenth Day of July next.

And any Person trafficking at such Fairs, without such Stamped Licence, as above-mentioned, will be subject, on Conviction before a competent Tribunal, to the Penalties fixed in the 10th Article of the Proclamation of the 23rd July, 1824.

And that no Person may plead ignorance hereof, this will be published and affixed in the usual manner.

God save the King !

Given at the Cape of Good Hope, this 21st Day of June, 1825.

By Command of His Excellency the Governor,

(Signed) R. PLASKET, Secretary to Government.

By Order of the Council,

(Signed) P. G. BRINK, Acting Clerk of the Council.

Ordinance No. 5. (Signed) C. H. Somerset.

Ordinance of His Excellency the Governor in Council, For destroying a Sum of 20,000 Rix-dollars old and defaced Paper Money, and the Debentures called in and delivered to His Majesty's Receiver General, according to the Proclamation of the 12th November last, together with a Sum of 3,000 Rix-dollars, being the 20th Instalment of the Sum of 75,000 Rix-dollars created and advanced by the Batavian Government in the Year 1804, for the special purpose of Repairing the Damages occasioned by a Fire in the Village of Stellenbosch.

(It cannot be of any use now to give the text of this ordinance.
—G. M. T.)

Ordinance No. 6. (Signed) C. H. Somerset.

Ordinance of His Excellency the Governor in Council, Promulgating an Order of the King's Most Excellent Majesty in Council, for giving Currency to, and fixing the value of, British Silver and Copper Money throughout this Colony.

His Excellency the Governor in Council is pleased to promulgate, for general information, the following Order of the King's Most Excellent Majesty in Council, issued for the purpose of giving Currency to British Silver and Copper Money throughout the British Colonial Possessions, and of fixing its Value in Payments which may now be made in Rix-dollars, under the Laws and Usages of the Cape of Good Hope ; together with the Instructions, which the Lords Commissioners of His Majesty's Treasury have directed to be addressed to the Officer in charge of the Duties of the Commissariat Department, explaining the Arrangements under which the Views of His Majesty's Government are to be carried into effect :—

At the Court at Carlton House, 23rd March 1825.

(For this Order in Council see Vol. XX, page 372.)

Commissariat Department. Circular No. 89.

TREASURY CHAMBERS, 12th February, 1825.

SIR,—The Lords Commissioners of His Majesty's Treasury having had under their consideration the Rate at which the Dollar is issued to the Troops at the Station under your charge, and having also adverted to the difficulty which exists at many Stations of procuring not only the Spanish Dollar, but also the proportional parts of the Dollar, so as to form a convenient Medium for the Issue of Pay to the Troops; have determined to send to all the Colonies, British Silver and Copper Money, which is to be issued for the Pay of the Staff and Regimental Officers, and the Non-Commissioned Officers and Soldiers, and also for the Pay of all Persons having permanent appointments in any of the Civil Departments of the Army, at its nominal Rate; and they have requested the Secretary of State to make such Communications to the Governors of the several Colonies, as may insure its general use as a Circulating Medium.

With a view of attaining that object, and to secure its circulation without the great fluctuation in the Rate of the Exchange to which a circulation of Spanish Dollars is subject, with reference to Bills drawn upon this Board in Sterling Money;—I am commanded by their Lordships to direct that at certain hours in every day, or upon one certain day of each week, as the Officer Commanding the Forces may deem most expedient, you will be prepared to receive British Silver Money in Sums of not less than £103, from any Persons whatever who may tender the same; and that you will grant to such Persons Bills upon this Board at thirty days' sight, for the Money so tendered, at the fixed rate of a Bill for £100 for every £103 of Silver Money. You will, of course, take care that you do not receive in Exchange for Bills upon this Board any British Silver Money wantonly or fraudulently defaced, or reduced in its true weight, but such only as may be perfect; and you will receive all such Money by tale; but a very satisfactory check upon the tale may be obtained by weighing the Coin which may be tendered to you in Exchange for Bills; as every lb. troy should produce by tale £3 6s. (i. e.) 66 Shillings; and

therefore £103 to be given in Exchange for a Bill of £100 should weigh 31 lbs. 2 oz. 10 dwts. $21\frac{9}{11}$ grains troy ; but which weight may be subject to a slight variation from the fair wear of the Coin.

I am further to desire that you will not on any account, or under any pretence, receive British Silver Money in exchange for Bills upon this Board, at any other rate than that before specified ; and that whenever you have British Silver Money in the Chest you will issue it for the Pay of the Troops in preference to every other species of Coin. Copper Money will be sent to you with the British Silver Money, and it is to be issued from time to time at its nominal Rate ; but My Lords desire that fractions only of less than 6*d.* may be issued in this Coin, unless particularly requested by the Persons who are to receive the same.

In the event of your not having sufficient British Silver Money in the Military Chest, for the purpose of making the necessary payments to the Troops, you will issue to them Spanish Dollars as at present, but at the rate of 4*s.* 4*d.* per Dollar ; and you will issue all other Dollars or Coins in payment to the Troops at the same proportionate Rate with reference to their actual contents in pure Silver. A Scale of the Rates at which some of the Coins should be so issued is inclosed.

The principle upon which their Lordships are pleased to direct the Dollar to be issued to the Troops at 52*d.* each, is, that this is its nearest value as compared to British Standard Silver at 5*s.* 2*d.* per oz. ; being the antient Standard of the Silver Coin of the Realm ; and therefore, in fixing the value of all other Coins with reference to that Standard, it is necessary that you should attend not only to the weight of the Coin, but to its contents in pure Silver.

A Pound Troy of Standard Silver, containing 11 oz. 2 dwts. of Pure Silver, and 18 dwts. of Alloy, the proportion between Pure and Standard Silver may be expressed by the fractions $\frac{222}{240} = \frac{37}{40}$.

The Pound Troy of Spanish Dollars contains 10 oz. 14 dwts. of Pure Silver, and 1 oz. 6 dwts. of Alloy, and the proportion between the gross Weight of the Spanish Dollar, and its contents in Pure Silver may be expressed by the fractions $\frac{214}{240} = \frac{107}{120}$.

I am further to direct that in negotiating Bills upon this Board for Dollars or any other Coin (except British Silver Coin,) you will pursue the present course, and obtain the same upon the most favourable Rates of Exchange that may be practicable ; it not being their Lordships' intention that any other Coins, than British Silver Coins, should be received into the Military Chest in exchange for Bills upon this Board, at any other than the Current Rate of Exchange.

My Lords further desire that this arrangement with respect to the Rate at which British Silver Money or Dollars is to be issued in Payment to the Troops, may take place from the 24th of the Month next after date of the General Order, which the Officer Commanding the Forces may issue in consequence of the Instructions which will be conveyed to him, for giving effect to this measure.

With respect to the mode of paying for Supplies of every description which may have already been agreed or contracted for, My Lords desire that the Payments may be made in every respect in the same manner, and at the same Rates as the Payments would have been made if the proposed alteration had not been directed ; and in all future cases where Articles may be contracted for, My Lords desire that it may be expressly stated in the Advertisement for the supply, and also in the Contract to be entered into, that the Payments are to be made in British Silver Money ; but with a reservation of a power on the part of the Commissary to pay in Bills upon this Board, at the Rate of a Bill for £100 for every £103 due upon the Contract ; and which power you will of course avail yourself of, in all cases where there may be a scarcity of British Silver Money in the Chest.

I am further directed to acquaint you that it may much facilitate their Lordships' object in obtaining a Circulation for British Silver Money in all the Colonies, if all your Sub-Accountants at Detached Stations where there is a Branch of the Military Chest, were furnished by you with Bills upon this Board, drawn in their favor for Sums of £100 each, and with which you might charge them as with Cash ; and which Bill they should be instructed to Endorse over to those Persons, who may lodge in the Military Chest, under their charge £103

of British Silver Money for each Bill. The Regulations now in force for ascertaining the Balance of Money in the Military Chest, will be as equally applicable to Bills as to Cash : and with a view to simplify the transaction as much as possible, and to guard against any irregularities, their Lordships have directed me to transmit Blank Bills, which may be used exclusively for this purpose.

I am further directed to acquaint you, that their Lordships have called the attention of the Officer Commanding the Forces to the Rates in Money, granted as Pay to Persons holding local or temporary appointments, and also in lieu of allowances of Forage, Fuel, Lodging, &c., to Regimental and Staff Officers ; and which Rates have been fixed with reference to the expence of the Articles, in lieu of which the Money Allowance was granted, and to the value of the Currency in which the Pay and Allowances were issued, with a view to his causing Boards to be assembled for revising the whole of those Allowances, and for fixing new Rates of Pay and Allowances in lieu thereof, payable in British Silver Money ; by which My Lords expect that a nominal reduction will be made in the Amount of these Allowances, equal, or nearly equal, to the difference between the value of the Dollar as it has heretofore been issued, and 4s. 4d.

You will also issue to the Officers of all Public Departments, to whom you may be called upon to make Payments in exchange for their Certificates, Bills, or Drafts, British Silver Money at its nominal Rate, Spanish Dollars at 4s. 4d. each, and other Dollars or Coins at the same proportionate Rate ; but the payment of the Drafts of the Ordnance Officers for Materials or other Articles of Supply, under existing Contracts, you will of course make in the same manner, and in Coins at the same rate as the payments would have been made in the event of the foregoing arrangement not having been adopted.

I am further directed to acquaint you that Supplies of British Money will from time to time be sent to you, and of the Shipments of which you will be duly apprised. I am &c.

(Signed) GEO. HARRISON.

Table of the Gross Weight, of the contents in pure Silver, and of the Value, computed at the rate of 5s. 2d. per oz. Troy, British Standard fineness, of the undermentioned Silver Coins, taken from Assays made at the Mints at Paris and London, together with the Rate at which those Coins are to be issued (when British Coin is not in the Military Chest) for the Pay of the British Troops in the Colonies :—

	Gross Weight of the Coins.	Contents in pure Silver.	Value at 5s. 2d. per oz. Standard.		To be Issued to the Troops at	
			s.	d.	s.	d.
FRENCH.						
Piece of 5 Francs	385	344.9	4	0.16	4	0
2 do.	155	138.8	1	7.38	1	8
Franc	77½	69.4	0	9.69		10
SICILIAN.						
Dollar or Scudo	422	348.2	4	0.62	4	1
Piece of 40 Grains	141	117.5	1	4.40	1	5
20 do.	72	59.1	0	8.25		9
SPANISH.						
Dollar	416	370.9	4	3.79	4	4
UNITED STATES OF AMERICA.						
Dollar	416	370.1	4	3.68	4	4
EAST INDIES.						
Calcutta Rupee	192	175.9	2	0.56	2	1
Bombay or Surat do.	179	164.7	1	11.01	1	11

Commissariat Department. No. 102.

TREASURY CHAMBERS, 5th March, 1825.

SIR,—In transmitting to you the enclosed Letter, in regard to the manner and rate at which British Silver Money, Spanish Dollars, or other Coins, are to be issued in payment to the Troops at the several Foreign Stations, I am commanded by the Lords Commissioners of His Majesty's Treasury to acquaint you, that they have adverted to the Rate at which the Commissariat Bills have been negotiated upon this Board for a considerable time past, in exchange for the Paper Rix-dollar of the Colony; and as the greatest evils must arise, not only in the payments to the Troops, but also in all the Commercial

Relations of the Colony, from the great fluctuation in the exchangeable value of this description of Currency, they are pleased to direct that you will, upon communication with the Officer Commanding the Forces, give a Public Notice that you will take Paper Rix-dollars in exchange for Bills upon this Board, in the same manner as you are directed by the enclosed Instructions to take British Silver Money, computing each Paper Rix-dollar as equivalent to 1s. 6d. of British Silver Money, and so in proportion for the Paper Money below the denomination of a Rix-dollar ; and their Lordships will direct the Officer Commanding the Forces to issue a General Order, that all future Issues to the Army for Pay or otherwise, should, when made in Paper Rix-dollars, be computed at the rate of 1s. 6d. each.

You will on no account issue your Bills upon this Board, in Exchange either for British Silver Money, or for Paper Rix-dollars, at any other than the prescribed Rates.

You will also take care not to re-issue any of the Paper which you may receive in exchange for Bills upon this Board, which may represent a Sum of less than 10 Rix-dollars, it being their Lordships' intention that such Paper Money should not, when once received into the Military Chest, be again re-issued ; and their Lordships will very shortly transmit to you Instructions in regard to the disposal of this Paper ; and also to the disposal of any quantity of Paper which may be paid into the Military Chest, beyond the quantity required to be re-issued for the current expenditure. I am &c.

(Signed) GEO. HARRISON.

Assistant Commissary General Hewetson,
Cape of Good Hope.

And that no Person may plead ignorance hereof, this will be published and affixed in the usual manner.

God save the King !

Given at the Cape of Good Hope, this 12th Day of July, 1825.

By Command of His Excellency the Governor,

(Signed) R. PLASKET, Secretary to Government.

By Order of the Council,

(Signed) P. G. BRINK, Acting Clerk of the Council.

Ordinance No. 7. (Signed) C. H. Somerset.

Ordinance of His Excellency the Governor in Council, For the Stamping and Signing of a Sum of 56,000 Rix-dollars, in lieu of an equal amount of worn out and defaced Paper Money.

(It cannot be of any use now to give the text of this ordinance.—G. M. T.)

Ordinance No. 8. (Signed) C. H. Somerset.

Ordinance of His Excellency the Governor in Council, For destroying the Sum of 56,000 Rix-dollars old and defaced Paper Money.

(It cannot be of any use now to give the text of this ordinance.—G. M. T.)

Ordinance No. 9. (Signed) C. H. Somerset.

Ordinance of His Excellency the Governor in Council, For the more effectual Apprehension of Deserted Convicts, and Gangs of Vagrants.

Whereas it has been represented to His Excellency the Governor in Council, that from the difficulty of effectually securing the Convicts who are condemned to labour at the Public Works in this Colony, frequent Desertions have taken place ;—And whereas several Gangs of Vagrants, principally consisting of such Deserted Convicts, are actually collected in various parts of the Interior of this Colony, who, from their previous habits of life, added to the state of Vagrancy in which they are necessarily compelled to live, disturb and infest the peaceable Inhabitants of the Colony, breaking open Houses and Stores, plundering Cattle, abusing and maltreating the Herdsmen, and seducing Slaves and Hottentots to join their Gangs ;—And whereas from the fear of being retaken and delivered once more into the Hands of Justice, these Gangs

have become desperate, and go about armed, with the view of attacking such Persons who might attempt to take them Prisoners, and have thus become dangerous to the Lives, as well as to the Property, of the Inhabitants, and have actually wounded Persons who had been sent out to apprehend them.

And whereas the Laws at present in force in this Colony (by which the Officers of Justice, or inhabitants called in to aid and assist them in the apprehension of Convicts are only authorised to resort to force in case of actual resistance) are insufficient to counteract and defeat the Ravages of these desperate Offenders,—It is hereby Enacted and Declared, that henceforth it shall and may be lawful for the Officers of Justice, or of Police, as well as such of the Inhabitants who may be specially assembled for the purpose of apprehending such Gangs, with the authority of the Landdrosts, and under the controul of some Local Authority or Officer of Justice or Police, upon the discovery of one or more Persons known to be Deserted Convicts, or notoriously to belong to such Gangs of Plunderers, in case of obstinate refusal after three repeated Calls “TO STAND,” to shoot at any such Person or Persons with Small Shot; provided, however, they take aim at the Legs only of such Persons, and provided also, that they cannot be otherwise apprehended.

And in order to hold out encouragement to the Inhabitants of this Colony to apprehend such Deserted Convicts without the necessity of having recourse to force, as hereinbefore authorised,—It is hereby Enacted and Declared, that a Reward of FIFTY RIX-DOLLARS shall be paid by Government for every Deserted Convict belonging to any of the Gangs above-mentioned who shall be apprehended without being wounded, and delivered into the Hands of Justice.

And with the view of giving warning to these misguided Persons, and of allowing them time to deliver themselves up to the Local Authorities, His Excellency the Governor in Council is further pleased to Enact and Declare, that the Provisions of this Proclamation or Ordinance shall not take effect until the First Day of October next; after which period all Deserted Convicts who may be apprehended, either by force or otherwise, independent of the Punishment to which they are liable by the existing Laws of the Colony, shall be publicly flogged.

And that no Person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King!

Given at the Cape of Good Hope, this 29th Day of August, 1825.

By Command of His Excellency the Governor,

(Signed) R. PLASKET, Secretary to Government.

By Order of the Council,

(Signed) P. G. BRINK, Acting Clerk of the Council.

Ordinance No. 10. (Signed) C. H. Somerset.

Ordinance of His Excellency the Governor in Council, For the better Apprehending and bringing to Justice the Person or Persons concerned in the Murder of Joel, of Mozambique, Slave of the Widow Henry Alexander.

(It can be of no use to give the text of this ordinance here.—G. M. T.)

Ordinance No. 11.

Ordinance of His Excellency the Governor in Council, For assigning to the Office of His Majesty's Fiscal certain Duties specially to be entrusted to his Charge, and for separating therefrom the Administration of the Police.

See Volume XXIII, page 248.

Ordinance No. 12.

Ordinance of His Excellency the Governor in Council, For Appointing an Officer to be entrusted with the Administration of the Police, and the Prosecution of Police Cases, arising within the Jurisdiction of Cape Town.

See Volume XXIII, page 251.

Ordinance No. 13.

Ordinance of His Excellency the Governor in Council, For the Stamping and Signing of a Sum of 50,000 Rixdollars in lieu of an equal amount of worn out and defaced Paper Money.

(It can be of no use to give the text of this ordinance here.
—G. M. T.)

Ordinance No. 14.

Ordinance of His Excellency the Governor in Council, For abolishing the Duty of 2½ per Cent. levied on Moveable Property bought in at Public Auction ; and for reducing from 2½ to 1 per Cent. the Duty levied on Immoveable Property bought in at Public Auction, if disposed of by Private Contract within Six Weeks after such attempt at Public Sale.

See Volume XXIII, page 255.

Ordinance No. 15. (Signed) C. H. Somerset.

Ordinance of His Excellency the Governor in Council, For destroying the Sum of 50,000 Rix-dollars old and defaced Paper Money.

(It can be of no use to give the text of this ordinance here.
—G. M. T.)

Ordinance No. 16. (Signed) C. H. Somerset.

Ordinance of His Excellency the Governor in Council, For opening the Trade in Cattle with the Caffre Tribes, at the Fair established by Government at Fort Willshire, and at such other Fairs as may hereafter be established by Government for that purpose.

See Volume XXIII, page 443.

[Copy.]

Renewed Provisional Instructions for the Burgher Senate, in Cape Town and its District.

ARTICLE 1. The Burgher Senate shall consist of a President and four Members, assisted by a Secretary ; all possessing the qualifications required by the Article of the Charter.

2. The Members shall continue in office for the space of five years, and one of them shall retire annually ; the first time being determined by drawing lots, and afterwards according to seniority in the Senate. The first year shall be considered to begin on the first day of January, 1805, and to expire on the last day of December of the same year ; and so in succession every year from the first of January to the last day of December. The retiring Members, however, may be re-elected, and being so re-elected, shall continue to act for the next five years.

3. All vacancies arising from the annual retirement of a Member, from death, promotion, departure from the Colony, or other lawful cause, shall be filled up by the Governor for the time being, from a list of four Individuals chosen out of the most respectable class of the Inhabitants, and presented by the Senate to the Governor ; in which list, however, the name of the retiring Member will always be admissible. The Senate shall therefore annually, in the beginning of the month of December, address themselves, in writing, to the Governor, mentioning the existing vacancies, and the name of the Member who is to retire on the first of January following, and shall request that the appointment may be made before that day. It shall remain with the Governor for the time being, to determine whether any vacancy occurring within the year, shall be immediately filled up, or postponed until the first of January following.

4. The Presidentship in the Burgher Senate shall be held for the space of one year, and the first year shall be considered to expire on the last day of December, 1805. The right of appointing the President is vested in the Governor, who at his pleasure can direct the President to continue in office, or appoint any of the other Members for the year ensuing.

5. For the administration of the Town Finances, and for

their further assistance, the Burgher Senate shall appoint a Treasurer and Messenger, both with such Salary, payable from the Town Treasury, and subject to such instructions as the Senate, with the approbation of the Governor, may judge necessary to give.

6. To C. J. Slotsboo, at present discharging the duties of Secretary, the Commissary General, from personal regard, has allowed an annual Salary of Two Thousand Guilders, Dutch Currency; but the Burgher Senate is at liberty, in case of vacancy, to fix such lesser remuneration to his successor, as they may find to be consistent with the duties of that office and the state of the Town Finances. In case of vacancy, the Burgher Senate shall present to the Governor a list of three Individuals, duly qualified, for the purpose of his electing one of them as Secretary.

7. The Burgher Senate shall meet on such days and as frequently as they shall judge necessary, and shall draw up for themselves such Regulations as the execution of the duties confided to them shall be found to require.

8. The District under the administration of the Burgher Senate shall include Cape Town and its environs, to the Lines; from Fort Knokke to the foot of the Devil's Mountain; the whole of the Table Valley, along the Table and Devil's Mountains, to the Signal House; and the whole extent on this side of the Lion's Head, and to the Shoemaker's Gat, inclusive.

9. The Burgher Senate shall provide for the keeping in repair and the cleanliness of the Streets, Roads, Watercourses, Bridges, Sluices, Seashore, and Public Places, and for whatsoever can tend to facilitate and benefit all the Avenues to the Town, by Land and by Water (where these do not interfere with the Military Works), so as to promote the health and comfort of the Inhabitants.

10. The Senate is particularly enjoined to give every encouragement to the planting of Trees, for Timber and Fuel, within the limits of the Town District.

11. The Senate shall, as often as may be found necessary, state to the Governor and Council the reasons for disposing of the surrounding Lands; also the manner in which these Lands can best be disposed of to Individuals, by sale or grant; or in what manner they can be planted or otherwise be rendered

most useful. If in case of sale or grant any payments are made, or that without detriment to the increased plantation an annual recognition can be charged, these shall be paid into the Town Treasury. But whereas it may happen that the Lands placed under the direction of the Burgher Senate shall be wanted for Military or other public purposes, they shall not be disposed of but by permission of the Governor in Council.

12. Under the administration of the Burgher Senate are included all Regulations for the prevention of Fires; the right of appointing Fire Wardens, and of giving orders for putting out Fires, according to the Fire Regulations which are already in force, or may hereafter be formed, and in conjunction with the Military precautions to be directed by the Governor and Commander in Chief.

13. The Burgher Senate shall, after having communicated with and received the opinion of the Attorney-General, (by means of a Committee expressly appointed for that purpose,) suggest the proper Regulations and Orders, together with such Penalties as they may think proper for their contravention, on the following subjects :—

- A. For injuring and setting fire to Woods within the Town District.
- B. For destroying, injuring, or rendering unsafe, Buildings; for injuring Cattle driven to public places, or sent to graze within the Town District; or any other sort of Property, public or private, entrusted to public protection, on the Public Roads, Places, or Streets.
- C. For harbouring suspected Persons, and for receiving stolen Goods offered by Slaves or others, who are not likely to be the rightful owners thereof.
- D. For baking Bread lighter than the Standard Weight, and respecting the Price of Meat. The Burgher Senate shall draw out positive Instructions respecting the Price, Weight, Measure, and Quality of Bread and Meat; and they shall take care, by repeatedly and at unexpected times visiting the Bakers, that they are kept to their duty; and that wholesome meat be at all times procurable.

- E. For making use of unstamped Ells, Measures, and Weights, the Senate shall take care that the stamping of these be regularly attended to ; and for all other irregularities which may be contrary to good order and police within the Town District.

All Orders and Regulations on these Heads, drawn up by the Burgher Senate, shall be by them submitted to the Governor and Council for their approbation and sanction, and on their *fiat* being obtained, they shall be published and affixed in the usual manner.

14. In support of whatever is prescribed by these Orders and Regulations, as long as they remain unaltered by Order of the Governor and Council, the Attorney-General shall act in the same manner as is practised with respect to Resolutions and Ordinances emanating immediately from the Governor and Council. When, however, the nature of a case does not fall directly within the cognizance of the Law, and that no inconvenience can attend delay, he shall consult with the President of the Burgher Senate thereon.

15. For the maintenance of the Police, the Burgher Senate is authorised to appoint, and to pay from the Town Treasury, as many Watchmen and other subordinate persons, as in proportion to the extent of the Town they shall deem necessary.

16. The Free Blacks residing within the limits of the Town District, shall be subject to the Orders of the Burgher Senate, to be employed according to custom about the Fire Engines, or wherever the Public Service may require their assistance ; and the Burgher Senate shall have Lists formed of such Persons, and are authorised, in case one of the Officers placed over the Free Blacks die or is discharged, to appoint another in his stead.

17. The Burgher Senate shall take care, that by the constructing of new Buildings on spots which have already been built upon, no Property, public or private, be injured ; and that the regularity of the Streets or Roads be not destroyed, either by the pulling down of Buildings or the establishing of Stables in the principal Streets. The Burgher Senate shall, however, not permit that any Buildings be erected on new Ground, whereby the Town would be enlarged, without the

previous consent of the Governor in Council having been obtained.

18. The Burgher Senate shall take care, that no dangerous Manufactures, Trades, or Handiwork, for the prosecution of which more than usual Fires are required, and which Fires by being extinguished or otherwise, could be injurious to the neighbouring Houses or their Inhabitants, be placed either in crowded places or near other Buildings, but that to the Persons having occasion for the same, the proper spots be pointed out at a convenient distance, equally suited to their pursuits.

19. The Public Instruction and Education of the Youth in Cape Town, as also the procuring of the necessary means for that purpose, is particularly recommended to the consideration of the Burgher Senate.

20. For this purpose, two Members of the Burgher Senate, to be selected by themselves, shall more particularly be entrusted with the superintendance of the Public Schools (the Latin School alone excepted), which they shall inspect at such times as the Burgher Senate shall deem proper, for the purpose of examining into the nature of the Instruction imparted, and the progress of the Scholars.

21. The Burgher Senate shall, on the report of the said Members, make such Regulations respecting the Schools, as under the approbation of the Governor and Council, they may think necessary, for the better Instruction, moral Improvement, and general Encouragement of the Youth.

22. And in order to enable the Burgher Senate to act on this important subject with the greater effect, no one shall be allowed to give Public Instruction as a Schoolmaster, or Teacher of Languages, or under any other denomination, to teach in Cape Town, or the District placed under the direction of the Burgher Senate, without a written Certificate from the Burgher Senate, that his acquirements and moral principles qualify him so to teach.

23. To them is likewise committed the care of poor, aged, decrepid, and insane Persons, not employed in the Public Service by Land or Water; provided that 1st, They belong to that class of Inhabitants who pay their Taxes to the Town Treasury; 2nd, That they have resided during three whole years in the Colony; 3rd, That they have no means of sub-

sistence ; 4th, That they do not belong to any Church, or Institution, having a Poor's Fund.

24. The Burgher Senate shall also take care that no Orphans, nor their Property, nor any Inheritance coming to them, are unadministered in their District ; but that such be placed under the direction of the Orphan Chamber.

25. The Burgher Senate are to be watchful as to Beggars, Vagrants, or suspected strangers ; and acquaint the Attorney-General with whatever circumstances respecting the latter may come to their knowledge.

26. None of the Members of the Burgher Senate shall, directly or indirectly, have any share in Contracts or Supplies, nor in the Farming of any Customs or Dues, nor in any matters wherein the Town and its District are interested ; nor shall they purchase, take over, or advance upon, nor for their profit cause to be purchased, taken over or advanced upon, nor permit such to be done by any one belonging to their Families, any Licences, Leases, or other Privileges resulting from Contracts or Engagements entered into on account of the Town or District.

27. Whereas the extent of the Township has already required its being divided into Wards, and that proper Persons have been appointed as Wardmasters, the Instructions for Wardmasters, framed on the 28th January, of this Year 1804, are hereby again enforced.

28. The Burgher Senate shall take care that the vacancies in the Wardmasters be duly filled up ; and they shall submit, for the Governor's selection, a list of three Individuals, chosen from among the Inhabitants, of good character and conduct.

29. The Burgher Senate shall, together with the Wardmasters, attend as much as possible to the morals of the Inhabitants of the Town and District, so that their conduct be in no ways improper, offensive, or notorious, which would afford injurious examples, and be detrimental to themselves and others. And should any one commit excesses, then shall the Burgher Senate, in a becoming manner, represent the same by means of the presiding Member, to the Governor, that he may adopt such measures thereon, as, with a view to prevent the further ruin of the Transgressor, and to check the evil that might result from it, he shall deem necessary.

30. Every one shall be bound to pay due respect to the Burgher Senate, and to obey their Instructions; and any offence committed against the Burgher Senate shall be strictly inquired into, and punished according to the circumstances of the case.

31. All Persons summoned by the Burgher Senate shall appear on pain (if not duly justified) of being fined 10 Rds. for the first, and 20 Rds. for the second offence, to be paid into the Town Treasury. And should such Persons not appear after the third Summons, the Burgher Senate shall, in such case, acquaint the Members and President of the Court of Justice thereof, who, in support of the Burgher Senate, shall act therein according to circumstances.

32. The Burgher Senate having to conform to all the Commands, Proclamations, and Orders of the Governor in Council, they shall for that purpose be furnished with Copies of all Proclamations and Ordinances at the time enacted, in as far as they are necessary for the information and guidance of the Senate.

33. The Burgher Senate shall, annually, before the last day of December, form and transmit to the Governor and Council, the probable state of the Town Receipts and Expenditure for the following year, together with Lists of Taxes, which under the head of Watchmen, Lions and Tigers, and also of Bridges and Waggon Dues, or on any other account, are paid into their Treasury, towards the defraying of the usual expenses; which Taxes extend to all Inhabitants possessing Houses, Stores, Stables, or Lands, in Cape Town and its District, also to young Men above the age of sixteen years, and to other Inhabitants not possessing immoveable Property; and they shall point out those Persons whose quota should continue the same as formerly, those whose quota should be either increased or diminished, and those to whose quota an addition has been made—in order to obtain the sanction of the Governor and Council to the same.

34. The Tax aforesaid, and other Contributions and Revenues coming into the Town Chest, of whatsoever nature, shall in no ways be increased by the Burgher Senate, nor any new Taxes, under any other name, be imposed by them, without having obtained the previous authority, on grounds then to be shewn, of the Governor and Council.

35. The Burgher Senate is authorised, when, at the collection of the several Taxes in which each shall have been assessed according to the approved Lists of Taxation, any one shall refuse, and having been a second time called upon by the Messenger, shall still refuse to pay his quota, to levy the same by *parata executio*; and for obtaining the means to do this, the Burgher Senate shall apply to the President of the Court of Justice.

36. At the expiration of each year, the Burgher Senate shall transmit to the Governor and Council an account of their Receipts and Expenditure, together with all the Vouchers of every description thereunto belonging, in order that after examination of the same, the annexures may be returned to the Burgher Senate, and the Account itself deposited in the Office of the Secretary to Government.

37. All the foregoing subjects are confined to Cape Town and the District thereunto belonging. In no case is the Burgher Senate competent to interfere in any thing relating to the Country Districts. However, the Senate shall be obliged to communicate to the Governor and Council all and every circumstance of which they may be informed, which can affect the good order, tranquillity, and welfare of those Districts; with this proviso, however, that the Senate shall receive no Requests, Memorials, or Addresses, on Matters relating to the Public Administration of Police and Justice, but shall consider themselves bound to deliver over the same to the College or Office to which, by virtue of its Instructions, the inquiry into the matters treated of in the Address, ought by right to belong.

38. The Burgher Senate shall address themselves to the Governor and Council on all matters regarding which doubts may be entertained, that they may learn their pleasure thereon.

39. No protests against Resolutions adopted by a majority, shall be received or entered on the Records of the Senate. Any dissenting Member shall, however, be at liberty to have recorded, that such or such Resolution was adopted without his concurrence; and he may also have his reasons for dissenting (should he wish it) added in a separate Memorandum, to be deposited in the Secretary's Office.

40. The present Instructions may at any time be altered, diminished, or increased, as for the benefit of the Country, and for the more particular interest of the Town, shall at the time appear most expedient.

Oath to be taken by the President, the Members, and the Secretary, of the Burgher Senate, in presence of the Governor.

“ I do promise and swear that I will be faithful and bear allegiance to the Batavian Republic, as my Supreme Sovereign ;—that I will obey the Commands of the Council for the Asiatic Possessions and Establishments ;—that I will faithfully and diligently, and to the best of my abilities, discharge the Duties attached to my Situation, as Member or Secretary of the Burgher Senate, according to the several Instructions now formed, or that shall hereafter be formed, for the same ;—that I will shew due respect to the Governor and Commander in Chief, and to the Governor in Council, and in all cases observe, and cause to be observed, the Resolutions of the same transmitted for that purpose to the Burgher Senate ;—that in order to obtain this Office I have neither given nor promised, nor will give, nor promise, anything to any Individual, either myself or by means of any other, whether he be in or out of Office, under any name or denomination whatsoever ;—that I will not receive, or suffer to be received, for myself or for any one belonging to me, any Gifts or Presents of any kind, how small soever their value, from or on the part of any one who has made, or intends making, any application to the Burgher Senate ;—and that I will further conduct myself in every respect as an honest and faithful Member of the Burgher Senate is bound to do—*So help me God !* ”

[The copy from which the above has been taken is neither signed nor dated, but it is evident that these Instructions were issued by the Commissioner General De Mist, or the Governor and Council in the year 1804. —G. M. T.]

[Copy.]

Ordinance for the Administration of the Country Districts.

Publication.

Jan Willem Janssens, Governor and General in Chief, as also the Council of Polity at the Cape of Good Hope, and the Dependencies thereof in South Africa, to all whom it may concern, greeting :

Whereas the increase and prosperity of this Colony materially depends on the increase and improvement of its Produce ; that general Civilization and Industry are alone capable of securing such improvement and increase ;—that in order to obtain these, a regular and attentive Administration in the Country Districts is indispensably necessary : And whereas the daily increasing Population of this Colony demands, that, in order to derive the greater benefit from the soil, and to secure to the Inhabitants a more permanent prosperity, better defined Regulations should be directed,—the Governor and Council, in pursuance of the benevolent intentions of the Batavian Government, and of the clearly expressed Commands of the Commissary General, Mr. J. A. de Mist, have thought expedient, with respect to the Public Administration of the respective Country Districts, to order, as they order by these Presents, the following Regulations and General Instructions.

General Regulations.

ARTICLE 1. The Cape District shall, until otherwise directed, continue to be administered as it has hitherto been.

2. The Country Districts are divided into Five Drostdies, by the names of Stellenbosch, Swellendam, Graaff-Reinet, Uitenhage, and Tulbagh,—of which Drostdies the respective limits have already partly been defined by the Commissary General, the other parts will be defined by the Governor and General in Chief.

3. Each of these Drostdies shall be administered by a Landdrost, who shall be assisted by as many domiciliated Burghers and Inhabitants, by the name of Heemraden, as the Governor and General in Chief shall think necessary in each District.

These Heemraden, together with the Landdrost, shall constitute a Board, in order, according to regular instructions, and assisted by a Secretary, to deliberate and decide upon the concerns of the District.

4. This Board is at the same time invested with Judicial Authority, to award to the amount of a certain Sum: it is qualified also to register Marriages, and to have them solemnized before a Committee of the Board. In both these cases the Board shall act where these relate to individuals residing within the limits of its District.

5. Each District is subdivided in as many Fieldcornetcies as the interests and the convenience of the Inhabitants shall require. The Fieldcornets shall execute, within their respective limits, and according to particular instructions, certain parts of the General Administration, and follow the commands of the Landdrost, or of Landdrost and Heemraden. In the Cape District, until further provision shall be made, the Fieldcornets shall receive instructions from the Attorney-General, without prejudice, however, in any case, to the right of the Government immediately to command every Fieldcornet without distinction.

6. The Landdrost, as well as the Board of Landdrost and Heemraden, shall receive their instructions immediately from the Governor and General in Chief, or from the Governor in Council, except only in their judicial capacity, respecting which they shall obey, and follow the Decrees of the Court of Justice, as the Supreme Court of Judicature in this Colony.

7. In Criminal Cases, Landdrost and Heemraden are subordinate to the Attorney-General, to whom therefore report shall be made of every Crime committed within each respective District, in order that the same may be promptly and regularly prosecuted. The Attorney-General, as the first Law Officer, has the right of prevention—when, for instance, he shall have been the first to arrest or imprison a delinquent, or shall have been the first in taking evidence in the case.

8. The Venduemastership shall hereafter be separated from the Office of Landdrost, and be attached to that of the Secretary of each District, to begin from the first day of January, of this present year. With this consideration, that it shall be optional with the Landdrosts, when the Vendue Salary, as before received by them, shall exceed the amount of the Salary

hereafter to be determined, to retain the said Vendue Salary instead of the other, which in that case he will relinquish.

9. The Secretaries of the Country Districts shall never be promoted to Landdrosts in the Districts where they act as Secretaries, at the time the vacancy occurs ; except when the vacancy occurs by death,—but in all other Districts they shall be eligible, after which, or also should they have been first appointed to any other office, they can again be appointed Landdrost of their former District.

10. Each Landdrost shall have a fixed annual Salary of *Two Thousand Five Hundred Rixdollars*, to begin from the first of January of this present year, to be paid as usual, per Quarter, from the Government Treasury. And the Landdrosts of Graaff-Reinet, Uitenhage, and Tulbagh, shewing that, from the date of their appointment, to ultimo December, 1804, they shall have received from the Vendue Salary less than the amount of their above fixed Salary, the deficiency shall be made good to them.

11. The Landdrosts shall continue to retain their free lodging, the use of the gardens, lands, or cattle places, already attached, or hereafter to be attached to each Drostdy, by order of the Governor in Council, and independent of such fees for attendance, as they have hitherto legally enjoyed.

12. The Landdrost of Stellenbosch, in consideration of the greater number of extraordinary expenses which he is obliged officially to incur, owing to the proximity of the Capital, shall receive annually, in addition to his fixed salary, *Five Hundred Rixdollars*, also to be paid quarterly. There shall also be at his disposal, in the District Treasury, *Three Hundred Rixdollars*, as a compensation, being the interest of the capital for which a certain Place, formerly enjoyed by the Landdrost, was sold, and which capital has been paid into the said Treasury,—in consideration however of his obtaining this compensation, he shall not be entitled to any other Land than what is at this time attached to the Drostdy.

13. The Landdrosts shall not receive any other fines, on account of their judicial capacity, either wholly or in part, than such as are fixed and determined by Law, or are by Sentence awarded to them ; all other fines, amounting to *Fifty Rixdollars* and less, half thereof shall go to the Poor, one quarter to the Under-Sheriff, and the other quarter to the Officers of Justice

belonging to the District. All fines amounting to *Fifty Rixdollars* and upwards, after *Twenty-five Rixdollars* having been deducted for the Under-Sheriff and Officers of Justice, to be divided into two equal portions between them, the remainder shall be paid into the District Treasury.

14. The Secretaries of the Country Districts shall, in their respective Districts, act as Vendue-Masters, and receive on the proceeds of the sales of all immoveable property *one half per cent.*, and on the proceeds of moveable property, *two per cent.*, provided they take on their own responsibility all costs and damages, besides giving security to the amount of *Ten Thousand Rixdollars*, for the benefit of such who may become sufferers by their administration.

15. They shall receive, in addition to the above, and of free lodging, an annual Salary of *Two Hundred Rixdollars*, and retain all Fees, as well those arising from Notarial Acts as those from attendance and others, such as have hitherto been legally received by them : under this proviso, that when the average of their income, of three successive years, beginning with primo January of this present year, and afterwards from the day of their appointment, shall amount to less than *Fifteen Hundred Rixdollars* per annum, the deficiency will be made good from the Government Treasury. And when, according to the same average, the maximum shall exceed the fixed Salary appointed for the Landdrost, the excess shall be paid into the Government Treasury. For this purpose the Secretary shall, on the last day of December of every year, send in, in writing, and on oath, to the Governor and Council, the state and amount of the General Receipts ; from these states the Audit Office shall, at the end of every third year, make out how much each Secretary shall have received, either more or less.

16. The fixed Salary of the Secretaries of Stellenbosch and Uitenhage shall commence from the 1st of January of the present year ; and in case the Landdrosts of those Districts should prefer to receive the Vendue Salaries from that period, instead of their fixed Salary, then to each of these Secretaries shall be paid, in lieu thereof, whatsoever the Governor and Council shall (in proportion to the allowed *half* and *two per cent.* after the expenses be deducted) think to be right.

17. The same shall take place respecting the Secretaries of

Swellendam, Graaff-Reinet, and Tulbagh ; But whereas these have been appointed previous to the 1st of January of this present year, and that their Salaries have not yet been determined upon, each of them shall receive, from the date of their respective appointments to the end of December 1804, the sum of *Eighty Rixdollars per Month*.

18. From the day of the promulgation of these presents, the Secretaries of the Country Districts shall be authorised to act as Vendue-Masters in their respective Districts, after having previously given the security required by Art. 14, to the Landdrosts of their Districts, of which the Landdrosts shall form duplicate Acts, one to remain at the Office of Landdrost and Heemraden, the other to be deposited in the Audit Office.

19. The Country Districts shall be administered by the Board of Landdrost and Heemraden, according to the following Instructions.

Instructions for the Landdrosts of the several Country Districts.

20. The Landdrost of each Country District receives his appointment immediately from the Governor and General in Chief.

21. The Landdrost represents the Government in all matters resulting from the nature of his Office, from these present Instructions, or from such special orders as he may receive from the Governor and General in Chief, or from the Governor and Council of Polity.

22. He maintains the Authority of the Batavian Government, and is watchful that on no pretence whatsoever the same be infringed.

23. The protection of all Persons, Property, and Possessions, and the welfare and prosperity of the District committed to his administration, must be his chief aim ; and to promote these by direction, instruction, and in particular by example, should be his constant endeavour.

24. To do this most effectually, his first object should be to get intimately acquainted with every Person residing in his District, their names, habits, mutual relations ; also their Lands, and the nature of the produce these yield.

25. He must pay particular attention to the education of the

Children, and facilitate the means of it to every family ; he must encourage the youth to industry, by treating the industrious and laborious Farmers with due distinction—representing to them agricultural pursuits, as being particularly honorable to the Individual, and highly beneficial to the Colony.

26. The Aborigines race of this Country—the Hottentots—must be considered and treated as free People, who have a legal right of residence in the Colony, and who must therefore, the same as all other free People, be protected in their persons, property, and possessions.

27. The civilization of the Hottentots constitutes also one of the objects of the Landdrost's care, he should make it one of the means whereby to promote their happiness, and direct it to the general advantage of the Colony.

28. The different Tribes on the Frontier of the Colony, should always be so dealt with that they can never have any just cause for aggression against the persons, property, or possessions of the Inhabitants ; and when it shall be necessary to repel force by force, then the Landdrost must take care that no excess be committed.

29. In no case, except when unavoidably and without delay, measures of defence must be resorted to against Caffres, Bosjesmans, or other Indigenous Tribes ; and when each individual may be called upon to defend himself and his property ; in no other instances but such as these, shall any violence be used towards these People ; nor in any other way than by Commandos, called out by order of the Landdrost, to do which, in all cases not permitting the delay of awaiting the commands of Government, he is hereby authorised ;—and then the Landdrost shall exclusively direct the measures, which, according to circumstances, he shall deem expedient.

30. In order to preserve peace with the Indigenous belonging to a regular Chief, should any one or more of them molest the person or property of any of the Inhabitants, and the Landdrost having complained of the same to such Chief, and required satisfaction, and the Chief refusing to attend to it, then the Government, on the representation of the Landdrost, will take such measures as the interests of the Colony shall require.

31. In order to prevent, as much as possible, all cause of dispute with the Indigenous, no Inhabitant whomsoever shall,

for whatsoever cause it may be, go beyond the limits of this Colony, without having obtained a special written permission from the Governor and General in Chief, which permission must be registered at the Landdrost's Office of such District on which the Indigenous (such Inhabitant is going to) border, previous to his passing the Frontier. Those Inhabitants who shall act to the contrary hereof, will be prosecuted according to Law, by the Landdrost, the limits of whose District they shall have so passed.

32. The Landdrost acting upon the principle *that this Colony must derive its prosperity from the quantity and quality of its produce*, will endeavour, as much as possible, to impress the importance thereof on the minds of the Inhabitants of his District, and use every exertion to promote it.

33. The improvement of the different breeds of Cattle is intimately connected with the welfare of the Inhabitants, to which, therefore, the Landdrost will pay particular attention; and encourage the forming of artificial pastures, cattle stalls for the winter, and whatsoever else can tend to forward this object.

34. The Landdrost must, for this purpose, endeavour to be well acquainted with every particular tract of land in his District, so as to know for what particular description of Stock each place is best calculated, and what management is, according to each situation, best adapted for it; by these means he will enable himself to inform and direct the Inhabitants. Every one who attends to the improvement of his stock, promotes the general welfare of the community, and thence necessarily also his own—and by thus being a deserving subject, contributing to the welfare of his Country, he will, as such always experience, on the part of the Landdrost of his District, every encouragement, counsel, and support.

35. The Landdrost is most particularly enjoined to encourage by every means, the exchange of the native Cape Sheep for those that give wool. The ancient records of the Colony shew, that for more than a century past several promising experiments to that effect have been made, and that the want of proper direction alone is the cause that the Colony remains to this day deprived of that inexhaustible source of prosperity; any further neglect in this particular must therefore be followed by injurious consequences.

36. The Landdrost should also make himself fully acquainted with the Lands intended for cultivation ; and ascertain for what sort of cultivation each place within his District is best suited, and what description of produce will best answer upon it,—qualifying himself thereby to point out to every one what method may be most beneficial for him to pursue.

37. Independent of the cultivation of Grain, the Landdrost will encourage the Inhabitants to cultivate all such articles of food calculated to save the consumption of Grain ; and such others as may become articles of export ; among the latter the culture of the Vine must be more particularly considered.

38. The planting of Timber, and the preservation of the present Forests, should also be encouraged, as it becomes daily more wanted, both for building and for fuel.

39. The Landdrost is to pay particular attention to the manner of cultivating the Land. He will endeavour, as much by his own application as by conversing with experienced people in his District, to become acquainted with the nature and use of all the Agricultural Implements ; and on finding in what manner the same may be improved, either by simplifying them, making them more convenient, or more useful, he will submit his observations to the Commission of Agriculture, who will apply them to the general use of the Inhabitants.

40. The Landdrost will take notice in general, that in proportion as the population increases, so also increases the necessity of confining all Places to their prescribed limits, and to take care that every possible advantage is derived from all such Lands as still remain at the disposal of the Government ; and that consequently the greatest care and regularity is to be observed, as much in the granting as in the cultivation of the Land.

41. To examine therefore the Grants of Places and Erven, either in Freehold or on Loan, is what the Landdrost must rank among his most important duties ; and, in conjunction with the Heemraden, leave no means neglected whereby strictly to obey the resolutions of the Governor and Council of the 29th of February 1804, and 15th May 1805, which must be considered as if here inserted.

42. The Landdrost must keep an exact record of all Places and Erven in his District, particularly expressing their names,

situation, and the names of the Proprietors and Occupiers. And in order to prevent confusion and misunderstanding, each Place and Erf must have its number, in each District, beginning from No. 1; observing as much as possible to make these numbers correspond with the local situation of the Places, &c. according to the direction of Rivers, Chains of Mountains, &c.; in such a manner, however, that the Places belonging to one and the same Fieldcornetcy be as little separated as can be helped. The numbers and folios which these Places have had previous to the forming of the new Books, shall be noted on the margin, opposite to each name.

43. Of these Books or Ledgers, the Landdrost of each District shall, at the latest by the end of the present year, transmit two neat Copies to the Governor and Council, of which one shall remain in the Colonial Office, and the other be transmitted to the Receiver of Land Revenue, for the purpose that he may follow the same order in forming the Books of the several Districts, and thence be enabled, without any trouble, to correspond with the respective Landdrosts on their contents.

44. The Receiver of Land Revenue being directed by his Instructions to correct and explain all irregularities and misconceptions now existing, or such as may hereafter exist, with respect to Loan Places, and other Lands, all Landdrosts are required, at the requisition of the said Receiver, to give him, in the most expeditious manner, every information and explanation he may stand in need of.

45. The payments of the yearly recognitions for Lands, by whatsoever tenure they may be held, can be made by the several Occupiers, either to the Receiver aforesaid, at Cape Town, or to the Landdrost of the District, who in that case shall first

- (a) Immediately write off the amount of the Receipt on his Books.
- (b) Give a Receipt to the Payer, clearly expressing therein the Person of whom, the name and situation of the Land wherefore the recognition has been received, and the exact period up to which the payment is made.
- (c) Twice in every year, at the latest before the middle of January and July, to send to the Receiver specific lists.

of the Persons from whom, and of the names of the Lands for which, the recognitions have been received, adding the pages of the Books, and the number of the Place to which they refer.

46. In like manner the Receiver will send twice in every year at the same periods, viz : before the middle of January and of July, to each Landdrost a specific list, as directed in the preceding Article ; according to which list the Landdrost credits on his Books the Account of every Person having paid, and those who shall then be found to be in arrear, shall be called upon for the payment thereof.

47. The Receiver shall moreover, annually, after having closed his Books, send in to the Governor and Council specific lists, distinguishing each District, and stating all such Persons who, in the preceding year, have remained in arrear ; which lists, after having been examined by the Auditor, and having been found correct, will be sent by Government to the several Landdrosts, who each in their respective Districts shall compare the same with his Books, and such Persons who shall then be found to be in arrears, shall by them be summoned to pay up such arrears ; and, at the latest, before the end of June report to the Governor and Council such Persons who shall not have made good their payments, stating at the same time, what means have been used by them to enforce the payments,—when the Governor and Council will direct the necessary steps to be taken, in order to compel these unwilling, or neglecting, Persons to make good their payments. The Landdrost shall be responsible for all such arrears of recognitions, for the payment of which he shall not prove, to the satisfaction of the Governor and Council, to have used the necessary means.

48. The Landdrost shall remit twice in every year, together with the aforesaid lists, viz. before the middle of January and of July, to the Receiver of Land Revenue, the full amount of the Recognitions collected by him, together with the Stamps, &c. ; and the Receiver shall then enter into his Books all such Receipts for Recognitions and Stamps, and pay over to each Landdrost, without any deduction, in proportion to the amount so collected, whatsoever would otherwise by the Resolution of

the Governor and Council of the 5th of June last, on account of such Receipts, have justly accrued to him.

49. In case of any Vessel stranding on the Coast, the Landdrost of the District where such takes place, shall immediately report it to the Governor and General in Chief, and as speedily as possible repair personally to the spot, and forthwith direct the necessary measures for rescuing the people on board, securing the property, and preserving order; while he shall have the right of calling on every one whomsoever it may be, and without distinction, to assist him in the same. The Landdrost shall take account of all expenses thereby incurred, and transmit the particulars to the Governor and Council, who will, according to circumstances, determine as to the payment thereof.

50. The Landdrost shall be authorised in those cases, without any consideration, to order such persons as shall have been guilty of plundering, to be apprehended and sent up to Cape Town, in order to be tried before the Court of Justice, according to the Law of the 20th June, 1793. And in case such offender or offenders should be taken in the fact, and the place where the offence is committed be not farther than one day's journey from Cape Town, it shall be sufficient for the Landdrost to transmit a deposition of the facts to the Court of Justice, who, if they think it advisable, have the power to appoint a Commission from among them, in order, *de plano*, and without any other form of process, to do justice on the spot, and to order the execution of their Sentence.

51. Should a Vessel, not having a special Licence to navigate on the Coasts of this Colony, enter any of the Bays, the Landdrost shall not permit any part of the cargo of such Vessel to be landed, till after a permission from the Custom-House, with the knowledge of the Attorney-General, shall have been obtained to that effect.

52. Should, however, any Vessel be forced by stress of weather to enter disabled any Bay, and be reduced to such a state, that to await the permission mentioned in the preceding Article, might endanger either ship or cargo, in that case the landing of the cargo shall be forthwith permitted; but care must be taken that under this pretence no contraband goods be brought on shore, or the revenue injured.

53. The Landdrost of Stellenbosch is particularly directed not to permit any Boat or other Vessel in False Bay, whether belonging to any of the inhabitants or to the shipping in the Bay, to sail to the opposite side at Hottentots Holland, nor to any other part of the Coast of his District, except under a special Licence from the Custom-House, on pain of confiscation of such Boat or Vessel, and of all the goods laden therein ; or in case of the landing and removal of such goods having taken place, on fine of three times the value of the same.

54. All Landdrosts in their respective Districts, shall have the direction of all Prosecutions for Crimes committed in their Districts, to bring the same before the Court of Justice, in Cape Town, there to prosecute them according to the Laws of this Colony, and according to the Ordinances on the Mode of Proceeding, dated 9th July, 1570 ; or, according to such other mode as the Governor and Council shall hereafter direct.

55. He shall keep a Diary of all occurrences in his District, and whatsoever may take place of any consequence, whether in the Country, along the Coast, or were it even beyond his District, he shall immediately communicate to the Governor and General in Chief.

56. In like manner all Criminal Cases occurring within his District, the Landdrost shall forthwith report in writing, not merely to the Governor and General in Chief, but also to the President of the Court of Justice, and to the Attorney-General, as both these must always immediately be made acquainted with all Crimes committed in any part of the Colony.

57. He shall conduct all prosecutions which the Board of Landdrost and Heemraden may find necessary to institute, whether on account of the District Treasury or otherwise ; as also defend any suit that may be instituted against them. In extraordinary cases, however, the Landdrost shall not institute any suit, whether on account of the District Treasury or otherwise, without being expressly authorised to do so by the Governor and Council of Polity.

58. In order to carry on his *ex officio* prosecutions in Cape Town, whether Civil or Criminal, he shall be allowed to appoint an Agent, though not at the public expense, provided that the Agent he so appoints be one of the Advocates practising in the Court of Justice ; or in case of his selecting any other Person,

to submit the same for the approbation of the Governor and Council of Polity.

59. He can on his own authority take preparatory examinations, and inquests; but he is to do so in the presence of Heemraden, or a Committee of the same, in presence of whom he can also examine witnesses,—it being understood, however, that he shall not summon any witnesses who reside in other Districts, without being previously authorised to do so by the Court of Justice.

60. When on the ground of these preparatory examinations he shall see cause for further proceedings, he shall exhibit the said examinations to the Court of Justice, together with a detailed *species facti*, and a summary definition of the crime; praying at the same time for such a Decree of the Court, whether for apprehension or of summons in person, against the Person suspected, as the nature of the case shall appear to him to require.

61. Without such a Decree of the Court, he shall not summon any one in person, much less order any one to be apprehended, on pain of nullity and compensation of all costs thereby incurred, and such further correction as the Court shall judge necessary.

62. When, however, he shall conscientiously be convinced of there being *periculum in mora*, and that by the previous asking for a Decree the ends of justice might be frustrated, he shall then be authorised to arrest the suspected Person, and to keep him in custody; which latter he is always obliged to do when a delinquent shall be taken *in flagranti*; provided always, that in both cases the crime for which he causes the arrest would subject the individual to corporal punishment,—that is, a heavier punishment than banishment, and that he report the same forthwith to the Court of Justice, and pray for the necessary Decree.

63. Independent of the foregoing instances, the Landdrost shall be authorised to detain and keep in custody, without the previous knowledge of the Governor for the time being, or of the Court of Justice, all such Persons who have no fixed place of residence in the Colony, or are not legally authorised to reside therein, and who, without the permission of the Governor, or of the Attorney-General, wander as vagabonds in his District;

also all Deserters without exception. The Landdrost shall, however, without any delay, report in writing, the circumstances of such arrests to the Governor and General in Chief, and to the Attorney-General.

64. In cases punishable by fines only, the Landdrost shall not apply for leave to arrest, or to summon in person, but he shall proceed without any previous Decree in the manner now customary, or as shall hereafter be directed.

65. He shall as expeditiously as possible, order all such Prisoners as are to be tried before the Court of Justice, to be transported under safe custody to Cape Town, and report the same to the said Court of Justice and to the Attorney General ; and at the same time transmit to his Agent, *in forma probanti*, all the evidence collected by him, as well of the *corpus delicti* as of the collateral circumstances relative to the case, and of all such further particulars as may be necessary to be known ; so that without further delay he shall be able to proceed on behalf of the Landdrost as justice shall require.

66. In cases in which Summonses in Person shall have been granted to the Landdrost, as also in ordinary Summonses, he shall cause the same to be served on the Persons so summoned, by the Messenger of the District ; and at the same time fix the day of trial, at such a period, that while, on the one hand, no delay takes place detrimental to the ends of justice, on the other, the Persons summoned shall have no just cause to complain, that sufficient time was not allowed to them for their being, on the day appointed, in Cape Town ; in which latter case, the costs attendant on the serving of the summons must fall upon the Landdrost.

67. The Landdrost shall submit to all the Orders of the Court of Justice, and in particular when he shall be directed by the same to institute a Suit, or join in Proceedings with others ; but on informations received by, or complaints made to, him, from any other quarter, requiring or persuading him so to act, he shall not bring any Action, nor desist from doing so, contrary to his own conviction.

68. As long as the use of Slaves in the Colony shall not be abandoned, the Landdrost shall consider it amongst his most sacred duties, to watch for the protection of those unfortunate beings. The Government can never tolerate that the title of

Property in Human Beings should ever have a tendency towards maltreating them, and therefore most decidedly expect, that all constituted Authorities and Civil Servants will, by their own example, accustom their fellow Inhabitants to consider and to treat their Slaves as their fellow Creatures ; and not suffer that ever any cruelty be practised towards them. And the respective Landdrosts are enjoined, in the strongest manner, to attend to whatsoever can promote the civilization of those people ; and by having moral principles instilled into them, to render them useful members of society.

69. When, however, the Owner of a Slave should make complaints against him, the Landdrost can, if, on having examined the case, he shall find the complaint to be well founded, cause the necessary punishment to be inflicted on the offending Slave, either by temporary imprisonment, not exceeding the period of six months, by corporal punishment, or by putting irons on his legs for a certain determined time. But when it shall appear, that such a Slave has not merely been guilty of some trifling domestic misbehaviour, or similar offence, but that he has committed a crime punishable by Law, the Landdrost shall then bring the case to the cognizance of the Court of Justice, and proceed as in other Criminal Cases it is customary to do ; with the exception, however, that with respect to Slaves, no previous Decree of the Court is required.

70. If, however, on the contrary, a Slave should make complaints against his Owner of any maltreatment, the Landdrost shall first place the complaining Slave in safe custody, and then minutely examine the nature of the case, in order that on finding the complaint well founded, he may proceed in the case before the Court of Justice ; but if, on the contrary, the complaint should prove to be either frivolous or false, then the Landdrost shall consult with the Owner, in order to have such Slave punished in the manner aforesaid.

71. The Landdrost shall not be allowed, on his own authority, to compound any offence of whatsoever nature, except in minor cases, on which the Law has affixed only the penalty of some small fine, though never for any sum exceeding *Fifty Rixdollars*, the distribution of which, if not particularly prescribed by Law, shall be directed according to the 13th Art. of these Instructions.

72. In graver cases the Landdrost can compound only with

the consent of the Court of Justice, and in presence of a Commission of the Court, after the Court, on a Petition of the offending party, and report thereon by the Landdrost, shall have declared the case to admit of such adjustment.

73. The Landdrost shall receive, keep, and administer all fines, and transmit every three months an account thereof, as also of the several other judicial expenditures, to the Court of Justice ; which account being examined by the Court, shall be sent to the Governor and Council, in order that the amount thereof may be disposed of as the nature of the several items shall require.

74. In this account shall, however, not be charged any of the expenses hitherto defrayed from the District Treasury, and which must be carried to their annual account ; the nature of which account, as also whatsoever further relates to the financial administration, is to be found in the Instructions for Landdrost and Heemraden.

75. Whenever a defendant, against whom the Landdrost shall have *R. O.* proceeded, shall be condemned in the costs, the Landdrost shall be allowed to charge double salary, at the cost of the condemned, and at the taxation and discretion of the Court of Justice ; but when the costs are allowed to the defendant, then he shall not charge any salary, but neither shall he be obliged to pay any part of the judicial or other expenses.

76. When the Landdrost *R. O.* shall seize any live or other perishable goods, or of which the value might be absorbed by the expenses attending the detention, he shall cause the same, with the authority of the Court of Justice, to be publicly sold and converted into money ; but, if the time required to receive such authority would occasion too much delay, then shall the Landdrost, in concert with the Heemraden, with the approbation of the Court of Justice, proceed as stated ; and the proceeds thereof, the Landdrost shall keep in his custody, instead of the goods first seized, until they shall have been judicially disposed of.

77. The Landdrost shall not, on his own authority, reveal any secret respecting his Office to any person whomsoever, except to his superiors ; nor even after the closing of any business communicate to any one any circumstance, which in the course of examinations, may have transpired relating to

any particular individual, beyond what in the exercise of his duty may be required.

78. The Landdrost shall keep up a regular correspondence with the Attorney-General ; and independent of the information to be given to him, as expressed in the 56th and 63rd Articles, furnish him with all such further statements as he may in his official capacity require ; and on the other hand, the Attorney-General will communicate to the respective Landdrosts all such information as *in officio* may be necessary to them.

79. The Landdrosts shall also in furtherance of every object of Polity and Justice, mutually correspond with each other, and give to each other every assistance that can tend to promote the interests of their respective Districts ; principally as regards the pursuit of deserters, vagabonds, &c. who pass from one District into another ; and in all other matters requiring vigilance and dispatch, the Landdrosts are severally enjoined to be proportionably active.

80. When a person accused criminally, shall petition the Court of Justice to be admitted *in submission*, the Landdrost shall be allowed, when he considers the crime charged not to be of a nature absolutely demanding corporal punishment, (that is, on the scaffold,) to submit himself also as Prosecutor to the discretion of the Court.

81. In cases when the Landdrost shall consider to have cause to excuse himself *in officio*, from such or other cause, he is to acquaint the Court of Justice therewith, who will examine the merits of it, and decide accordingly. The reasons set forth by the Landdrost being admitted, he shall address himself to the Governor, for the time being, requesting him to appoint such a Person as he shall consider qualified to act in such particular case.

82. If the Landdrost should have any well-grounded reasons for suspecting some individual, either an inhabitant or a stranger, of being dangerous to the public tranquillity or welfare, yet without having cause sufficient to proceed against him, he shall then inform the Governor and General in Chief thereof, and submit to him the grounds of the suspicion, so as to enable him to direct such measures, respecting it, as he shall consider the public interest to require.

83. Whereas the Landdrost may at times suspect, or be

informed, that some individual, either through inadvertence, ignorance, or at the instigation of others, should have been induced to commit some crime, misdemeanor, or transgression of the Laws, he is authorised, and it shall be his duty, to summon such person or persons before him, and in private, without any other person knowing it, caution them against the disgrace or damage that may ensue therefrom, and endeavour to persuade them to desist from such practices ; on account of which interference, no suspicion of intended offence shall attach to the Landdrost ; nor shall it be considered as affecting the honor or reputation of any individual, should the Landdrost's information prove unfounded.

84. The Board of Landdrost and Heemraden shall meet regularly at Stellenbosch and Tulbagh, on the first Monday in every Month ; and at Swellendam, Graaff-Reinet, and Uitenhage, on the first Monday in every Quarter, when the Landdrost shall preside, in order, according to the directions contained in the following Instructions for those Boards, to consider and determine on what relates to the interests of the District, its tranquillity and welfare—as also judicially to close all matters of which the judicial proceedings devolve on the Board of Landdrost and Heemraden.

85. The Landdrost shall be obliged to communicate to every Member of the Board of Landdrost and Heemraden, in case any one of them should require it, previous to the meeting of the Board, all such proposals as he, the Landdrost, means to bring forward.

86. The Landdrost shall have, as Assistants to his Office, a Messenger, an Under-Sheriff, and six mounted Orderlies, paid by the Government, and appointed by the same, at the recommendation of the Landdrost ; he can moreover engage six Police Officers, such as have hitherto been known by the name of Caffres.

87. The said Messenger, Under-Sheriff, Orderlies, and Police Officers, shall execute whatsoever orders the Landdrost shall, by virtue of his Office, give to them. The Landdrost shall keep them to the exact performance of their duty, and take care that they conduct themselves respectfully towards the Heemraden and the Secretary, and cause no inconvenience to any of the Inhabitants.

88. The Under-Sheriff is, under the orders and directions of the Landdrost, the Overseer of the Prisons, and has the custody of the Prisoners, in his District ; he is answerable for their safe custody and maintenance. The Landdrost shall also take notice that the Prisons are kept clean, and that no other severity be used than what is required for the safe custody of the Prisoners.

89. When the Court of Justice, or the Attorney-General, on account of summonses and other services, or the Orphan Chamber, or the Chamber for Insolvent Estates, in the execution of their respective administrations, shall severally require any assistance on the part of the Landdrost, he shall forthwith give it, or direct his Fieldcornets, Messenger, or other subordinates, to execute whatsoever may be required.

90. The Landdrost shall not prosecute either the Heemraden or the Secretary, for any offence committed by them on account of their respective Offices, neither while they hold their situations, nor after having resigned them ; but should unexpectedly any such offences be committed by them, he shall then acquaint the Attorney-General therewith, in order that he may act as circumstances shall require.

91. The Landdrost shall diligently watch for the undisturbed exercise of Public Worship, in the different Churches within his District, and by his own deportment show due respect for the same, and encourage by every means in his power, the regular attendance of the several Inhabitants of his District.

92. With respect to the Missionaries, the Landdrosts shall observe, in their respective Districts, the Proclamation of the 21st February, 1805,—and the Landdrost of Stellenbosch, in particular, shall observe also what is contained respecting it, in the Letter of the Commissary-General J. A. de Mist, dated 22nd March, 1804, addressed to Landdrost and Heemraden of that District, and the Copy of which was communicated to the Governor and Council on the 9th of April following ; both which are to be considered as if they were here inserted.

93. The Landdrost shall take care that all Publications, and other Orders from Government, be, with the most possible expedition, made known to the Inhabitants of his District, as also the Sentences against such individuals as have been

prosecuted by him, so that both a knowledge of the Laws, and of the nature and execution of the punishment for transgressing them, may be generally acquired, and rendered useful to the encouragement of reverence for the Laws, and create a fear to offend against them.

94. Annually, after the Heemraden shall have been changed, the united Members of the Board shall agree to nominate one among them, who, with the approbation of the Governor and General in Chief, during the absence of the Landdrost, whether to Cape Town or to any other distant place, is to act for him, assisted by the Secretary, in the discharge of the daily duties of his office.

95. In all extraordinary cases, which cannot, without the Public suffering from it, be delayed until the Landdrost's return, the Acting Landdrost shall not proceed in the same but with the advice of the Board, which shall for that purpose be expressly convened. Should the selection of an Acting Landdrost not fall on the Senior Heemraad, the Senior shall nevertheless preside, and direct the deliberations of the Board, whether in its ordinary or extraordinary meetings, should such take place during the absence of the Landdrost.

96. The Secretary shall, in these cases, be obliged, *ex officio*, that is, without waiting to be called upon to do so, to give to the Acting Landdrost, as also to the Senior Heemraad, all such informations and elucidations as shall be required in the regular course of business.

97. The Landdrost shall not, either himself, or by means of his Wife and Children, or any one of his household, accept any Presents or Grants from any Person he suspects to have been guilty of an offence, or who stands accused thereof by others; nor from any of the Friends or Relations of such Person; nor from such Persons who expect a decision on the part of the Landdrost, or of Landdrost and Heemraden, whether in their favour or against them—however small such Presents or Grants might be, not even of Eatables or Drinkables. And should he suspect any such to have been received by either his Wife or Children, or that even inconsiderately he should receive such Presents, &c. from such Persons, or that such were sent to him, he shall, on discovering the same, immediately acquaint the Court of Justice therewith, and pay the amount of the value of

such Presents, &c. in such a manner as the Court shall think proper.

98. Previous to his entering upon the duties of his Office, he shall take the following Oath, in presence of the Governor and General in Chief.

Oath.

“I do promise and swear to be faithful and obedient to the Government of the Batavian Republic, as the only legitimate Sovereign of this Colony, and to the Council for the Asiatic Possessions and Establishments, that I shall shew all due respect, regard, and obedience to the Batavian Government of the Cape of Good Hope ; that I shall execute the duties of my Office, as Landdrost of Stellenbosch and Drakenstein, faithfully and with all zeal and diligence ; that as soon as any offence, or suspicion of offence, shall be known to me, which is within my cognizance, I shall, without delay, endeavour to ascertain the truth thereof, and do that which my Office requires ; and that I shall proceed therein with all fairness, honesty, and impartiality, without regard to the Accused or his Friends, and without distressing the innocent ;—that in order to obtain my Office I have not given, offered, nor promised ought to any one, nor caused to be given, offered, or promised, nor will give, offer, or promise, directly or indirectly ; nor that such has been done by any one on my behalf ; and whenever I shall find that any thing of the kind has been done, I shall immediately acquaint the Governor and General in Chief therewith ; and that I shall observe faithfully, and to the best of my abilities, the Instructions already given and those that may hereafter be given ; and further, that I shall do whatsoever a good and faithful Landdrost is bound to do.—*So truly help me God Almighty !*”

Instructions for the Board of Landdrost and Heemraden in the several Country Districts.

99. The Board of Landdrost and Heemraden consists, in every District, of the Landdrost as President, and six domiciliated notable Burghers and Inhabitants, as Members.

100. The Heemraden must have attained the age of thirty years, and have resided three years in the District wherein

they are to be appointed, previous to the appointment taking place. They must, besides, occupy a Loan Place, or Loan Property Place ; or possess at the Residence of such District, certain immoveable Property.

101. At the formation of new Drostdies, the Heemraden are appointed immediately by the Governor and General in Chief, and follow each other by seniority : but as to Boards already formed, the present Heemraden continue to act in that capacity.

102. At the end of each year, beginning with this current year 1805, the two Senior Heemraden retire, when the Landdrost and remaining Heemraden present to the Governor and General in Chief a nomination of four Burghers of the District, qualified as prescribed by the 2nd Article, of whom two will be appointed to act during the year following—the two retiring Heemraden can be re-appointed.

103. This Board shall, in the Districts of Swellendam, Graaff-Reinet, and Uitenhage, hold an Ordinary Meeting every three Months, on the first Monday of the Quarter ; and in the Districts of Stellenbosch and Tulbagh, on the first Monday of every Month ; and, the Landdrost presiding, the Board shall, in the first instance, act judicially in the following cases, and then consider and determine on all such District matters as, according to these Instructions, are of the competency of the said Board.

104. The Heemraden shall at no time consider themselves as constituting a Board distinct from the Landdrost, except in the case provided for in the 94th Article ; but as acting together with the Landdrost in the execution of all such matters as by these Instructions are committed to their joint care.

105. Independent of the above-mentioned quarterly and monthly Meetings, the Landdrost shall be authorised, as often as the interests of the District may require it, to convoke an extraordinary Meeting, so as to prevent any inconvenience to result from delay in cases requiring dispatch.

106. The Members of the Board are obliged punctually to attend, unless prevented by any lawful causes ; in which case they shall acquaint the Landdrost therewith, at the latest, one day preceding the meeting, on pain of by neglect thereof, to be fined *Five Rixdollars*, to be paid into the District Chest.

107. The Landdrosts of the Country Districts, assisted by

two Heemraden and the Secretary of the District, shall act as Matrimonial Commissioners, and conform to what by the Regulations of the Commissary J. A. de Mist, of the 20th Sept. 1804, on the subject of solemnizing Marriage Contracts in the Country Districts, has been prescribed; which Regulations must be considered as if they were here inserted.

108. With respect to the other duties of the Board, the Heemraden must in all public matters act upon the same principles as are prescribed to the Landdrosts in the Instructions given for their guidance; and consequently, in whatsoever relates to the education of the youth,—the protection of property,—the civilization and protection of the Indigenous,—the improvement of agriculture,—and of the breeding of cattle, &c.; the Heemraden must endeavour to assist and support the Landdrost to the best of their knowledge and abilities.

109. Heemraden must be considered as the most notable and most experienced among the inhabitants,—but this honorable situation can be of real value only, in proportion as the Heemraden are earnestly and constantly engaged in promoting the welfare of their fellow Inhabitants, and in making them sensible of the advantages of a beneficent administration. By so doing they may be certain of obtaining the confidence and gratitude of all those who understand their own true interests, and who know to appreciate the means whereby to promote it.

110. The Landdrost and Heemraden are to take particular notice of the produce of their Districts, to ascertain whether any, and what, description of produce, either increases or diminishes,—whether there be any connection, and what, between the diminishing of one produce, and the increase of the other;—what description of produce yields the most profit, and the cultivation of which should thence be promoted. The result of these several investigations should direct Landdrost and Heemraden in their deliberations and resolves.

111. As long as Individuals do not enjoy the fruit of their industry, they generally hesitate to apply either labour or expense, this natural obstacle can only be removed by encouragement and example. And whereas the Heemraden, from their situation, must be supposed to be possessed of the best means of convincing, and of inspiring with confidence their fellow Inhabitants, they should therefore not by mere recommendation

only, but also by example, encourage them to promote every useful cultivation.

112. Two leading points, with respect to the foregoing, are here to be considered:—1st, The cultivation of profitable articles, such as are fit for exportation; for instance, Wool, Wine, Brandy, &c.; The 2nd, the cultivation of every description of produce intended for consumption, of which the increase and the improvement ensures the support of the Inhabitants, and which, in case of abundance, can add to the exportations. In both these cases it is recommended to the prudential care of Landdrost and Heemraden, according to local circumstances, to give the preference to the best and most profitable articles of produce.

113. In those Districts where the Inhabitants principally attend to the rearing of cattle, it is more particularly recommended to Landdrost and Heemraden, independent of promoting the breeding of those sheep which give wool, to devote their attention also to the horned cattle, and by every proper means to encourage the Inhabitants to confine themselves to that sort which is most useful to the Colony, and with the greatest possible care to keep their stock in the best condition, as the advantage of so doing, whether intended for consumption or for agricultural purposes, is as important to the Colony at large as to the breeder in particular; the improving of the present breed of horses, should also be considered as important.

114. Landdrost and Heemraden are to take care that the Lands in their respective Districts are cultivated regularly, and with judgment, and particularly that in the vicinity of the Residence—the planting of wood be encouraged, and that the forests, now existing, be preserved as much as possible.

115. With respect to the Finances of the District, Landdrost and Heemraden must use the utmost exactness in collecting the dues, and the greatest economy in the expenditure. The *first* promotes regularity, and preserves a just proportion in the payment of those dues; and the *second* affords the Inhabitants the gratifying certainty that they do indeed contribute towards the general good.

116. Landdrost and Heemraden are not authorised to impose new duties: when the ordinary receipts are not sufficient to cover the expenditures, they must report the same to the

Governor and Council, together with their observations upon it, who will then determine in what manner the District Funds are to be assisted.

117. No payments whatsoever are to be made from the District Treasury, without the accounts having first been examined by the Board of Landdrost and Heemraden, and there approved, which must be duly entered on the records.

118. In the annual accounts of receipts and expenditures, at least in the fair copies thereof, each item shall not only be entered in regular succession as to time, but they are to be placed and accounted for under specific heads; so that by comparing one year with another, the difference, either of increase or diminution, can be at once perceived under each respective head: as for instance—

Receipt.

- Head 1. By Balance in favour of the foregoing year.
- „ 2. Produce of the “Opgaaf,” and of all general contributions.
- „ 3. Proceeds of Mills, Kloofs, Poundages, Tolls, and the like.
- „ 4. Fines and Penalties.
- „ 5. Sundry Receipts.

Expenditure.

- Head 1. Civil Salaries.
- „ 2. Costs for Criminal Prosecutions, Inquests, &c.
- „ 3. Repairs of Buildings, Fire Engines, Ferry Boats, &c.
- „ 4. Repairs of Kloofs, Roads, Watercourses, Day-Labourer's Wages working at the same.
- „ 5. Fees of attendance for Landdrost and Heemraden.
- „ 6. Sundry Expenditures.

Under this head should also be brought the excess of expenditure of the foregoing year; when in such year there shall not have been an excess of *income*, but on the contrary an excess of *expenditure*.

Although it may so happen that in any particular year there have been neither receipts nor expenditures under either of

these several heads, still, these heads must nevertheless continue to be regularly and permanently entered, and under it be written,

Pro Memoria—Nihil.

119. No principal debts shall be contracted between the respective Drostdies, without the express permission of the Governor and General in Chief.

120. All District payments are to be received by the Landdrost, and to be kept at the Drostdy, in a chest with three different locks, one key of which shall be in the possession of the Landdrost, the two others shall be kept by two distinct Heemraden, to be named annually at the time when the new Heemraden take their seats; no *one* of them shall separately have access to the said chest; and each of the three shall be personally responsible for the same.

121. At every ordinary Meeting of Landdrost and Heemraden, after the Bills of demands have been examined, the Landdrost shall pay in, according to a detailed statement thereof to be at the same time delivered by him, all such sums of Money as he shall have received; when also shall be paid to him, from the District Chest, the amount of all such demands as shall have been approved—to which shall be added, such a sum, to be accounted for, as by estimate is supposed will be required for ordinary expenditures until the next sitting of the Board; all which shall be punctually entered on the Minutes of the Board.

122. At the first sitting next following, the Landdrost shall produce the proper receipts for the payments made by him, which shall also be entered on the Minutes, and the receipts be handed over to the Secretary, to enter the amount thereof under the several heads, as prescribed by Article 118, and from which he is to make up the District's Books at the end of every year.

123. Annually at the first sitting, when the change of Heemraden takes place, and before the two retiring Heemraden resign their seats, the Secretary shall lay before the Board a regular account of the District Chest, accompanied with every document relating to it, exhibiting the general state of the Finances, and of the Effects belonging to the District—which account having been examined and approved, shall be signed by the retiring, the

remaining, and the new Heemraden respectively, in the presence of the Landdrost, and be transmitted to the Governor and Council.

124. To the signature of the Landdrost, and of the other Members of the new Board, under the said account and state of the District Finances and Effects, must be added the following literal declaration:—"That all Effects and Money, which, according to the so formed state, stand to the credit of the District, are actually there present, and were by them found to be so, previous to their signing the said state, and are as such received by them upon their own personal responsibility."

125. In the execution of the judicial functions, Landdrost and Heemraden shall, in all matters of their competency, administer prompt and true justice, in the name and on behalf of the Batavian Government, without regard to person, whether rich or poor, high or low, of whatsoever state or condition they may be, without fear or favour, simulation or dissimulation.

126. To the judicial competency of Landdrost and Heemraden belong in the first instance :

- A. All disputes respecting Lands, Boundaries of the same, Servitudes, Pounding of Cattle, and whatsoever may relate to it, except disputes on the right of Loan Places, upon which Governor and Council reserve the decisions exclusively to themselves.
- B. All suits of the District Venduemaster, to recover the sums due on the Vendue Rolls, within one year after the sale ; but after that period to the amount only of the sum hereunder specified.
- C. All real and personal suits for money, or money's worth, without including therein interests or costs, not amounting to the sum of *Three Hundred Rixdollars*.

127. The said judicial competency shall, however, be confined to the Inhabitants of each respective District, and in common Law, the plaintiff shall always sue in the District to which the defendant belongs. In questions respecting Boundaries, Servitudes, impounding of Cattle, and other questions respecting Lands, such as are of the competency of Landdrost and Heemraden, the Proprietors are considered, for as far as relates to the question at issue, to belong to that District within which

the Land to which the question relates is situated, or where the Cattle has been impounded.

128. Arrests, in all the abovementioned cases, are ordered only by the authority of the Court of Justice, and consequently the competency of the Landdrost and Heemraden then ceases, unless the Court of Justice, dismissing the arrest, or keeping it *in statu*, should determine to refer the case for adjudication to Landdrost and Heemraden, to which decision the Landdrost and Heemraden shall submit.

129. And whereas the exclusive competency of the Court of Justice, to decide in cases of arrest, does not preclude the case itself from being (the Court so determining) left for adjudication to Landdrost and Heemraden, these shall, however, not decree the arrest, but be obliged to refer the parties to the Court of Justice.

130. In all matters entered on the rolls of Landdrost and Heemraden, before they proceed to pass sentence, they shall endeavour to bring the parties to amicable terms. The Government considers this to be of the first importance, in all judicial proceedings in the Country Districts ; it shall therefore be put on record, with each particular case, whether this injunction has been complied with, although such endeavours may have proved fruitless.

131. Landdrost and Heemraden shall *de plano*, and without form of written process, proceed in administering justice, and at the latest, within six weeks after the first investigation, determine on each respective case, except circumstances should occur to render it necessary to allow either of the parties, or to both, further time, when it is left to the discretion of Landdrost and Heemraden to act accordingly.

132. In matters requiring ocular inspection by a Commission, or otherwise, the interests of all parties concerned must be entered by the Secretary in the report of the Commission ; and on this report, together with such documents as have resulted from the investigation, the judicial proceedings must take place.

133. A Commission being asked for, the cost of which is to be defrayed by the party who shall be found to be in the wrong, the person or persons asking for such a Commission are to deposit with the Secretary, such a sum of money as shall be

calculated to be necessary to cover, in proportion to the distance the Commission is to go, the expenses of the journey, the transport of the Land Surveyor's instruments, &c. ; but all other expenses shall, the same as in other law-suits, be paid by the condemned party, after the condemnation shall have taken place.

134. Before Landdrost and Heemraden, the parties shall be obliged in person, and verbally, to state and defend their case, unless the Board should, from urgent motives, think it expedient to admit an Agent or other legally authorised person ; or that the nature of the case, besides documents produced in proof, should render a written statement or defence necessary ; but in no instance shall this be permitted to lead to a common written process.

135. All such persons who are subject to the judicature of Landdrost and Heemraden, and who, being summoned, do not attend, shall, unless the default be properly justified, besides the costs of summons, forfeit, for the *first* offence, *Three Rixdollars*, to the District Chest,—for the second offence *Six Rixdollars* ; but on being summoned the third time and not attending, such person shall be declared *contumax* ;—the case shall then be proceeded in on the grounds adduced by the opposite party, and the defaulter shall at all events be condemned in costs.

136. The sentence of Landdrost and Heemraden for enforcing pecuniary payments shall, the same as those of the Court of Justice, after Summons and Renovation, or as in cases of Vendue Claims and others, wherein immediate execution takes place, be executed by the Chamber for Regulating Insolvent Estates, without Summons and Renovation ; unless the place where the execution is to be should be farther than a day's journey from Cape Town, and nearer than a day's journey to the Drostdy of the District to which it refers. In which case the Chamber for Regulating Insolvent Estates shall be allowed, and in case of heavy expenses attending such execution they shall even be obliged, to make arrangements with Landdrost and Heemraden for the execution to be directed by the latter. Of all other Sentences for enforcing, on account of any crime, after the Summons and Renovation have been served *in forma*, the execution thereof shall take place upon a Decree of the

Court of Justice, to the form and tenure of which Landdrost and Heemraden shall strictly conform.

137. Landdrost and Heemraden decide by arrest, on all matters not exceeding the sum of *Twenty-five Rixdollars*, and such Sentences shall not be subject to appeal, nor shall any Sentences be appealed from, passed for cause of contumacy, nor from those on intermediate dispositions which can be finally rectified.

138. But in all other Sentences of Landdrost and Heemraden at which the parties may feel themselves aggrieved, they are allowed to appeal to the Court of Justice, of which appeal notice shall be given within ten days after the Sentence has passed, or after the person condemned shall have received notice of such Sentence, and consequently be prosecuted, viz : at Stellenbosch and Tulbagh, within six weeks ; at Swellendam, within twelve weeks ; and at Graaff-Reinet and Uitenhage, within sixteen weeks from the time when the notice of appeal was given, without prejudice to the grounds of delay admitted by Law, to be determined *ad quem* by the Judge.

139. In cases of Vendue Claims the Landdrost and Heemraden order, as far as the amount of *Three Hundred Rixdollars*, not only the immediate execution, but also the arrest. But when the condemnation amounts to *Three Hundred Rixdollars* and upwards, then the person condemned shall be permitted to appeal to the Court of Justice. The Sentence of execution can, however, notwithstanding the appeal, be carried into effect, giving security for the restitution, should the Sentence be reversed in consequence of the appeal.

140. When the Court of Justice shall declare that the Appellant is not aggrieved by the Sentence of the Landdrost and Heemraden, and thence that he has appealed without cause, such Appellant shall then, over and above, be condemned to pay the fine of the *fol* appeal, which is *Ten Rixdollars*, for the benefit of the District Chest—which sum the Appellant shall depose in the District Chest previous to the documents relative to the process being transmitted by Landdrost and Heemraden to Cape Town.

141. Besides the means of appeal, the person cast by any Sentence of Landdrost and Heemraden, *not* given by arrest, shall within the term of one year after the sentence be allowed

to submit the same for amendment to the Court of Justice, provided such person does first give security to the amount of the sentence, and deposits *Ten Rixdollars* in the District Chest, to be forfeited by him as a fine, should the Sentence of Landdrost and Heemraden be approved by the Court.

142. In order to pass Sentence, the Board of Landdrost and Heemraden shall meet at least *five* in number ; and in case of death, sickness, or any other legal cause, preventing that number being completed from among the acting Heemraden, then it shall be supplied from among the preceding or retired Heemraden.

143. At the Judicial Meetings of the Board of Landdrost and Heemraden, shall not sit as Members :

- A. Those who directly or indirectly have any interest in the case before the Board.
- B. Those who are, or have been, related to any of the parties in the fourth or nearer degree of affinity, or as brothers-in-law.
- C. Those who are, or have been Guardians or Trustees of any of the parties, or who are Tenants on any Estate of any of them.
- D. Those who, unknowingly, or inadvertently, have directly or indirectly, received any gift or present from any of the parties, at the time when either of them had a cause pending, or were likely to have such a cause.
- E. Those who have any suit at issue with any of the parties before any other Tribunal.

144. The Landdrost, or any of the Heemraden, finding themselves so circumstanced, shall declare the same at the first Sitting of the Board, when, in the absence of such Member, the Board shall consider the validity of the plea, and determine thereon. Should such a cause for exemption not be suggested by the Member himself who may be so circumstanced, then shall the Board notwithstanding, *ex officio*, take it into their consideration.

145. When, independent of any of the foregoing circumstances, the Landdrost or any of the Heemraden should find themselves in any particular relation with any of the parties, for reason of which they should wish to be excused sitting on

such case ;—for instance, in cases of intimate friendship, or personal enmity ; considerable partnership, intended matrimonial alliance, or the like, which might influence or bias the mind : in that case such Member shall declare the same to the Board, in order that in his absence the Board may take it into their consideration, and determine thereon.

146. None of the Members shall be allowed to give any counsel or advice to any individual having, or who is likely to have, any cause before the Board ; and should such advice have been unknowingly given, and the cause afterwards be brought forward, such Member shall then not sit in his judicial capacity, on pain of being deprived of his situation.

147. None of the Members shall at any time reveal any of the arguments, opinions, or observations, expressed at their meetings by any of the other Members, on matters pending before the Board, whether relating to their judicial, or to any other of their official capacities, either previous or subsequent to the termination of any cause.

148. The Landdrost presiding at the Meetings of the Board, shall direct the proceedings, and take care that the deliberations of the Board are conducted with the most possible regularity, without however in any way to impede the independence of votes.

149. The Landdrost shall, after the mature and considerate deliberation of the Board, sum up to conclusion, according to the nature of the case, and as directed by Law.

150. In case of the demise of the Landdrost, or that from illness, or any other cause, he should be absent, the Senior Heemraad shall act as President, until, in the first case, a new Landdrost shall have been appointed ; or in the other event, the Landdrost shall be either restored to health, or have returned to the Drostdy.

151. The Court of Justice, by virtue of the 55th Article of their Instructions, deciding exclusively on Criminal Cases throughout the Colony, the Landdrost and Heemraden shall not assume any judicial authority in crimes committed in their District ; but the prosecutions thereof shall be carried on by the Landdrost, before the Court of Justice ; unless it should please the Government, for particular reasons in special cases, expressly to authorise Landdrost and Heemraden so to do.

152. In order, however, to ensure the prompt administration of justice, the Heemraden are, besides the Civil and Judicial Administrations committed to the Board of Landdrost and Heemraden by these Instructions, further authorised, at the requisition of His Majesty's Fiscal, or of the Landdrost, to act as Commissioners for taking such preparatory information as the respective Judicial Authorities shall deem necessary to obtain, respecting crimes committed in the District—which information, taken by the Commission of Heemraden, shall, after the lapse of at least twenty-four hours, be reconsidered and sworn to, with this proviso notwithstanding, that the Court of Justice, or such other Judicial Authority at whose requisition such information shall have been taken, reserve the right, if by them thought necessary, to re-examine the Witnesses, and to confront them at Cape Town.

153. The Heemraden are qualified, when a Culprit shall have been apprehended in their District, at the requisition of the Attorney-General, or of the Landdrost, and that he cannot immediately be sent to Cape Town, to examine such Culprit ; but with this express understanding, that should the alleged crime be denied, the examination must instantly cease, and that when the alleged crime is admitted, the particulars shall be carefully taken down as the Prisoner shall state them, without entering into a special investigation—in order that the Judge shall have the means to examine the Prisoner, without his being prepared. The act to be formed of this summary examination shall be considered as judicial, so as to be judicially acted upon.

154. Heemraden are in like manner authorised, at the requisition of the Attorney-General, or of the Landdrost, to take Inquests, and to pass acts thereof *in forma*—which acts shall have the same force and meaning as if such Inquests had been taken by a Commission from the Court of Justice. And of like force shall be all other acts or inquests, or ocular inspections, made by Heemraden at the requisition of the Court of Justice, whether in Civil or Criminal Cases.

155. The Court of Justice shall further be authorised, in all Civil Cases to be tried by the Court, to refer, by written requisition, to Landdrost and Heemraden, according to the approved interrogatories, the examination of Witnesses condemned to

give evidence according to truth before the Court, and to have such evidence sworn to. The Court, notwithstanding, reserving the right, if thought necessary, to re-examine such Witnesses themselves. The examinations on the said interrogatories having closed, they shall, together with the replies thereon, be forthwith returned to the Court of Justice, together with a letter from the Board.

156. At the taking of Inquests, as well as on other inspections, the Heemraden must apply the minutest attention, so as not to pass any circumstance unnoticed. The act to be formed of it being considered by the Judge as an authentic document whereon to rest his decision, nothing must be omitted in it that in anyway relates to the case, and each circumstance must be plainly and clearly stated. The Landdrost and Secretary are therefore to devote the utmost attention to the framing of the said Act.

157. The Landdrost and Heemraden, and the Secretary, are not allowed, at any Criminal Inquest, or other ocular inspection, to charge any fee for attendance, except when the parties concerned are condemned in costs ; and in so far only as they may be able to pay the same.

158. When, however, at an inquest a Surgeon, or such other qualified person, be employed, for whose time and trouble the compensation cannot be obtained by the decision of the Judge, and that such person does not receive any fixed annual emolument from the Government, or from the District, for such services, he shall then, after the close of the inquest, be allowed, at the requisition of the Court of Justice, or of the Attorney-General, to make out his charges on account of the Government ; or when he shall have attended at the requisition of the Landdrost, or of the Landdrost and Heemraden, he shall then make out the said charges, on account of the District. In both cases, the charges so made out, are to be subjected to examination by the Auditor, and by the Landdrost and Heemraden.

159. All advances of money, made on account of inquests or other ocular inspections, shall, (in case they cannot be recovered by virtue of the sentence of condemnation,) upon the same principle as the foregoing, be paid *either* by the Government or from the District Chest. Landdrost and Heemraden are

however authorised, if to determine by whom such payments are finally to be made would take up any considerable time, to make those payments provisionally from the District Chest.

160. The Landdrost and Heemraden are obliged to cause all Inquests, the place of which is at no greater distance than three days' journey, out and home, reckoning each day at six hours travelling with a horse waggon, to be taken by a Commission from their Board *in person*. But when the distance should be greater, then they shall be allowed to entrust it to the Fieldcornet; except, however, in cases wherein the general interests of the Colony, or that of justice in particular, will not permit so important a duty to be left to a Fieldcornet. In such cases the Members composing the Committee shall be permitted to charge their attendance, according to what is pointed out in the 158th Article, either to Government or to the District Chest, for every day they shall have been so employed, beyond the three days above-mentioned.

161. On the other hand, Landdrost and Heemraden are at liberty, in cases of minor import, (the inspection of which is not expressly required to be taken in person,) and in which the expenses, in proportion to the nature of the case, would fall too heavy on the individual whom it may concern, to have the Inquests taken by the Fieldcornet, though the place should be within the above-mentioned distance of three days; but giving always to the said Fieldcornet the strictest injunction to be as accurate as possible, and even, if thought necessary, prescribing to him the manner in which he is to proceed.

162. The Fees for attendance which the Landdrost, Heemraden, and Secretary, shall be allowed to charge in the above cases, must always be calculated according to truth; unless the Commission having been out more than two days, shall have travelled at the rate of less than six hours per day, in which case the number of days shall be determined according to the rate of six hours travelling for every day. The time required for executing the object of the Commission, shall, when it has not taken place on any of the travelling days, be charged separately.

163. No new Buildings shall be constructed in the Country Districts, at the expense of the District, but when they shall be indispensably necessary, and that they are required for

important uses, and then only with the consent of the Governor and General in Chief, to whom Landdrost and Heemraden shall address themselves in writing, requesting that such Buildings may be constructed, clearly stating their object and utility, together with an estimate of the probable expense that would be incurred by it.

164. Landdrost and Heemraden are also to look to the making and keeping in repair, of Streets and Roads; and they are in particular to endeavour, that all the Passes over the Mountains or Rivers, by which the Produce of the Colony is to be conveyed, either to Cape Town or to any other market, are put in the best possible state; and they are to satisfy themselves, by frequent inspections and other expedient means, of their being kept so.

165. They are to take care also, that all *Ells*, *Measures*, and *Weights*, in their respective Districts, are regularly stamped conformably to those at Cape Town.

166. Landdrost and Heemraden are also commissioned to make, and publish, the necessary Assizes and Ordinances for Bakers and Butchers, in the several villages of their respective Districts; thereby prescribing whatsoever, for the regularity of the District, according to its local circumstances, shall be required. These Assizes and Ordinances must, however, be approved by the Governor and General in Chief; and until that approbation be obtained, they are only to be considered as provisional in their operation, subject to such approbation.

167. The Landdrost and Heemraden are also to take care that the necessary Fire-Engines are present in the several villages, and that they are kept in good repair; for which purpose Landdrost and Heemraden are authorised to appoint the necessary number of Fire Wardens, and other subordinates. The appointment of the Fire Wardens must be submitted to the Governor and General in Chief's approbation.

168. In the Month of October, or at latest of November, of every year, Landdrost and Heemraden shall appoint, according to the local circumstances of each District, the time within which the annual "Opgaaf" for the then following year is to take place. In fixing this time, the utmost care is to be taken that it interferes as little as possible with the usual occupations of the Inhabitants. The "Opgaaf" Rolls are to be closed

annually, at the latest before the last day of April, and then transmitted to the Government.

169. Landdrost and Heemraden are to keep in mind that the annual "Opgaaf" must exhibit those different objects towards which the views of the Colonial Administration are always directed. That the effectual and regular operation of the measures of Government, with respect to that administration, must depend on the correctness of the "Opgaaf." That Landdrost and Heemraden are therefore to consider this part of their duty as of the utmost importance, and that consequently they are to apply the most earnest and assiduous attention to its execution.

170. Every individual must proffer to confirm his "Opgaaf" by Oath, unless the Governor and Council should, for particular reasons, require the Oath to be actually administered. The Landdrost and Heemraden are nevertheless authorised to insist, in case they should doubt the accuracy of the "Opgaaf," that the same be sworn to. But whereas that the confidence to be placed in the good faith of individuals should not always require this strongest pledge, the Landdrost and Heemraden must endeavour fully to impress the Inhabitants with a sense of the importance of the "Opgaaf" for the general benefit of the Colony; and thence to convince them, that, independent of the solemn confirmation by Oath, the strictest obligation rests on each of them to make their statement according to the real truth.

171. Landdrost and Heemraden are authorised, when any individual is prevented by illness, or other legal cause, from presenting his "Opgaaf" in person, to admit another person on his behalf, provided such person be not only furnished with the necessary means to do so, but also fully qualified, if required, to swear to the accuracy of the "Opgaaf" he delivers.

172. Should any one omit to make his "Opgaaf" in person, or to authorise another to do so for him, in the manner above defined, and within the prescribed time, such person shall forfeit a fine of *Five Rixdollars* to the District Chest, and be, notwithstanding, obliged to make his "Opgaaf," which the Secretary shall officially require of him to do; and in case he should not attend to the said requisition, then shall Landdrost and Heemraden report him to the Governor and General in Chief

as one unwilling, in order that, according to circumstances, the subject may be disposed of.

173. At the yearly "Opgaaf" the usual quota is to be paid, as also the duties on Cattle and Sheep. Those persons who shall remain in arrear will be officially summoned by the Secretary, to appear before the Board of Landdrost and Heemraden, and called upon to pay the amount. Should such person not appear to the summons, the Board shall, on account of the first default, decree condemnation against him, by immediate execution, for the payment of the arrears not only, but also of the fine prescribed by the 135th Article, and for the costs in the case.

174. Previous to every Ordinary Meeting of the Board, the Prisons of the District shall be examined by two Heemraden, attended by the Secretary; and should any impropriety be observed in the treatment of the Prisoners, or that there should be any Prisoners who have been confined longer than three months, the Commission shall ascertain the cause thereof, and report the same to the Board, in order that, according to circumstances, such cases may be remedied. It must appear by the records of the Meeting, that this regulation has been complied with.

175. Landdrost and Heemraden shall, neither for themselves, nor by means of their wives, or children, or inmates, receive any gifts or presents from any person or persons who have any cause pending before the Board, or are likely to have such a cause; nor from the friends, relatives, or patrons of such person or persons, however inconsiderable such presents or gifts may be in themselves,—not even in meat or drink; and should such presents or gifts have been received unknowingly or inadvertently, they shall, on discovering the same, forthwith state it to the Board, and give up such gifts or presents, or the value thereof, if they cannot be restored *in natura*, in the manner the Board shall think proper. And, moreover, they shall not assist at the deliberations on the case of such person or persons from whose relations, friends, or patrons the gifts or presents were received.

176. In like manner, Landdrost and Heemraden shall bear in mind, when in the exercise of their several duties, that those circumstances which, according to the 143d and 145th Articles,

disqualify them from acting in their judicial capacity, may frequently also bias their minds, when they should impartially consider, weigh, and determine on matters which are unconnected with their judicial capacity. In which cases, therefore, it is the duty of Landdrost and Heemraden to watch those circumstances and their consequent effects, and not to permit that the dignity of the Board be compromised by the baneful influence of private views or interests.

177. These Regulations shall annually be returned by the retiring Heemraden to the Landdrost, in order to be handed over to their successors.

178. Before Heemraden enter upon the duties of their Office, they shall take the following Oath, in presence of the Governor and General in Chief, or of such other as shall by him thereto be authorised.

Oath.

“ I do promise and swear to be faithful and obedient to the Government of the Batavian Republic, as the only legitimate Sovereign of this Colony, and the Asiatic Possessions and Establishments ; that I will show all due respect, regard, and obedience to the Batavian Government of the Cape of Good Hope ; that I will execute the duties of my office, as Heemraad, faithfully and with all zeal and diligence ; that in all matters brought before the Board of Landdrost and Heemraden, in the administration of justice, and advice, I will conduct myself uprightly, honestly, and impartially, according to such Laws, Customs, Ordinances, and Instructions, as already exist, and have been enacted for the said Board, or may hereafter be made, introduced, or enacted, without affection or disaffection towards any one, and without being dissuaded therefrom by any motive whatsoever. That in order to become Heemraad I have not directly nor indirectly promised or given, nor will promise or give, any thing to any one, whether in or out of office ; and that when at any time it shall come to my knowledge, that any one has promised or given, or will promise or give, ought for me, I will immediately acquaint the Board therewith, as also the Governor and General in Chief ; and further, that I will conduct myself as a good and faithful Heemraad is bound to do—*So truly help me God Almighty !* ”

Instructions for the Secretaries of the respective Country Districts.

179. The Secretary for each District is appointed by the Governor and General in Chief.

180. He shall, unless legally prevented, or being on leave of absence permitted by the Landdrost, attend all the Ordinary and Extraordinary Meetings of Landdrost and Heemraden.

181. The day before the sitting of the Board, the Secretary shall inquire of the Landdrost, what matters he intends to bring before the Board, in order that he may examine whatever relates to the same, and thus be prepared to give to the Board all such elucidations as they may require. Of all such matters as the Landdrost shall state to him, he may make out a regular register, and hand it over to the Landdrost on that same day.

182. In like manner the Secretary shall make out, from the summonses that have been served, a separate roll, and hand over a copy thereof, together with the other *agenda*, to the Landdrost.

183. He shall always be present in the Court at least a quarter of an hour before the Board meets, in order to assist the Landdrost in preparing whatever documents are required for the matters to be discussed, and to inform him, if necessary, respecting what may preparatorily be required.

184. At the opening of the Session, he shall take down the names of the Members present, be attentive to whatsoever is discussed, and note down the resolves faithfully, according to the true spirit and meaning of the Board; and in Judicial Proceedings, he shall accurately write down the pleadings.

185. Before the close of the Session, the Secretary shall read to the Board his minutes, so as to be certain that nothing has been omitted by him, and that he has clearly comprehended the meaning of the Board on the several points.

186. From the short notes the Secretary has taken during the sitting of the Board, he shall, previous to the next sitting, prepare more enlarged minutes, in order that at the next sitting the subjects therein contained may be resumed without interruption.

187. These enlarged minutes having been resumed and approved, the Secretary shall take care, that the several

decisions of the Board be executed with the required expedition, except in such matters as demand to be applied for by the parties ; but which, on application being made, must forthwith be given out. The decisions which are not to be resumed are dispatched, either during the sitting, after being read to the Members present, or, in case of a prior separation of the Board, after being communicated to the Landdrost or presiding Member.

188. At the Secretary's Office the Secretary shall keep a Dispatch Book, in which all official proceedings, transacted by the Landdrost or Secretary, are to be entered,—expressing the day when, and the place, Board, Civil Servants or other, to whom these proceedings relate, or have been transmitted.

189. The Secretary shall draw up all acts, reports, letters, &c. expedited in the name of Landdrost and Heemraden ; as also all acts, reports, and judicial proceedings, of the Commissions of Heemraden, connected with his official situation, of whatsoever nature they may be.

190. He is to keep two distinct Registers of the proceedings of Landdrost and Heemraden, the *first* of whatsoever relates to their judicial capacity, without any distinction ; the *second* of whatsoever relates to all other official proceedings of the Board. The last of which must be signed at the close of each Meeting, by the Landdrost, the several Members present, and by the Secretary.

191. The documents belonging to these Registers must in like manner be kept separate, and successively, according to their dates, be separately bound, and always be preserved in such order, that whenever required they may be easily referred to.

192. The Secretary shall not make known to any one, either directly or indirectly, any matters that ought to be kept secret ; and in no case shall he reveal the individual opinions of the Members of the Board, on pain of being deprived of his situation.

193. He shall never interfere in the deliberations of the Board, but give all such information and elucidation as the Board shall require of him.

194. He shall demand no other Fees than those already fixed by Tariff ; nor receive any thing more, under whatsoever name it may be, for accelerating matters, or otherwise. To poor people, or persons not able to pay, no charge shall be made.

195. The Secretaries of the Country Districts shall, in each District, act exclusively as Notaries; and as such be obliged to conform themselves to the regulations for Notaries, as established in this Colony, or as may hereafter be established; which regulations must be considered as if they were here inserted.

196. The Secretaries shall further conform themselves to whatsoever is contained in these regulations, in as far as they may relate to their Office, and to such other instructions as they may receive from the Landdrost, or from Landdrost and Heemraden.

197. At such Drostdies where the public service may require it, the Governor and General in Chief will, at the recommendation of the Landdrost, appoint a Clerk in the Secretary's Office, at a fixed Salary of *Three hundred Rixdollars* per annum, for the purpose of assisting the Secretary in his various duties, and when required, also to assist the Landdrost.

198. As Venduemaster, the Secretary shall be responsible for all the proceeds of Sales, of moveable and immoveable property, sold by him in that capacity by public Vendue, within his District. In the Districts of Stellenbosch and Tulbagh he shall, at the expiration of *Six Months*, and in the Districts of Swellendam, Graaff-Reinet, and Uitenhage, at the expiration of *Twelve Months*, from the day of sale, account to the Person on whose behalf the sale has taken place, or to his Agent, for the clear amount of the proceeds thereof,—deducting from the proceeds of all moveable property *Five per Cent.* and from those of immoveable property *Two and a half per Cent.*

199. From these *Five per Cent.* and *Two and a half per Cent.* the Secretaries of the several Districts shall pay annually, before ultimo December, into the Public Treasury, after examination of his accounts by the Auditor, *Three per cent.* of the proceeds of Sales of moveable property, and *Two per Cent* on those of Sales of immoveable property; and the remaining *Two per Cent* and *One half per Cent* shall be allowed to the Secretary, provided he consider himself responsible for all expenses and losses.

200. At the annual statement of their income, as required by the 15th Article of these Instructions, the Secretaries shall be allowed to charge, under the head of "Venduemaster's

expenses," the Salaries allowed by them to the Messenger or Auctioneer ; but by no means for a Vendue Clerk ; unless that the Secretaries who think proper to employ a Vendue Clerk shall, at the end of every year, shew, to the satisfaction of the Governor and Council, that it would have been impossible for *them*, without neglecting *their* official duties, to have attended the Vendues in person—in which case the Governor and Council will allow to the Vendue Clerk for each attendance, a reasonable remuneration out of the Secretary's Salary.

201. The Vendue Clerk and Messenger shall, at the recommendation of the Secretary, be appointed by Landdrost and Heemraden of the District ; and before they enter upon their respective duties, they shall bind themselves by Oath, before the Board, to perform them faithfully.

202. The Messenger or Auctioneer shall moreover be obliged to give Security, to the satisfaction of the Secretary, for all such losses as may result from the credit he may give, or from any neglect in collecting the payments at the appointed periods.

203. When, however, such losses are occasioned by unforeseen circumstances, after credit has been given by the Messenger—for instance, by fire, plundering by the enemy, or the like, and that the Messenger has not neglected to call for the payments, such losses shall be jointly borne by the Secretary and Messenger, in proportion to their respective Vendue Salaries.

204. The Messenger shall be exonerated from all responsibility when such losses are occasioned by credit given by order of the Secretary, provided it be duly entered on the Vendue Rolls ; or that at the sale of immoveable property such order has been given in writing.

205. The Secretaries in the Country Districts have, in order to recover Debts on the Vendue Rolls, beside the right of immediate execution for the benefit of the first default—in *the first place*, the right of Legal Bond on the Articles sold, when these are still in the possession of the purchaser, during the first twelve months after the sale ;—and *in the second place*, during those twelve months they have a right of *preference* in all general Bonds, whether by Scabinal, Notarial, or Secretarial Deeds, as also in all underhand special Pledges and general Debts.

206. In order to be entitled to this right of Legal Bond and

Preference, it will be necessary that the purchaser shall have been sued at Law within the limited time of twelve months, and no delay of the payment to have been granted to him after the Sentence, neither expressed nor implied, by keeping back the Sentence or otherwise. Immediately on the expiration of the twelve months, if the purchaser has not then been sued at Law ; or also, as soon as the Venduemaster, the purchaser having been sued at Law, shall after that, either implied or expressed, have consented to any delay, the right of Legal Bond, as well as that of Preference, shall then cease, and nothing remain but a personal Bond.

207. Neither the Secretary nor his Vendue Clerk, nor the Messenger as Auctioneer, shall be allowed to purchase, or to acquire any of the Goods sold at their Vendue Sales, either directly or indirectly, on pain of its being rendered void, and of arbitrary correction according to circumstances.

208. The Secretary shall regularly examine, every month, the Vendue Rolls that are in the hands of the Messenger, in order to be compared with the Accounts kept of them ; and to ascertain whether he has duly paid in the Vendue Money collected by him. The Messenger shall not receive any Money on account, without deducting the amount from the Vendue Rolls, on pain of being immediately dismissed from his situation.

209. At each meeting of Landdrost and Heemraden, the Secretary must produce a List of the Sales held by him since the last preceding meeting—which Lists shall be entered on the Journals, and at the end of every year be regularly added together ; and at the same time, with the Account of the Secretary, be transmitted by Landdrost and Heemraden to the Governor and Council.

210. The Secretaries shall, previous to their entering on the duties of their office, take the following Oath before the Governor and General in Chief, or before such other as he shall thereto authorise.

Oath.

“ I do promise and swear to be true and faithful to the Batavian Republic, as the only lawful Sovereign of this Colony, and to the Council of the Asiatic Establishments ; that I shall shew every respect to the Batavian Government of this Colony ;

that I shall faithfully and zealously discharge the duties of Secretary and Venduemaister ; that I shall correctly record, make out, note down, and expedite, whatsoever relating to my Office, the Landdrost and Landdrost and Heemraden shall direct me to do ; that I shall faithfully attend to, and execute, the instructions of Landdrost and Heemraden in as far as they concern me, as also my particular instructions, such as they are now, or may hereafter be directed. That in order to obtain this Office I have neither given, nor promised, any presents or gifts, neither will promise or give such directly or indirectly ; and that should I at any time learn that any one has promised or given, or intends to promise or give the same, I shall then forthwith acquaint the Landdrost and Heemraden therewith, as also the Governor and General in Chief ;—that I shall further, in every respect, conduct myself as becomes a faithful and honest Secretary.—*So truly help me God Almighty !*”

Instructions for the Fieldcornets in the several Country Districts.

211. The extent of the Country Districts does not admit of the Landdrost at all times executing his Magisterial Office in all parts of it. Yet circumstances may daily occur, with respect to the persons and property of the inhabitants, which require the immediate interposition of a Magistrate.

212. In order to provide herein, every District shall be subdivided in as many parts as, according to the population, shall be thought expedient ; wherefore it must be observed, that the farthermost inhabitants of each sub-division, do not live at a greater distance from each other than six hours on horseback. In the more populous Districts the distance may be so far reduced as for the advantage of the inhabitants shall be thought best.

213. In each of these sub-divisions one of the Inhabitants shall, at the recommendation of the Landdrost, be appointed Fieldcornet. by the Governor and General in Chief, and shall execute such duties as by these Instructions are committed to him.

214. The Fieldcornets must be of good character and reputation ; they must have attained the age of twenty-five years, and have resided at least during two years in those parts where

they are to be appointed, and there possess either a Freehold Estate or a Loan Place.

215. In recommending to the appointment of Fieldcornets, the Landdrost must endeavour, in as much as these necessary requisites admit of, to name such who live at an equal distance from all or most of the other Inhabitants in their neighbourhood. Where a given circumference is that of a diameter of four or less hours, this need not to be so exactly observed.

216. The situation of Fieldcornet is indispensable to the internal administration ; no one, therefore, except those who through bodily infirmity, advanced age, or the like, cannot perform the duties of it, is allowed to refuse doing so.

217. The same causes which justify the exemption from filling this situation, authorise also the Acting Fieldcornets to solicit their being discharged. Among the lawful causes for such an application must, however, not be considered the appointment as Heemraad ; the situation of Fieldcornet being also honorable, and consistent with that of Heemraad.

218. Fieldcornets, while they hold that situation, shall be exonerated from paying the Capitation and Quota Money ; as also the duties on Cattle and Sheep. Besides which they shall be allowed a Loan Place, free from recognition ; and the weekly Gazette shall also be sent to them *gratis*. The Fieldcornets who do not occupy a Loan Place, will be entitled to receive annually *Twenty-five Rixdollars*, from the Government Treasury.

219. The Fieldcornets who shall have held that situation during Twenty-five Years, and have received an honorable discharge, shall continue to enjoy the advantages enumerated in the preceding Article, during the remainder of their life.

220. The Fieldcornets must each, in their respective Districts, be considered as subordinate Magistrates ; who, in the absence of the Landdrost, represent, in his name, the Government—and must therefore be considered and respected as such.

221. On the other hand, Fieldcornets must never lose sight that as Magistrates, they can only have a claim to the regard and respect of their fellow inhabitants, in so far as they treat them with propriety ; and as they, by their own conduct, set the example of that which they require of others.

222. The Fieldcornets must endeavour to obtain a perfect knowledge of the Lands within their District, and also to be

acquainted not only with what the productions of the soil on the different places in their District actually are, but also what other productions the soil is capable to yield.

223. They are also to take particular notice of the conduct and deportment of the different Inhabitants of their District, in order to be at all times prepared to report thereon to the superior Magistrates, when required.

224. As soon as a Fieldcornet is informed of any dispute among the Inhabitants, which might lead to litigations or animosities, he must endeavour to reconcile them, and to settle the matter in dispute amicably between them.

225. The Fieldcornets shall never suffer either friendship or enmity, pleasure or displeasure, fear or favor, to influence their official conduct. They would otherwise render themselves unworthy of their situation; they would themselves become culpable; and in cases where evil consequences did result therefrom, they might be found guilty of having violated their oath.

226. Should they find themselves placed within the fourth, or nearer degree of consanguinity with, or be brother-in-law to a Person against whom they are called to act; should they be on terms of close intimacy, or on the contrary, of enmity with the same, they shall in such cases acquaint the Landdrost therewith, in order that some other Person may be appointed to perform the duty required.

227. The Fieldcornets are obliged particularly to watch for the maintenance of order and tranquillity in their District, and not to suffer it to be disturbed by any one.

228. All Laws, Proclamations, Ordinances, or other Instructions, expedited by, or on the part of, the Government, for the use of the Country Districts, shall be communicated to the respective Fieldcornets, in order, by each of them in their respective Districts, to be promulgated among the Inhabitants, by whom it is their duty to see that they are punctually obeyed. The Fieldcornets must endeavour, by example and expostulation, to promote obedience to the same; and they shall, without delay, report to the Landdrost those who offend against them.

229. Independent of the General Laws, Proclamations, Ordinances, and other Instructions of the Government, the Fieldcornets generally receive the necessary orders, in the Cape

District from the Attorney-General, and in the other Districts from the respective Landdrosts, or from the Landdrosts and Heemraden, without prejudice to what, by Article 5 of these Instructions, has been reserved.

230. The Fieldcornets shall respect and obey, and cause to be respected and obeyed, all Decrees and Mandates of the Court of Justice ; and also with exactness and speed, give all such information to the Attorney-General as he may require in criminal cases. The last part has no reference to the Cape District, within which the Fieldcornets are at all times obliged to attend to the requisitions made by the Attorney-General.

231. Every Fieldcornet must keep an exact Register of all the Inhabitants of his District, above the age of sixteen years. This Register is, in the first instance, to be formed from personal examination ; and after that, every Youth on having attained the age of sixteen years, shall be obliged immediately to report himself to the Fieldcornet, in order to be entered upon the Register.

232. The Male population, in each District, shall be divided into *three Classes*—the first, from *Sixteen to Thirty* ; the second, from *Thirty to Forty-Five* ; the third, from *Forty-five to Sixty* Years of age. This classification, the Fieldcornet must attend to in calling out Commandos, and observe in each class to call for personal service, first, upon single men, in preference to those who are married, and on those who have no particular vocation or pursuit, in preference to those who have. Those Persons who have attained the age of sixty years, are exempt from all personal service, except in case of extreme necessity.

233. From these Registers the Fieldcornets of the Cape District shall form and transmit to the Attorney-General, in the month of October, a list of such Youths in their respective Divisions, as shall have attained the age of sixteen years ; the several other Fieldcornets in the other Country Districts shall in their respective Divisions do the same, and transmit their lists to their Landdrosts, in order that these Youths may be entered on the Quotization Rolls.

234. The Fieldcornets shall erase from their registers all such persons who have died—wherefore, all heads of families are obliged to report, or cause to be reported, in writing, to the Fieldcornet of their District, within *forty-eight hours*, the death

of any individual who shall have died in his family above the age of sixteen years, on pain of being fined *Twenty-five Rix-dollars*.

235. Independent of the foregoing, should any individual meet with an untimely death, either by his own hands, through violence committed on him by others, or by accident; in such cases the body shall not be buried before the Fieldcornet of the District, or, if in the vicinity of the Drostdy, the Landdrost, after having taken a proper Inquest, shall permit the burial to take place—on pain of arbitrary correction according to circumstances.

236. No Corpse of Hottentots or of Slaves shall at any time be buried, *from whatsoever cause they may have died*, without the permission of the Attorney-General, of the Landdrost, or of the Fieldcornet, according to the local situation of the place where the death may have occurred, shall first have been obtained; in order that, if necessary, such Corpse may be inspected—on pain of a fine of *Twenty-five Rixdollars*, besides the legal prosecution in case it should be found that any violence had been committed on a body of such Hottentot or Slave thus buried without the required permission.

237. As soon as a Fieldcornet shall be informed of any crime having been committed in his District, he is immediately to report it to the Landdrost, and he shall endeavour to obtain every information as to the particulars that have attended it.

238. In case of Murder, Burglary, and other crimes, of which traces are to be found, the Fieldcornet shall immediately repair to the place where such crime has been committed; and when such place is at a greater distance from the Drostdy than *six* hours, with a horse waggon, the Fieldcornet shall, in the presence of two Witnesses, to be expressly summoned by him for that purpose, minutely investigate and note down every particular he can discover, and ascertain what persons can be called upon as Witnesses in the case.

239. In examining the Corpse, the Fieldcornet ascertains whether the death has been occasioned by some external violence; and if so, what are the marks to be found on the body; by what instrument inflicted; how long, after the injury received, the deceased has still continued to live; whether near the spot where the crime has been committed, any thing

is to be found, or to be observed, that appears to have any connection with the transaction.

240. If the person who has been wounded be still alive when the inspection takes place, the Fieldcornet shall then, besides the inquiry as to the nature and cause of the wounds, endeavour to learn from the person wounded, the particulars of the case, and by whom he has been so wounded.—At the inspection mentioned in this, and in the foregoing Article, the Fieldcornet shall be attended by a Medical Man, if such can be found in his District, who shall be obliged, in consideration of the remuneration he receives for his attendance, as specified by the 158th Article, to perform this service without any opposition, on pain of arbitrary correction.

241. In cases of Burglary, or similar crimes, the Fieldcornet shall examine minutely all the apparent marks of violence, and endeavour to discover by what instrument it has been effected. Should the Burglary be attended with Theft, this is also minutely inquired into. In all other cases the spirit of these Instructions is to be attended to.

242. Of all such Inspections, the Fieldcornet is to keep a written account, containing, as clearly as he can state them, all the particulars that have occurred to him; which written account must be signed by himself and the two Witnesses who have attended him, and be forthwith transmitted to the Attorney General, or to the Landdrost, to be afterwards produced at the Trial, as being the Report of the Inquest.

243. When the place where the inspection is to take place is at a shorter distance from the Drostdy than six hours with a horse waggon, the Fieldcornet shall then not take the inspection, but only take care that the *corpus delicti* remains in the same state till the Judicial Commission arrives, or that he receives a written order from the Attorney-General, or from the Landdrost, to proceed with the inspection, when he shall act as before directed.—This order does not prevent, however, the dressing of wounds, or the performance of such other operations as would be dangerous to be delayed.

244. Without a decree of the Court of Justice, or an order from the Attorney-General or Landdrost, respectively, the Fieldcornet shall not arrest any one, unless he should take any one in the act of committing such a crime as is usually punished

with death or corporal punishment ; or if a person should surrender himself as having committed such a crime.—Immediately after the Fieldcornet shall have apprehended an offender, he must send the prisoner either to Cape Town, or to the Drostdy, according to the situation of his District.

245. From this regulation are however excepted, all Vagabonds and Strangers who are found in his District without leave, and without being known either to himself or to the other Inhabitants ; Deserters, either of the Army or Navy ; as also Hottentots and Slaves suspected of having committed some crime. All such persons the Fieldcornet is hereby authorised and directed, without waiting for any further orders, to take into custody, and to send either to Cape Town or to the Drostdy of his District.

246. The Fieldcornet shall send the prisoners under sufficient guard to the Fieldcornet next on the road, who is bound to receive the prisoners, and in like manner to forward them on, and so in succession until they arrive at the place of their destination.

247. And in case that on the road by which the prisoners are to be conducted no other Fieldcornet resides, then shall the Fieldcornet who has arrested the prisoners, or the one to whom they are delivered over, send the prisoners on to the next Inhabitant, although not a Fieldcornet, who shall, as also the other inhabitant next in succession, be obliged to receive the prisoners and forward them on, until they reach the place of their destination, without any distinction, and whether such Inhabitants residing along the road belong to such District and Fieldcornetcy or not. The Officers of Justice, or such other to whom the prisoners are finally to be delivered over, are to take particular notice that this regulation has been strictly obeyed.

248. All Burghers and Inhabitants of this Colony are at liberty, unless particularly forbidden, to change their places of abode as frequently as they like, provided they acquaint the Landdrost and the Fieldcornet of the District where they take up their residence, therewith.

249. On the other hand, no one, not being a Burgher, nor having a Licence to reside in this Colony, shall establish himself in any of the Country Districts, either as Schoolmaster, Trades-

man, Servant, or under any other denomination, without being provided with a written permission from the Government, which he shall be obliged to produce, not only to the Landdrost, but also to the Fieldcornet of the District where he means to reside.

250. When any one, not being a Burgher or Inhabitant, should keep himself in any of the Districts, without having a written permission to that effect, as also if any one should not have produced the permission obtained by him, the Fieldcornet of such District shall take such Person in custody, and send him to the Attorney-General, or to the Landdrost, to act, respecting him, as circumstances may require.

251. And in order to prevent as much as possible all irregularities in this case, no one shall be permitted to harbour any Stranger who is not a Burgher or Inhabitant, much less to take him into his service, unless such Stranger be provided with a written permission from the Government, the Attorney-General, or from the Landdrost of the District, on pain of fine of *Fifty Rixdollars*.

252. No Fieldcornet shall, on his own authority, summon the Inhabitants to meet armed, without special orders from the Landdrost; except, however, when the Fieldcornet shall have received information, that a number of Deserters, runaway Slaves, or other Vagabonds, are in his District, when he shall not only be authorised, but obliged, immediately to call out the necessary number of men, in order as soon as possible to follow and secure such persons.

253. In such case the Fieldcornet shall immediately report the same to the Landdrost of the District, and acquaint also the next Fieldcornets with the particulars, who shall be obliged, whenever required, to assist him with the armed men of their own Districts. In the Cape District the Fieldcornets stand, till further order, in the same relation with respect to the Attorney-General, as in the other Districts they do with respect to the Landdrosts of their respective Districts.

254. The Fieldcornets shall report all extraordinary occurrences not herein mentioned, to the Attorney-General, or to the Landdrost of the District; and whereas every possible occurrence cannot be foreseen, it is recommended to the discretion of every Fieldcornet, in cases when the delay occa-

sioned by the time required for making the report, and to receive orders, might be attended with injurious consequences to the Public, or to Individuals, in such cases immediately to check the evil, and if necessary, to oppose it by force.

255. Whenever in any of the Bays, or otherwise on the Coast, one or more Ships come to an anchor, the first Individual who may observe this, shall forthwith report it to the Fieldcornet of the District near which it takes place, on pain of arbitrary correction, according to circumstances.

256. The Fieldcornet, being by this or any other means informed thereof, shall, without loss of time, report it to the Landdrost of the District, and in the mean time prevent any one going on board of such Ship or Ships, until orders shall have been received from the Landdrost.

257. In case a Boat should come on shore from such Ship, the Fieldcornet shall inquire what Nation such Ship belongs to ; the name of it ; the name of the Captain ; what number the Crew consists of ; what the Cargo of the Ship may be ; from whence she comes ; whither she is bound ; how long she has been out from the last Place she touched at ; why she has anchored ; whether the Crew is healthy ; if not what malady there is on board ; and whatsoever he may further be able to learn.

258. When the Fieldcornet finds that such Ship does not belong to the enemy, and has been obliged to make the land through want of provisions, he shall acquaint those who have landed, that, until orders have been received, no communication is allowed to be had with the Ship ; requesting them, that on their part also, no communication will be had with the shore,—but in the meantime he shall be allowed to supply the Ship, from day to day, with such provisions as they may most stand in need of.

259. He takes care that on such occasions no goods of whatsoever description are landed ; and that the Sailors do not stroll away from their boat. And should he suspect that any contagious disorder is on board, he shall then not even suffer them to land, but have everything they want handed to them from the shore.

260. But whenever any Ship or other Vessel should enter any of the Bays in such distress, that to await for the orders

from the Landdrost might endanger either the Ship or Cargo, the Cargo may then forthwith be landed ;—but the goods so landed must then remain under the joint care of the Fieldcornet and of the Owner, without being further disposed of until orders from the Landdrost shall have been received, and that the precautions directed by the 52nd Article be resorted to.

261. But when the Fieldcornet has the least suspicion that such Ship or Ships belong to the Enemy, he shall then, besides his report to the Landdrost, take care, without awaiting any orders, that all the Cattle in the neighbourhood be immediately driven inland, and that all other Articles of Provision which cannot be removed, be forthwith destroyed. All those Inhabitants who shall herein strictly obey the directions of the Fieldcornet, shall receive a reasonable compensation for the losses they may thereby sustain : and on the contrary, those who shall be unwilling to obey the said directions, shall be punished according to circumstances.—even with Death.

262. Whenever any Vessel is cast on any of the shores of this Colony, the person first discovering it shall forthwith acquaint the Fieldcornet therewith, who shall also immediately report it to the Landdrost, in order that whatsoever is directed by the 49th and 50th Article may be executed.

263. The Fieldcornet shall, until the Landdrost arrive at the place where the Vessel is stranded, endeavour as much as possible to save the Persons and Property ; he is to take care that the People do not stroll into the Country, and that none of the Property be removed until the Landdrost shall have arrived. For this purpose, the Fieldcornet shall order in time a sufficient number of men ; and, if necessary, call in the assistance of the neighbouring Fieldcornets.

264. One of the most effectual means to promote internal trade and civilization, is a regular and safe inland communication : the Fieldcornets shall take particular care, therefore, to establish this, and to convince the Inhabitants of its importance, and consequently prevail upon them to contribute their means towards it.

265. The Fieldcornets are to take care that whatsoever Letters or Papers addressed to the Government, the Court of Justice, the Attorney-General, or the respective Landdrosts, or to other Public Officers or Civil Servants, which may be in the

possession of any of the Inhabitants, be forwarded by them with the most possible speed. Wherefore, the Proclamation of the Governor and Council of the 11th of January, 1804, to be found in the *Gazette* of the 21st next following, must be considered as if here inserted.

266. When in the Cape District the Attorney-General, and in the other Districts the Landdrost or the Landdrost and Heemraden, should direct the Fieldcornets to inquire whether any Lands can be granted, either in Freehold, Quitrent, or on Loan, the Fieldcornet whom it may concern shall, attended by two unimpeachable Witnesses, proceed in the inquiry, not only with the strictest impartiality, but with the utmost exactness in his power.

267. On inspecting the Land asked for as a Loan Place, the Fieldcornet begins (the Applicant having pointed out the Land) by fixing a middle point, and ascertains whether, in every direction from it, the extent of half an hour can be allowed without touching on the Freehold, Quitrent Land, or Loan Right, of others, or on any Government Land reserved for *Uitspan* Places, or other public uses. Finding this to be the case, he proceeds to examine the situation and bearings of the said Land, the mountains, rivers, and other conspicuous features, either within the limits of the Land asked for, or touching upon it; and after having examined all such Persons who may be interested in the disposal of the Land asked for, he must report all the particulars in writing to the Authority by whose direction he has acted—at all times expressly specifying what produce the Land asked for is best suited to yield.

268. Should the Land asked for as a Loan Place not admit of the above extent, it shall not on that account be considered as inadequate; but the Fieldcornet shall ascertain the grantable extent on all sides with accuracy, and report the same, together with the particulars specified in the preceding Article, in writing, when the Government will determine on the expediency or in expediency of the grant asked for.

269. In all other cases respecting the inspection of Lands, the Fieldcornets shall follow, as closely as possible, the Resolutions of the Governor and Council of the 29th February 1804, and 15th May 1805.

270. The Fieldcornets shall watch attentively, that no roving

People keep themselves in their Districts with their Families and Cattle. On discovering such People in their Districts, they are immediately to report it to the Landdrost, and to order them forthwith to depart. The Fieldcornets shall in particular not suffer the *Uitspan* Places to remain occupied longer than *twenty-four hours* at any one time by the same persons, unless the swelling of a river, or other unforeseen circumstance, should prevent their proceeding.

271. When the Fieldcornet is informed of the firing of an Alarm Gun, he shall forthwith dispatch a trusty person to the next Signal Post, to watch that the Signals be properly repeated.

272. At the same time he is to take care that all such persons belonging to the Armed Burghers, or any other Corps, and who at that period are within his District, do forthwith repair to their respective posts; and he shall give the necessary orders for the preservation of the peace, and when required to render such other services as circumstances may demand, according to the Resolution of the Governor and Council of the 20th March, 1805.

273. The Fieldcornets, each in their respective Districts, shall pay attention to the improvement and repairs of the Public Roads, and particularly obey, and cause to be obeyed, the orders they may receive respecting them, or which the Proclamations and Ordinances prescribe to them.

274. The Fieldcornets shall mutually correspond with each other in all matters in which their several Districts have a common interest; and they shall endeavour to assist one another in all things tending to promote the welfare of the Colony.

275. Whenever a Fieldcornet goes beyond the limits of his District, whether to Cape Town or elsewhere, he must appoint one of the most able Inhabitants of his District to act for him, who shall be obliged to do so during his absence; and in all things to conform himself to whatsoever is contained in these Regulations, for which he will be held responsible.

276. A Fieldcornet intending to remove to another District, shall be obliged to acquaint the Attorney-General, or the Landdrost to whose District he belongs, therewith, in order that another person may be appointed to succeed him. And the retiring Fieldcornet, in such or any other case, shall give up to

his successor all books and papers belonging to his situation, including these present Instructions.

277. The Fieldcornets shall not, either themselves, or their wives, children, or inmates in their families, receive any presents or gifts from any one who, on account of the Fieldcornet's situation, has any thing to hope or to fear of him.

278. The Fieldcornets shall, previous to their entering on the duties of their situation, take the following Oath ; in the Cape District before the Attorney-General, and in the other Districts, before Landdrost and Heemraden of the Districts to which they severally belong.

Oath.

“ I do promise and swear to be faithful and obedient to the Government of the Batavian Republic, as the only legitimate Sovereign of this Colony, and to the Council of the Asiatic Possessions ; that I shall shew all due respect, regard, and obedience to the Batavian Government of the Cape of Good Hope ; that I shall strictly follow and obey the orders of the same, and of the Local Authorities of the District to which I belong ; that I shall acquit myself of the duties of my Office, of Fieldcornet, faithfully and diligently ; that I will not be deterred from doing so by love or hatred, affection or disaffection. That in order to obtain this Office I have neither given nor promised, nor will promise or give any thing directly or indirectly ; that according to the best of my abilities I shall faithfully observe and follow the Instructions already existing, and those that may hereafter be given to me ; and that I shall conduct myself in all things as an honest Fieldcornet is bound to do—*So truly help me God Almighty !* ”

Instructions for the Messengers in the respective Country Districts.

279. At each of the respective Drostdies a Messenger shall be appointed by the Governor and General in Chief, at the recommendation of the Landdrost.

280. The Messengers shall, besides free lodging, and the day wages and fees hitherto legally enjoyed by them, receive from Government an annual Salary of *Three Hundred Rixdollars*.

281. Landdrost and Heemraden are authorised, whenever the extent of the District, or other circumstances may render

it necessary, to appoint, with the approbation of the Governor and General in Chief, a second Messenger, to whom may be allowed a moderate Salary from the District Chest; and in which case one-third of the day wages and fees must be given up to this second Messenger.

282. The Messenger shall, in all matters relative to his situation, obey the commands of the Landdrost, of the Board of Landdrost and Heemraden, and also of the Secretary.

283. The Messenger shall attend every day at the Landdrost's House, at such an hour as may be appointed, to receive orders, and after having done so, he shall go in like manner to the Secretary for the same purpose.

284. On the morning before the meeting of the Board, the Messenger shall take care that the Session Room be put in proper order, and that whatsoever may therein be wanted, be put in readiness.

285. During the sitting of the Board the Messenger shall be in waiting, and keep silence among the people present. He shall not permit any one to enter without the express order of the Landdrost or President; nor shall he allow any person to appear armed before the Board; except in case such person belonging to any armed corps should be called in on service, or be admitted by the Board at his own request.

286. When the Messenger has anything to communicate to the Board, he shall not be allowed to open the door, without having first knocked, and by the ringing of the bell within to have received leave to enter.

287. In Law Cases, the Messenger shall receive from the Secretary, on the day previous to the meeting of the Board, a list of all the Parties on the Roll, whose names he shall, when directed by the Landdrost or President of the Board, call aloud in regular succession, and so let them enter the Room.

288. The Messengers shall further be obliged to serve all Arrests, Insinuations, Citations, and Requisitions, which the Secretary may officially direct him to do, or which private individuals of the District may charge him with. And in all such services they shall take the place of the Messengers of the Court of Justice, when these are prevented from doing so; or when, in order to save expense, the Court of Justice may deem it expedient.

289. The Messenger is to obey strictly the orders he receives, and to execute them with discretion: he must perform the several duties above-mentioned, when possible, in person, and serve the Summonses or orders on the Individuals themselves, or when absent, on the Wife, the Inmates, or nearest Neighbours—keeping an exact *nota* of the answers he receives, in order to mention them in his report.

290. When he serves a written order, he shall not refuse to the person on whom it is served, a copy of the same, if such a person wishes to have one, but it must be done at his own expense. When, however, the person on whom the order is to be served, should be from home, the Messenger shall then, although unasked, leave a copy with the Wife, Inmates, or Neighbours; the expense of which copy must be charged to the person on whose account such an order is served, to be recovered by him, according to Law.

291. When no person shall be found at the place where the order is to be served, and that the nearest Neighbours are at more than one hour on horseback distant from such place, and do not live on the road by which the Messenger has to travel, either returning or proceeding, it shall then be sufficient for the Messenger to fix a copy of the order at the entrance of the house, on such a place, and which circumstance he is then to express in his report.

292. The Messenger shall, in the execution of his public duties, wear the Badge of his Office, without which no one is obliged to recognise him as such, and whatsoever he does officially without it, is void and of none effect; and he is moreover thereby subject to arbitrary punishment, and responsible for all damages resulting therefrom.

293. The Messengers shall give security to the satisfaction of Landdrost and Heemraden, for the compensation of all such damages as, through their neglect or other fault, may be occasioned, to the amount of *One Thousand Rixdollars*.

294. These securities however, shall, in case of the death of the Messenger, or on his resigning, not continue in force more than six Months after the circumstance has taken place; provided in such case, that the Widow, or Sureties, give the usual public notice within the said period of six Months, according to the customs of this Colony, for the information of all such as

may have any claims for damages, on pain of losing their right of claim.

295. The Messengers shall be satisfied, as to their day wages and fees, with the existing Tariff, or such other as may hereafter be determined upon, without, under any pretence whatsoever, to require or receive more, directly or indirectly, on pain of being immediately dismissed.

296. They shall officiate *gratis*, with respect to the needy Inhabitants, at the command of the Landdrost, Landdrost and Heemraden, or Secretary.

297. The Messengers shall, before they enter on the duties of their Office, take the following Oath, in presence of Landdrost and Heemraden.

Oath.

“ I do promise and swear to be faithful and obedient to the Government of the Batavian Republic, as the only legitimate Sovereign of this Colony, and to the Council of the Asiatic Possessions and Establishments ; that I shall shew all due respect, regard, and obedience to the Batavian Government of the Cape of Good Hope ; that I shall execute the duties of my office as Messenger, with all diligence and zeal ; that I shall execute faithfully all warrants and commands entrusted to me ; that I shall follow correctly the instructions already existing, and those that may hereafter be given to me ; and that further, I shall conduct myself in all things as an honest and faithful Messenger is bound to do—*So truly help me God Almighty !* ”

Instructions for the Under-Sheriff and subordinate Officers of Justice in the respective Country Districts.

298. In every District the Landdrost shall, as by the 6th Article of these Regulations has already been directed, in his Office have the assistance of an Under-Sheriff, six mounted Orderlies who shall henceforward be called Police Orderlies, and six inferior Attendants, hitherto denominated Caffres.

299. The Under-Sheriff and Police Orderlies are, at the recommendation of the Landdrost, appointed by the Government ; and the inferior Attendants can, with the approbation of the Government, be engaged by the Landdrost.

300. The Under-Sheriff shall, independent of free lodging in a District Building, and of the emoluments he has hitherto enjoyed, receive from Government a fixed annual Salary of *Three Hundred and Sixty Rixdollars*; each Police Orderly *Fifteen Rixdollars* per month; and each inferior Attendant *Five Rixdollars* per month. The clothing and maintenance of the two last must be paid for by the District.

301. These subordinate Officers are under the immediate orders of the Landdrost, who is to keep them strictly to their duty; to take care that they shew every due respect to the Heemraden and Secretary; and that they cause neither trouble or molestation to the Inhabitants.

302. It is the duty of the Under-Sheriff to observe that the Police Orderlies, and inferior Attendants, do their duty, and are vigilant in preserving the peace, and in assisting the Inhabitants when required.

303. The Under-Sheriff shall, in public, always carry a stick and sword; and the Police Orderlies and inferior Attendants, when on duty, shall always wear a particular dress, and also be armed with a stick and sabre.

304. The Landdrost must so distribute the duties of the Police Orderlies and inferior Attendants, that one part are constantly employed in patrolling, another part in guarding and taking care of the Prisoners, while the remainder must at all times be in readiness to be employed whenever required.

305. The Patrols are made by the Under-Sheriff and two Police Orderlies, or two inferior Attendants, or by a Police Orderly and two inferior Attendants—the latter never patrol without having a Police Orderly at their head.

306. On Sundays, during Divine Service, one Police Orderly and an inferior Attendant, are to be on duty at the Church, to prevent all irregularities; while one Police Orderly, and two inferior Attendants, patrol through the village to keep the peace.

307. The Under-Sheriff shall prevent the crowding together of Slaves, and particularly their gambling and fighting;—he shall take care also, that the Taphouses are shut at a regular hour; that no improper games are played in the same; that the Farmer of such Houses be duly assisted in tracing Smugglers; that the Streets are kept clean; that no horses

or oxen are let loose in them ;—in short, that all local regulations prescribed to him by the Landdrost be punctually obeyed.

308. The Under-Sheriff and Police Orderlies are authorised to take into custody, without awaiting any orders, all such Slaves who misbehave in the streets, and who do not attend to remonstrances ; or, if necessary, personal correction respecting it.

309. Hottentots and Free Blacks, or other persons of the same class, committing any irregularities in the streets, can only be remonstrated with ; but which, if they disregard, they shall in like manner be taken into custody.

310. When any such irregularities are committed by Burghers of the District, or any known Inhabitants, then shall the Under-Sheriff and Police Orderlies expostulate with them ; but should this not be attended to, they shall report it to the Landdrost, in order that he may take the necessary measures.

311. When the Under-Sheriff and Police Orderlies shall surprise any Inhabitants of this Colony in the act of committing Murder, Manslaughter, Rape, Arson, Burglary, or the like Capital Crimes, they shall forthwith take such Delinquents into custody.

312. The Under-Sheriff and Police Orderlies shall, in all such cases, conduct themselves with temper and propriety, yet steadily and with firmness ; while they execute their duty in such a manner, they will be strongly supported, but should they in any way deviate from it, or insult any one, they will be severely punished.

313. The Under-Sheriff has the immediate care of the Prisoners and Prisons ; he shall take care that the Prisons be kept clean ; that, from time to time, by white-washing the walls, burning of gun-powder, sprinkling of vinegar, and the like, the air within be purified ; that good and wholesome provisions be given to the Prisoners ; that Criminal and Civil Prisoners be kept separately ; that the sick be also separated from those who are well ; and the Men separated from the Women ; as also Europeans and other free People separate from Slaves ;—he shall further take care that they be well guarded.

314. The Under-Sheriff shall keep an exact Register of all the Prisoners, specifying their names, the places where they

are born, and if Slaves, the names of their Masters, the day when committed to prison, and the crimes they are charged with.

315. On a Prisoner being brought in, the Under-Sheriff shall search whether he has any arms or other dangerous instruments about his person, and if so take them from him. Of these, as also of every other article in the possession of the Prisoner, he shall take an exact account, which the Prisoner, if he can write, must be made to sign.

316. The Under-Sheriff shall not cause a Slave to be punished, put in irons, nor even, as a punishment, to be kept in custody, without the order of the Landdrost; having received an order to that effect, he takes care that the punishment directed be not exceeded, on pain of arbitrary correction, according to circumstances.

317. No one shall be permitted to visit Criminal Prisoners, without the express permission of the Landdrost, and which permission being obtained, the Under-Sheriff shall take care that no arms, nor any injurious article, be conveyed to the Prisoners, on pain as before.

318. The Prisoners are to be put in irons every evening, those only excepted who, on account of age, infirmity, sickness, or otherwise, are exempted from it by the Landdrost's order.—The Under-Sheriff shall be held personally responsible, in case any Prisoner escapes through his not attending to the above Regulation.

319. The Under-Sheriff shall take care that the Prisoners be properly treated by the Police Orderlies and inferior Attendants, that these do not speak to them roughly, much less use insulting or abusive language; any of them so doing, shall be severely flogged by his comrades.

320. No wine nor strong liquors shall be given to the Prisoners, except when the Landdrost permits the same, as necessary to their health, but which then shall be very moderately administered. The Under-Sheriff shall prevent every means of intoxication to the Prisoners; he shall take care that no indecencies are committed in the Prison; and that no gambling, nor any recreations from which disputes may arise, are allowed.

321. Burghers and Inhabitants, as also all Europeans, and other like Prisoners, shall be attended and assisted by the

Police Orderlies ; for other Prisoners, the inferior Attendants can be employed.

322. The Under-Sheriff shall not require nor receive more for the locking and unlocking, punishment and maintenance of the Prisoners, than what the Governor and Council have appointed, on pain of losing his situation, if directly or indirectly he shall act to the contrary hereof.

323. When a runaway Slave shall be taken, the Under-Sheriff must acquaint the Master of such Slave therewith as speedily as possible, on pain of being made responsible for all damages which may result from the neglect of it.

324. The Under-Sheriff shall report every day, at the hour the Landdrost may appoint, whatsoever relates to his Office, and at the same time deliver a List of all the Prisoners under his care, particularising any new occurrence that may have taken place since his last preceding report. All unusual occurrences the Under-Sheriff must forthwith report.

325. On entering upon his Office, the Under-Sheriff must produce security for the amount of *Five Hundred Rixdollars*, to the satisfaction of the Landdrost and Heemraden, in order to meet any loss or injury anyone may sustain through his fault or neglect ; this security shall, however, not remain in force longer than as by Art. 294 has been directed with respect to the Messengers.

326. In case of Fire, stranding of Ships, the approach of an Enemy, and in all other cases not mentioned in these Instructions, the Under-Sheriff shall, immediately on being informed of them, repair to the Landdrost, to receive his commands, and execute the same with judgment and dispatch.

327. In the absence of the Landdrost, the Under-Sheriff shall receive orders from the person who acts for the Landdrost ; and he being absent also, then from the Secretary.

328. The Under-Sheriff, previous to his entering on the duties of his Office, takes the following Oath before the Landdrost and Heemraden.

Oath.

“ I do promise and swear to be faithful and obedient to the Government of the Batavian Republic, as the only legitimate Sovereign of this Colony, and to the Council for the Asiatic

Possessions and Establishments; that I shall show all due respect, regard, and obedience to the Batavian Government of this Colony, and to the Landdrost, and to the Board of Landdrost and Heemraden; that I shall strictly obey and execute the orders of the Landdrost regarding my Office, and cause the same to be diligently obeyed and executed by the Police Officers under me; that I shall faithfully attend to the instructions already given, and such as may hereafter be given to me; and further, that I shall do whatsoever a watchful and faithful Under-Sheriff is bound to do.—*So help me God Almighty!*”

After the publication of these presents, all Placards, Ordinances, and Customs, contrary thereunto shall cease, being hereby abrogated and annulled.

Order and direct the Court of Justice, the Attorney-General, the respective Landdrosts, as also the Boards of Landdrost and Heemraden, and all whom it may concern, to obey this Publication, and to cause the same to be obeyed, having considered it expedient for the interests of the Colony that it should be so.

And in order that no one shall plead ignorance hereof, the same shall be published and affixed in the usual manner.

Thus done, by Governor and Council, at the Cape of Good Hope, in South Africa, on the 23rd of October, 1805, and published on the 24th following.

Governor and Council aforesaid,

(Signed) J. W. JANSSENS.

By Order of the same,

(Signed) J. A. TRUTER, *Sec.*

Note.

The papers which follow, to page 234 of the next volume, are not in the records in London in the manuscript volumes of the years to which they belong. They were sent to the Secretary of State's office from Capetown in 1825. I give them here in order to make the series of proclamations complete from January 1806 to the establishment of the Council, when ordinances took the place of proclamations. None have been omitted except a number concerning the creation or destruction of paper money and several offering rewards for the apprehension of criminals, which are of no interest now. The different instructions, being documents of importance, and the Crown Trial, so frequently referred to, are also given here; and I can only regret that I could not find them in time for insertion in chronological order with the papers that have been published.

G. M. T.

 [Copy.]

Proclamation by HIS EXCELLENCY MAJOR-GENERAL SIR DAVID BAIRD.

Whereas it is necessary to restrain, for the present, the usual uninterrupted intercourse with the Country, but at the same time it is indispensable that the Bakers and others, who supply the Town with Provisions, should have free ingress and egress with their Waggon,—I do hereby authorise Mr. Jacobus Johannes Vos, President of the Burgher Senate, to issue Passes to such Persons as he may judge proper, until further orders. These Passes must afterwards be countersigned in the Castle by such Officer as the Commandant of the Town, Brigadier-General Beresford, shall direct.

Given under my Hand and Seal, in Cape Town, this 11th day of January, 1806.

(Signed) D. BAIRD,

Major-General, Commanding in Chief.

By Order of His Excellency,

(Signed) J. C. SMYTH, A. C. Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY MAJOR-GENERAL SIR DAVID
BAIRD.*

Whereas I judge it necessary, that the present Acting as well as the late Members of the several Boards, and Civil Officers, as also the principal Inhabitants of the Settlement, should forthwith take an Oath of Allegiance to His Britannic Majesty, I hereby require them to attend in the Assembly Room in the Government House in the Castle for the aforesaid purpose, this Forenoon at 12 o'clock.

Given under my Hand and Seal, in Cape Town, this 11th day of January, 1806.

(Signed) D. BAIRD,
Major-General, Commanding in Chief.

By Order of His Excellency,
(Signed) J. C. SMYTH, A. C. Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY MAJOR-GENERAL SIR DAVID
BAIRD.*

Whereas I have judged it proper to require, so do I by these presents nominate and appoint His Majesty's late Fiscal, William Stephanus van Ryneveld, Esquire, to be His Majesty's Chief Civil Magistrate and Counsellor in this Settlement; it being my intention, that all the immediate duties of the Civil Administration should be executed by him under my own superintendence and directions.

I do therefore hereby require all the Civil Boards and Officers, whom I have required and do require by these presents, to continue in the discharge of their several functions till further orders, as also the Burghers and other Inhabitants of the Colony, to acknowledge and obey the said William Stephanus van Ryneveld, Esq. in the aforesaid capacity, and to attend to

his orders and directions in the same manner as if issued by myself.

Given under my Hand and Seal, this 11th of January, 1806.

(Signed) D. BAIRD,
Major-General, Commanding in Chief.

By Order of His Excellency,

(Signed) J. C. SMYTH, A. C. Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY MAJOR-GENERAL SIR DAVID BAIRD.

Whereas it is indispensable that the Cavalry should be forthwith mounted, I do therefore hereby order all the Saddle Horses in Cape Town to be sent, within two hours after the publication of these presents, to the Dragoon Stables in the Great Barrack in Cape Town, and I further order,—

1. That two Commissioners to be named by myself, conjointly with one to be named by His Majesty's Chief Civil Magistrate on the part of the Inhabitants, shall examine, select, and value such Horses as shall appear fit for the service of the Cavalry. They will give receipts for the Horses to their respective Owners, which receipts will entitle the Owners (when tranquillity is restored) either to have their Horses returned, or to receive the valuation.

2. All Horses, the property of Persons actually in the service of His Majesty's Government, to be exempted, at the discretion of the Chief Magistrate, from this requisition; as also a few Horses belonging to Butchers.

3. All agreements for the sale or purchase of Horses, made during the continuance of this requisition, either in Cape Town, or the Stellenbosch District, shall be considered as null and void.

4. Any Person withholding his Horses, or not sending them as above directed, shall be subject to the penalty of One

Thousand Rixdollars ; and if it should appear that they are withheld through disaffection or other improper motives, I shall proceed against such Person as against a Traitor.

Given under my Hand and Seal, this 13th of January, 1806.

(Signed) D. BAIRD,
Major-General, Commanding in Chief.

By Order of His Excellency,

(Signed) J. C. SMYTH, A. C. Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY MAJOR-GENERAL SIR DAVID BAIRD.

Whereas His Majesty's Troops have taken possession of the Drostdy of Stellenbosch and its Environs, and whereas I intend to employ the Forces under my Command in pursuing completely to effect the purpose of my Expedition, I have nevertheless thought it proper to proceed with the Inhabitants on a friendly footing in every respect, and therefore to make known to them : That, foreseeing the dreadful consequences which must ensue to the Inhabitants from a warfare in the bosom of the Colony, I have endeavoured, and still endeavour, to prevent those calamities.

The Orders of my King and Master to me were certainly to take possession of the Colony ; but at the same time to afford to all its Inhabitants Peace and Protection. I therefore hereby make known to them, that I have ordered the Commanding General at Stellenbosch to enter into negotiation with General Janssens, who, with a Detachment of his Troops, has retired in the Mountains of Hottentots Holland.

I am ready to make to the said General, with his small party of brave Troops, the most honorable proposals of Capitulation, as far as it may be consistent with my honor ; but should I not be able to effect this purpose, I shall have recourse to arms.

Inhabitants ! Public Notice thereof is hereby given to you by me, as your Lawful Commander in Chief,—as your Father

and Protector!—Feel with me what is your interest,—Peace! unanimity! obedience to the Laws, and general co-operation to effect that grand purpose!—I have already called upon the Farmers by two Advertisements to continue to thrash their Corn, and to send it up to the Capital.

I once more repeat it, and hope not to be reduced to the disagreeable necessity to have recourse to the severity of the Laws, and to the Proclamation of the 11th instant, which I was obliged to issue.

I shall communicate to you the result of my aforesaid negotiation; and I shall then, as to myself, be free from the reproach not to have by all possible means endeavoured to prevent devastations in the Colony,—devastations which, principally to you Inhabitants of Swellendam and Graaff-Reinet, are still so fresh in your memory, and which is so highly your interest, by supporting my endeavours, to prevent.

Given under my Hand and Seal, in Cape Town, this 13th day of January, 1806.

(Signed) D. BAIRD,
Major-General, Commanding in Chief.

By Order of His Excellency,

(Signed) J. C. SMYTH, A. C. Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY MAJOR-GENERAL SIR DAVID BAIRD.

Whereas I think it expedient for His Majesty's Service, that a Corps of Hottentot Infantry be raised as soon as possible, I do therefore invite all Magistrates, and other Inhabitants, to direct and encourage all Hottentots, immediately to repair to the Castle, where Major Graham will be ready to receive and form them into a Corps, which will be paid and subsisted on the same footing as His Majesty's other Troops of Infantry.

Given under my Hand and Seal, in Cape Town, this 13th day of January, 1806.

(Signed) D. BAIRD,
Major-General, Commanding in Chief.

By Order of His Excellency,

(Signed) J. C. SMYTH, A. C. Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY MAJOR-GENERAL SIR DAVID BAIRD.

Whereas it has been reported to me, that several Officers in the Service of the Batavian and French Republics, are living in Cape Town, and who have not yet given in their Parole: This is to require all Officers who have not as yet given in their Parole, to repair in the course of to-morrow morning to the Town Major at his Office in the Castle, where their Names will be registered.

Any Officer neglecting this Notice will be liable to be arrested, and carried to Prison accordingly.

It is also my orders, that all Officers upon their Parole shall appear once a week before the Town Major in the Castle, until further orders.

It is moreover my further Commands, that no Officer whatsoever, at present a Prisoner of War, should appear in public but in his proper uniform.

And whereas several Dutch and French Sailors and Soldiers, Prisoners of War, are, contrary to orders, living at large in the Town, it is my further Commands, that they should also to-morrow morning make their appearance before the Town Major, who will order them to be confined accordingly.

Should any of these Men neglect this Advertisement, they may depend upon being arrested and treated with the utmost severity. And should any Inhabitant, or other, harbour or conceal any Prisoner of War, whether French or Dutch, he will lay himself open to a severe punishment.

Given under my Hand and Seal, in Cape Town, this 13th day of January, 1806.

(Signed) D. BAIRD,
Major-General, Commanding in Chief.

By Order of His Excellency,

(Signed) J. C. SMYTH, A. C. Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY MAJOR-GENERAL SIR DAVID BAIRD.

Whereas His Majesty's Government in this Settlement wants a considerable supply of Forage for the Cavalry, I do therefore declare, completely to adopt such repartition for supplying Barley and Chaff as is prescribed in the Batavian Government's Proclamation of the 23rd November last; but only with this difference, that there shall be paid for every muid of Barley three Rixdollars; and for every sack of Chaff, in Government sacks, sixteen Skillings; but if brought in the Farmers' own sacks, then seventeen Skillings,—which increased rate shall be paid only for such part of the aforesaid Forage as shall be delivered from the present date to the last day of February; whereas afterwards no higher rate shall be paid than that which has been fixed by the aforesaid Proclamation. All Farmers named in the aforesaid Proclamation are therefore most seriously required to bring up their several quotas of Barley and Chaff as speedily as possible.

Given under my Hand and Seal, this 14th of January, 1806.

(Signed) D. BAIRD,
Major-General, Commanding in Chief.

By Order of His Excellency,

(Signed) J. C. SMYTH, A. C. Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY MAJOR-GENERAL SIR DAVID
BAIRD.*

Whereas Lieut.-General Janssens has last night consented to the terms of an honorable Capitulation, which I was induced to offer to him, not only out of respect for himself individually, and the brave Troops under his orders, but also with a view to preserve the Inhabitants of this Country from the miseries and horrors of a protracted warfare in the bosom of the Colony, —I do hereby make it publicly known, and think proper to communicate the same, to all the Inhabitants of this Settlement.

As there are still a few trifling Articles not perfectly arranged, I defer ordering a Copy of the Capitulation to be printed, until the whole is finally settled. The Inhabitants, however, of whatever description, are hereby required to return peaceably to their usual occupations, as the tranquillity of the Colony is perfectly insured.

Given under my Hand and Seal, this 18th day of January, 1806.

(Signed) D. BAIRD,
Major-General, Commanding in Chief.

By Order of His Excellency,

(Signed) J. C. SMYTH, A. C. Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY MAJOR-GENERAL SIR DAVID
BAIRD.*

Whereas it has been reported to me, that some of the Inhabitants have occasionally purchased different Articles of the Soldiers' Necessaries, notwithstanding they have been strictly prohibited from so doing by several Proclamations which have been issued by former Governors and Commanders in this

Settlement: Now I having taken into my consideration that such conduct is highly subversive of all good order, and detrimental to His Majesty's Service, do hereby most strictly forbid all Persons whatsoever from purchasing, exchanging, taking in pawn, or under any pretext whatsoever, detaining from any Soldier, any Arms, Accoutrements, Ammunition, Clothes, Caps, Forage, or Horse-Furniture, under the penalty of One Hundred Rixdollars for each Article so purchased, taken in pawn, exchanged, or in any manner detained.

And that all Persons may be acquainted with the consequence of acting contrary to the Laws, and of disobeying the Regulations issued by His Majesty's Government, I hereby make it publicly known, that Roelof Laurens, who although not a Burgher of the Town, was yet considered as an Inhabitant, and allowed to remain in the Settlement, is detained in prison, and will be sent out of the Colony by the first opportunity, having been convicted of purchasing a second time Necessaries from Soldiers.

And whereas several Soldiers from amongst those lately enlisted into His Majesty's Service have deserted, and are now wandering about the Country Districts, I do hereby repeat the Prohibition contained in the Proclamation of the 25th February last, warning the Inhabitants against receiving any Strangers into their houses not provided with proper Passes, under the penalty of One Hundred Rixdollars, and do moreover by these presents declare, that any Inhabitant whatever who shall harbour, conceal, or in any manner assist a Deserter, knowing him to be such, shall be deemed and considered as a Rebel to His Majesty's Government, and treated accordingly.

Given under my Hand and Seal, this 26th day of April, 1806.

(Signed) D. BAIRD,
Major-General, Commanding in Chief.

By Order of His Excellency,
(Signed) J. C. SMYTH, A. C. Secretary.

[Copy.]

Government Advertisement.

The Lieutenant-General Commanding in Chief having directed the Deputy Post Master to establish, as soon as possible, a Weekly Post to the different Drostries and Bays of this Settlement, and to place a sufficient number of Relay Hottentots for this purpose at the most convenient stations upon the road, His Excellency hereby requires all the Inhabitants at whose Farms the said Hottentots may be placed, to receive and treat them properly, the Deputy Post Master being to pay to the Farmers, or others, the sum of Five Rixdollars per month for the sustenance of each Hottentot employed in the Post Office Department, and quartered at a Farm House.

Secretary's Office, Castle of Good Hope, 30th May, 1806.

By Order of His Excellency,

(Signed) J. C. SMYTH, A. C. Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY DU PRE, EARL OF CALEDON, VISCOUNT ALEXANDER, and BARON CALEDON OF CALEDON, &c.!

Whereas it has been reported to me, that a further attempt has been made in the course of last night, to break into the Powder Magazine; and the better to discover the abettors of this lawless transaction, and to bring those Persons to Justice who, by receiving Gun-Powder through any other channel than that appointed by Government, give encouragement to the ill-informed to commit crimes which must ultimately tend to bring them to the severest punishment: I hereby offer a Reward of FIVE HUNDRED RIXDOLLARS to any one who will give such information to His Majesty's Fiscal, as may lead to the conviction of any Person having purchased Gun-Powder from a Soldier belonging to this Garrison.

Given under my Hand and Seal, at the Castle of Good Hope,
this 30th of June, 1807.

(Signed) CALEDON.

By His Excellency's Command,

(Signed) A. BARNARD, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY DU PRE, EARL OF CALEDON,
VISCOUNT ALEXANDER, and BARON CALEDON OF CALEDON, &c.*

Whereas by a Proclamation dated 14th February, 1798, issued by Lord Macartney, it was directed, that it shall not be lawful for any Person to remove from one District to another, in order to settle there, without his having previously taken out the usual Certificate from the Magistracy of the District in which he intends to settle, in order to be registered there, but also to the Veldwachtmeester of his Circuit, on penalty of 150 Rixdollars, to be forfeited on behalf of the Treasury of the District in which such a Person is found not to have complied with the present order within three Months after his settling there.

And whereas I am informed, that in the aforesaid manner several Inhabitants have actually settled in Districts to which they, according to their Certificates, do not belong; such Inhabitants are therefore also directed and required to comply with the present Order, within three Months after the publication, on penalty of the said Fine to be forfeited as aforesaid.

And whereas new and additional inconveniences have been found from Inhabitants, even in the same District, moving from one part thereof to another without notice to the Landdrost, or Certificate from him, with their Cattle, either upon pretence or pretences of rain having fallen, or of a better supply of food for the Cattle, or to avoid the incursions of plunderers,—It is therefore hereby further ordered and directed, that no Individual shall remove his Residence or drive his Cattle, except to Lands of his own held by title under Government, without notice to

the Landdrost, and a Certificate of his permission so to do, under a like penalty of 150 Rixdollars, except in cases of extreme necessity, and of which necessity the said Person or Persons so removing their Habitation or Cattle, shall give notice to the nearest Fieldcornet or Landdrost, as soon as possible, in all cases within fourteen days of such removal. The Fieldcornet is hereby ordered to communicate the same to the Landdrost as soon as possible. And it is hereby declared and ordered, that if the Landdrost sees good cause to doubt the veracity of the fact alleged, or does not see in it good and sufficient cause for such removal, he shall transmit the same to me, or to the Governor for the time being, with his observations and remarks thereon; and if I concur in the opinion of the Landdrost, the said penalty of 150 Rixdollars shall be sued for in the Courts of Landdrost and Heemraden, who are hereby empowered to take cognizance of the causes herein alluded to, and if recovered shall be paid into the Treasury of the District, for the benefit thereof.

Given under my Hand and Seal, at the Cape of Good Hope, this 24th day of August, 1810.

(Signed) CALEDON.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY DU PRE, EARL OF CALEDON, VISCOUNT ALEXANDER, and BARON CALEDON OF CALEDON, &c.

Whereas Jan Bernhard Hoffman, Secretary to the Corporation of this Town, commonly called the Burgher Senate, has given information to this Government, of a variety of Abuses having taken place in the General Management of the Affairs of the said Corporation, and of supposed Malversation on the part of the President of the said Corporation, J. J. Vos, Esq.: Now, in order, as much as in me lies, to see that the Affairs of the very respectable Inhabitants of this Town be conducted with economy and regularity, according to the Instructions

which the Corporation has at different times received from Government, and with a view to check and punish (if need be) any instance of Malversation, should such be found to have taken place, I have decided upon causing a minute investigation into the several circumstances set forth in the information before alluded to, of the said J. B. Hoffman, and I do by these presents constitute and appoint John Pringle, Esq., J. P. Baumgardt, Esq., W. S. van Andringa, Esq., to be a Committee, for the purpose of inquiring into and taking cognizance of the matter aforesaid, and reporting thereon to me in a clear and distinct manner, together with their opinions relative to the same.

And I have also judged it expedient, and I do hereby invest the said Committee with full powers to summon before them, and to examine on oath (which they are hereby authorised to administer), all such Persons as shall appear to them to be able to give information on the different cases which shall arise, and to commit any of such Persons who shall refuse to give their evidence, or otherwise be guilty of contempt in Court: And I do further authorise the said Committee to call for Copies of all such Public Papers and Public Documents as may tend to elucidate the several subjects of their investigation.

Given under my Hand and Seal, at the Cape of Good Hope, this 17th day of September, 1810.

(Signed) CALEDON.

By His Excellency's Command,

(Signed) C. BIRD, Dep. Col. Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY DU PRE, EARL OF CALEDON, VISCOUNT ALEXANDER, and BARON CALEDON OF CALEDON, &c.

Whereas upon the Authority of the Parliament of Great Britain and Ireland, supported by the united testimony of the Colleges of London and Edinburgh, it is no longer subject to any doubt that Vaccination is an infallible preservative against the infection of that destructive Disease the Small Pox, the fatal

effects of which the Inhabitants of this Colony have repeatedly experienced during the last Century ; and

Whereas the existence of such preservative, by reason of the remoteness of this Colony, cannot be of any utility, unless the Vaccine Disease be perpetually at hand, in order that immediate recourse may be had to it, whenever the Small Pox may appear, a circumstance which in spite of the most careful precautions, cannot at all times be avoided ; and

Whereas the means which have hitherto been employed for the preservation and continuance thereof, have proved fruitless, and the same have notwithstanding been entirely lost ; and

Whereas the obtaining of the Matter being subject to so much uncertainty, it must be considered as a singular benefit, when, of the many trials made for procuring it, any one should happen to succeed ; and

Whereas I have at last, after much trouble and difficulty, succeeded in establishing the Genuine Vaccine Disease, the beneficial effects of which it is my wish to impart to the Inhabitants of this Colony, in such manner that, without interruption, there may at all times be found an infallible preservative against infection, should the Small Pox eventually make its appearance, and thus the recurrence of that mortality, which heretofore desolated so many Families, be prevented.

I have therefore judged it expedient to order and direct, that the introduction of the Vaccine Disease to the Public shall be subject to the following Regulations, which have appeared to me the best adapted to prevent any adulteration of the Matter, and to insure its continuance in this Colony :

1st. That an Institution be established for the purpose of conducting the Process of Vaccination, under the management of a Director, aided by two Vaccinating Surgeons, forming together a Committee for the same.

2nd. That no person whatsoever shall be at liberty to inoculate, except the before-mentioned Committee, unless expressly authorised by me, on pain of a penalty of 100 Rixdollars ; one-third of which to be paid to the Informer, whose name, should he desire it, shall moreover be concealed.

3rd. That the principal object being to perpetuate this Disease, the Committee shall take care that there be always some person or persons under its influence ; it being left to the

said Committee to form, under my approbation, such Regulations as to them may appear requisite.

4th. That immediately after the publication hereof, the Wardmasters shall, each in his Ward, take down the names of all Persons (Infants not excepted) in their respective Wards, who have not regularly undergone this Disease, and transmit Lists of the same, within fourteen days at farthest, to His Majesty's Fiscal; which Lists must contain, together with the names of the Persons, their quality and age, Slaves included.

5th. That the Wardmasters are particularly to inquire, and to express on their Lists, all such Persons who, either for themselves (or others under their care) have manifested a wish to avail themselves of this advantage.

6th. That the said Lists being received, they are to be forwarded to the Committee, in order that they may regulate, under my approbation, in what manner the Vaccination shall successively take place; of which regulation information shall be given to His Majesty's Fiscal, for the purpose of enabling him, as far as regards his Department, to take care that the same be properly complied with.

7th. That the Committee shall advertise monthly, in the Cape Gazette, the place, day, and hour, at which Vaccination is to be performed during that period; on which occasion, His Majesty's Fiscal shall make known to each Ward, through the medium of the respective Wardmasters, what Persons are to appear at the appointed time and place for the before-mentioned purposes.

8th. That the Persons so vaccinated shall receive the necessary Instructions from the Committee relative thereto, and particularly with regard to their punctual attendance before them, which they will be required strictly to observe.

9th. That a List of all such vaccinated Persons shall be transmitted monthly to the Colonial Secretary's Office, of which a Copy is to be forwarded to His Majesty's Fiscal, in order that the same may be communicated to the respective Wardmasters, who shall be obliged to keep a due account of each Person so vaccinated.

10th. That the Wardmasters shall, besides the Lists formed and sent by them to His Majesty's Fiscal, continue to keep a Register of the Names of all Persons not vaccinated who may come to reside in their Wards subsequent to this time, as also a

List of all the Children successively born in their Wards ; the same use to be made of those Lists as of those specified in Article 4.

11th. That as soon as the Vaccine Disease has been established on a regular footing in Cape Town, the same shall be extended to the Country Districts ; when such Regulations will be adopted for that purpose, as may appear to be necessary ; the Inhabitants of the Country Districts being in the mean time at liberty to take up a temporary residence in one of the Wards of Cape Town, in order to be able to avail themselves the more speedily of the advantages of this Institution.

And that no Person may remain ignorant of what is intended by these presents for the public good, it is further directed, that this Proclamation shall be published and affixed in the usual manner.

Given under my Hand and Seal, at the Cape of Good Hope, this 23rd day of April, 1811.

(Signed) CALEDON.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY DU PRE, EARL OF CALEDON, VISCOUNT ALEXANDER, and BARON CALEDON OF CALEDON, &c.

Whereas much inconvenience and irregularity has been found to arise not only from the vast extent of the Drostdy of Swellendam, but from the situation of the residence of its Magistrate, and the seat of its Court of Heemraden, which, instead of being central with respect to the dwellings of the Inhabitants, are fixed at one end of this extensive province ; and whereas the great increase of population in this large tract of country renders it impossible for its Magistrate to attend to the various duties required of him,—for these reasons, and in order that the Laws and Regulations of the Settlement may hereafter be more properly enforced, I have deemed it advisable to make a new

Division of this part of the Colony, by separating from the Drostdy of Swellendam all that part thereof which lies to the Eastward of the Ghamka or Gaurits River, and adding thereto such part of the Drostdy of Stellenbosch as is hereinafter described : I do therefore, by virtue of the Power and Authority in me vested, direct, order, and make known as follows :—

1st. A new Drostdy shall be formed from that part of the Drostdy of Swellendam which lies to the Eastward of the Ghamka or Gaurits River.

2nd. The new Drostdy shall, in honor of our Most Gracious Sovereign, be called George's Drostdy.

3rd. George's Drostdy comprehends the Fieldcornetcies of

1. Over the Gaurits River.
2. Outeniqua Land.
3. Plettenberg's Bay.
4. The Attaqua's Kloof.
5. Before the Lange Kloof.
6. Behind the Lange Kloof.
7. The Oliphants River.
8. Above the Oliphants River.
9. The Cango.

4th. Swellendam Drostdy will comprise in future the following Fieldcornetcies :—

1. Swellendam.
2. Klippe River.
3. Potteberg.
4. Karsse River.
5. River Zonder End.
6. Bosjesveld.
7. Before Cogmans Kloof.
8. Behind Cogmans Kloof.
9. The Great Zwarteberg.
10. Behind the Great Zwarteberg.
11. The Tradouw.
12. Duivenhoks River.
13. Vette River.
14. Valsch River.
15. Kars River.

16. Zoetendals Valley.
17. Zwarteberg.
18. Behind the Zwarteberg.
19. Uilen Kraal.
20. Bot River. And
21. Palmiet River.

5th. The division of the Drostdies of Stellenbosch and Swellendam is to be the Steenbrazen River to its source, from whence an ideal line is to run to Baviaans Kloof, enclosing the Lesser Houwhoek and the Baviaans Kloof in the Swellendam Drostdy.

6th. All Places situated to the Westward of this line, although they may heretofore have formed part of some of the Field-cornetcies above specified, are to remain attached to the Drostdy of Stellenbosch.

7th. The Secretaries of Swellendam and George's Drostdy will, as soon as possible, take an account from the Books of the Drostdies of Stellenbosch and Swellendam, of all the Places and Erven by the present arrangement attached to their respective Drostdies.

8th. The payment of the usual Taxes by the Inhabitants of the Swellendam and George's Drostdies shall be made for the year 1812, at the Residences of the respective Landdrosts.

9th. The Residence of the Landdrost of George's Drostdy is to be at the Government Post, at the Outeniqualand, where, in addition to the present Buildings, directions will be given for the erection of such as are further necessary.

10th. The nomination of the Members of the Board of Heemraden for George's Drostdy will be made as soon as possible.

11th. The Landdrost and Heemraden of Swellendam are hereby directed, at their first meeting, to recommend new Members for their Board, to succeed those who by the present arrangement will no longer be Inhabitants of that Drostdy.

12th. A Deputy Landdrost for the Drostdy of Swellendam will be appointed, whose residence is to be at the Zwartebergs Baths.

And it is hereby further directed, that this present Proclamation shall be published and affixed as usual, in order that no one may plead ignorance thereof.

Given under my Hand and Seal, at the Cape of Good Hope,
this 23rd day of April, 1811.

(Signed) CALEDON.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Government Advertisement.

Notice is hereby given, that the Agent for the Honorable the East India Company has communicated to his Excellency the Governor and Commander in Chief, that the Court of Directors has been pleased to sanction a Trade between this Colony of the Cape of Good Hope and New South Wales, which Trade is however to be restricted to Articles the produce of the Cape and New South Wales : And that the Court has been pleased to sanction, under certain restrictions, a Trade between the Island of Ceylon and this Place, in Ships belonging to Ceylon, not exceeding three in one year, of the burthen of 300 Tons each, or under ; this Trade to consist in such Articles as may be the Growth, Produce, and Manufacture of one or the other of the Settlements ; or if not, such only as shall be specified and enumerated, both as to their quantity, quality, and origin, under the joint signature of the Government of Ceylon and the President in Council at Madras, or of the Hon. Company's Agent at the Cape of Good Hope.

Castle of Good Hope, 23rd April, 1811.

By Command of His Excellency the Governor,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Government Advertisement.

Notice is hereby given, that His Excellency the Governor and Commander in Chief has been pleased to appoint A. G.

van Kervel, Esq., Landdrost, and Mr. J. F. Bam, Secretary, of George's Drostdy.

Castle of Good Hope, 23rd April, 1811.

By Command of His Excellency the Governor,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Government Advertisement.

Notice is hereby given, that His Excellency the Governor and Commander in Chief has been pleased to promote J. H. Frouenfelder, Esq., to the Situation of Deputy Landdrost of Swellendam, and to appoint Mr. D. J. Kuys Secretary of the said District, in the room of said Mr. Frouenfelder.

Castle of Good Hope, 23rd April, 1811.

By Command of His Excellency the Governor,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY DU PRE, EARL OF CALEDON, VISCOUNT ALEXANDER, and BARON CALEDON OF CALEDON, &c.

Whereas the cognizance and punishment of all Crimes and Misdemeanours, and the adjudication of all Civil Suits, in which considerable Property is at stake, must, according to the existing regulations of this extensive Colony, take place at the seat of Government; and whereas the delay which is thus occasioned in Criminal Cases, weakens the impression that punishment should produce, whilst in Civil Suits the expence and inconvenience that attaches to those who reside in the interior, frequently prevent the aggrieved from having recourse to the only legal means of redress: Now, as the removal of

such inconveniences and obstructions, and the application of a Process, by which Justice may be more speedily administered, must be productive of the most beneficial result, not only as inspiring the Good with an increased confidence in the superintending care of Government, but by intimidating the Wicked, and thus preventing the frequency of Crimes, I have judged it proper to order and direct, that a Commission from the Court of Justice (to which for this purpose two Members shall be added) shall once within each year, or oftener, repair to the most distant Country Districts, and take cognizance of all Cases concerning the Inhabitants of those Districts, the prosecution of which has hitherto been carried on before the Court of Justice ; and in order to insure, as far as possible, the effect of this measure, I have further judged proper to enact and order the following Regulations, viz :

1. From time to time, of which due and sufficient notice shall be given, a Commission of two or more Members from the Worshipful the Court of Justice shall proceed through the Districts of Swellendam, George, Uitenhage, Graaff-Reinet, and Tulbagh, in order successively in each of the same to administer Justice, with the same power and authority as is exercised by the full Court in Cape Town, subject nevertheless to such alterations and modifications as may hereafter be declared.

2. The following Cases shall be heard and determined by this Commission :—

- (a) All *Civil* Cases occurring in the said Districts, which do not belong in the first instance to the cognizance of the Court of Landdrost and Heemraden.
- (b) All appealable *Civil* Cases belonging to the cognizance of the Court of Landdrost and Heemraden in the first instance, but which, after sentence has been pronounced, may be appealed from to the Commission, provided the appeal be prosecuted in the next succeeding Session of the Commission in the District where the case has been adjudged.
- (c) But if, on application to the Commission, it shall appear that sufficient time has not elapsed since the passing of sentence by the Court of Landdrost and Heemraden,

to enable the parties to bring in their appeal, the Commission shall in such case have the liberty of directing the same to stand over for the ensuing Session.

- (d) All *Criminal* Cases whatsoever, with this exception only, that, when after a full investigation, it appears that the Crime committed is subject to the punishment of Death, in such case the same shall be reserved for the Full Court, and there, at the suit of the competent Prosecutor, be tried, and final sentence passed.

3. The Members of the Commission shall be appointed the first Session by me ; but afterwards the Commission shall consist of such Members as are elected thereto by a majority of the Full Court ; which election is not to take place earlier than fourteen days previous to the departure of the Commission, which time, as well as the time for holding the Sessions, is to be fixed upon by me, or the Governor for the time being.

4. No Member of the Court being appointed or chosen for this Commission shall be excused from the same, unless for reasons approved of by me, or the Governor for the time being ; and in case of such excuse being allowed, another Member shall be elected in his place, which election shall also be made by a majority of the Court.

5. The Members so chosen shall receive from me, or from the Governor for the time being, a Commission empowering them to act in the several things herein specified according to Law.

6. The Governor having fixed upon the time for holding the Sessions, the same shall be notified by Publication of the Court of Justice, which Publication shall be forthwith transmitted to the respective Landdrosts, and by the Landdrosts to the Heemraden, Field Commandants, and Fieldcornets of their Districts, to be by them made known to the Inhabitants at large.

7. Upon such notification being received, the Fieldcornets shall assemble from each Family one Slave or Hottentot, and explain to such Slave or Hottentot the general purpose for which the Commission is about to assemble at the Drostdy.

8. In all Criminal Cases, the Landdrost, conformably to the

qualification granted to the Heemraden by Articles 152 and 153 of the Instructions for the Administration of the Country Districts, is to take care that on the arrival of the Commission, all the previous informations, relative to each Crime, which he is bound to prosecute, are in readiness, in order to be delivered over at the first Session.

9. In Civil Cases, every person having a dispute with another, the cognizance of which does not belong to the jurisdiction of the Court of Landdrost and Heemraden, which he intends to prosecute before the Commission, shall be obliged to address himself to the Clerk of the District, and to state to him the case in question, as also the names of the Witnesses which he wishes to have heard ; of which a proper record is to be held by the Clerk.

10. The Clerk hereupon is to appoint the opposite party, inform him of the action with which he is threatened, and also hear from him if he has any and what Witnesses whom he wishes to have heard on his behalf, which he is also to note down.

11. As soon as the Clerk receives information of the day on which the Commission is to commence its Session, he is to expedite to the Defendant, through the means of the Fieldcornet in whose District he resides, a citation in the name of the Plaintiff, summoning him to appear on that day at the Drostdy before the Commission, with expression of the claim which the Plaintiff intends making against him on the day of the trial. In the same manner the Clerk is to summon the Witnesses also to appear. All summonses to be served at least five days previous to the day of attendance.

12. As the Session of the Commission after being once begun, continues, and properly is considered as one and the same Session, the day of the appearance shall also continue, although fixed for the first day of the Session, and the Plaintiff and the Defendant, as well as the Witnesses, shall be obliged to appear on such following day, during the Session, as may be prescribed by the Commission or the Clerk.

13. In all Cases, *Civil* as well as *Criminal*, Causes shall be heard and determined according to the order in which they shall have been instituted ; that is to say, it is imperative upon the Commission to hear and determine each Case as it

stands upon the Calendar or Roll ; Criminal Cases, however, in all instances taking a precedence : but when the circumstances of a Case require delay, a deviation from this Rule is admissible, the reasons for such deviation being duly recorded.

14. It is imperative upon the Landdrost and the Clerk to form the Calendar and Roll, according to the order in which each Suit has been instituted.

15. In order to prevent the inconveniences which would be occasioned by the Inhabitants, and especially when summoned as Witnesses, by being obliged on their having appeared the first day of the Session to continue at the Drostdy during the whole of the same, the Clerk is from time to time, under the direction of the Commissioners, to inform the Parties and Witnesses of the day on which the Cause in which they are concerned is to be brought before the Commission, according to the number of the same.

16. The Field Commandant or Fieldcornet of each Division, is held responsible for the attention which should be paid to the Commission in passing his Division. He is to attend in person, and is to see that the Commission is provided with every requisite which is demanded.

17. The respective Landdrosts, with the Secretary and Commissioned Heemraden, are to meet the Commissioners at the entrance of the Village of their Districts, and to accompany them to the Drostdy ; and also to take care that they be provided with the necessary Lodgings, and a proper place for the administration of their Duties.

18. Upon the arrival of the Commissioners at each Drostdy, previous to their commencing business, the Clerk of the District shall, in their presence, and in open Court, read the Commission, by which they are empowered to hear and determine causes.

19. On the requisition of the Commission, the Landdrost is first to appear, and then the Clerk of the District, who are respectively to deliver over to the Commission a pertinent state of all the *Criminal* and *Civil* Cases which are to be prosecuted before the Commission.

20. The Commissioners hereupon are to regulate the manner in which they intend to proceed, of which they are to cause information to be given to those whom it may concern.

21. All examinations, in cases upon which a decision is to be given, shall be held in open Court.

22. The mode of proceeding which the Commission is to follow, shall be summary, and in conformity to the under-mentioned Regulations :

Criminal Cases.

23. In all cases in which the Landdrost carrying on a *Criminal* prosecution by virtue of his Office before the Court of Justice, stands in need of a Judicial Decree to commence the same, he shall in similar cases be obliged previously to provide himself with such a Decree from the Commission ; and in all other respects the Landdrost as Public Prosecutor, shall be under the same obligations with respect to the Commission, as to the full Court.

24. Whenever a crime is prosecuted which has been committed before the arrival of the Commission, and which has been preliminarily investigated by the Landdrost, conformably to Art. 152 and 153 of the Instructions for the Administration of the Country Districts, the Landdrost is to continue the prosecution before the Commission, by previously delivering to them a *Casus Positio*, and also a List of all the other Witnesses, who remain to be heard in the case in question.

25. When a crime is committed shortly before the arrival of the Commission, or during their presence, the Landdrost is to make an inspection with Commissioners of the Heemraden, unless the Commissioners shall direct it otherwise, or be pleased to make the inspection in person.

26. After the inspection has been made, and the Landdrost has obtained a previous decree requiring the accused Person, either by apprehension or citation, to appear in Court, he is then (provided the Prisoner be present) to deliver a *Casus Positio*, with such documents as he may have in his possession relative thereto, as also a list of all the Witnesses who have any knowledge of the crime.

27. In both cases mentioned in the three preceding Articles, the Commission is to commence the Trial on the prosecution of the Landdrost ; hear first the Witnesses each separately, then the accused, as well as the Witnesses called by him ; confront

the accused with the Witnesses ; and then, after having fully investigated all the circumstances, as far as the nature of the case will allow, declare, " that the Examination is closed."

28. In case the Commission finds, on this examination, that the innocence of the accused Person appears, or that the suspicions contained in the information against him have been removed, the above-mentioned declaration, " that the Examination is closed," shall be accompanied by a Decree immediately to release the accused Person from Prison, or from the Summons which had been issued requiring his personal attendance.

29. In case the accused does not confess the crime, and that the informations do not contain sufficient grounds for his condemnation, and that there is no probability of obtaining more proof within a short time, the Commission shall adjudge a provisional discharge, absolution of the instance, or such other equitable disposition as the Commission in good Justice may deem proper.

30. But when the process can not be conducted according to the two preceding Articles, and when, conformably to Art. 2nd, the case is not exclusively vested in the Full Court, then the declaration of the Commission, " that the Examination is closed," shall be accompanied with an order to the Officer forthwith to make his claim, and to conclude in such manner as he may deem advisable ; which the Landdrost, as Public Prosecutor, is to do with proper dispatch, and the utmost brevity.

31. The Landdrost having made his claim, in case the accused Person has confessed the crime, the same shall be read to him, with liberty to say anything he may have in extenuation of his guilt ; after which the Commission is to pronounce Sentence, without the Prisoner being allowed to appeal from the same.

32. But in case the accused does not confess the crime, the claim and conclusion are to be read to him in like manner, and every argument with which the Landdrost endeavours to prove the commission of the crime, distinctly explained to the Prisoner, whose reasons against the same shall be heard, and carefully noted down ; upon which the Landdrost and the Prisoner being heard in reply and rejoinder, the Trial is to be considered as closed, and Sentence passed by the Commission according to Law. In these cases, the Sentence may be appealed from.

33. Whenever in any of the above-mentioned Districts, crimes are committed before the Landdrost be acquainted with the time of the arrival of the Commission, and in the mean time it is necessary to secure the person of the Delinquent, the Landdrost is to address himself to the Full Court, agreeably to the 60th and 62nd Articles of the Instructions for the Administration of the Country Districts, who then not only shall grant the requested Decree, if sufficient grounds shall appear, but also direct whether the case shall lay over until the arrival of the Commission, or whether proceedings shall be instituted before the Full Court. In the latter case, the same is to be done agreeably to the usual style of proceeding in Criminal Cases.

34. The same is to be observed in cases in which no Decree of Apprehension of the Delinquent is necessary, for which purpose the Landdrost is to acquaint the Court of Justice of all the Crimes, without exception, which have been committed in his District prior to the arrival of the Commission ; and thereupon further to act as the Court may prescribe.

35. All criminal sentences shall be executed at the residence of the Landdrost of the District in which the crime has been committed ; but they are previously to be transmitted to me, or to the Governor for the time being, with a copy of the proceedings, in order to be approved of, or moderated in such manner as may be deemed proper.

36. In all criminal cases, an accurate record is to be kept of the whole proceedings, of which two copies are to be made and signed, one of which is to be deposited in the Secretary's Office of the District in which the Trial was carried on, and the other in the Secretary's Office of the Court of Justice.

37. When, in a criminal case, the demand is for a severer punishment than Fine, the Defendant is not required to make use of stamped paper.

38. In criminal cases which are appealable, the sentences of the Commission shall be appealed from immediately to the Court of Appeals for Criminal Cases established by Proclamation of the 10th June, 1808. The Appeal to be entered before the Commission shall have left the Drostdy in which sentence has been passed and prosecuted, as prescribed in the 60th Article.

CIVIL CASES.

39. In all civil cases, the parties shall be obliged to bring forward and defend their causes verbally, unless the Commission, for obvious reasons, such as sickness, old age, or the like, may think proper to allow another person to appear; or that the nature of the case, besides the production of documents, may make a written declaration or defence necessary; a circumstance, however, which in no case shall be suffered to lead to a usual written process.

40. The Witnesses are also to be heard in person before the Commission, and their depositions, as well as the rehearing of them, and the affirmation by oath, to be recorded in the minutes of the proceedings of the Commission.

41. In no case whatsoever shall the Commission be permitted to allow one or more of the legal Practitioners admitted before the Full Court, to act with, or on behalf of, the Parties before the Commission.

42. The Commissioners are bound, by virtue of their office, to take care that in the prosecution or defence of the parties, nothing be omitted which is attainable, and may tend to ascertain the real state of the dispute, by which means the Commissioners having acquired full knowledge of the fact upon which they have to decide, they apply the Law relating thereto, and pronounce Sentence accordingly.

43. In any case, civil or criminal, however, resting upon a nice legal construction, the Commissioners are directed to reserve such case for the jurisdiction of the Full Court.

44. Before the Commissioners proceed to decide in any civil cause, they shall previously endeavour to bring the parties to an amicable settlement, of which event, when their endeavours prove fruitless, a record is to be kept.

45. When a cause decided by the Landdrost and Heemraden, is brought in appeal before the Commission, the Landdrost and Heemraden are to forward to them, in original, all the papers and documents relative thereto; upon which the Commissioners, after having heard the parties, are to decide the case in appeal without any further form of process.

46. In cases where a difference of opinion may exist, the same

shall be decided by the majority of the Commission ; but should the Commission not exceed two in number, and a difference of opinion exist, the same shall be reserved for the Full Court, from which an appeal shall nevertheless lie, provided the case be appealable.

47. In case of the death, illness, or absence of one Member of the Commission, the remaining Members, when the Commission exceeds two in number, are competent to hear and determine ; or when the cause has been heard, the other Members shall proceed to the determination : but should the Commission not exceed two in number, and one of them be prevented from acting, the cause shall be reserved for the Full Court, or stand over to the next Session, with the same proviso as in the preceding Article : and in case of death, the remaining Member or Members are forthwith to inform the Full Court hereof, in order that the Court may elect another Member, in the manner prescribed by the 4th Article.

48. The Commission is empowered to imprison or levy a fine, not in any case exceeding 250 Rds. where the party or witness, by non-attendance or otherwise, has been guilty of contempt of Court.

49. That the ends of Justice may not be defeated, the person of every witness is declared free from arrest, from the time he or she receives a summons to attend the Sessions, until the conclusion of the same, provided such arrest be not laid at the suit of the Crown.

50. In all sentences in cases where expence may have been occasioned by the producing of witnesses, or other circumstances relative to the cause, the Commission is to fix the sum, which according to the nature and circumstances of each case the expences may amount to ; but in no instance shall the sum fixed upon exceed in amount 250 Rds. out of which is to be defrayed the expences of the witnesses and stamps awarded by the moderation and judgment of the Commission.

51. In cases which are carried on before the Commission, the litigating parties shall make use of stamps, in the same manner as in similar cases they would be used before the Full Court.

52. In cases of poverty, the Commission shall have the right to grant to either of the parties admission *pro Deo*, and to prosecute or defend their cause without stamps, provided such of the

parties prove their inability, as well as the apparent justice of their cause.

53. The Landdrost and Board of Heemraden shall act as Sequestrators, and as such are admitted to a participation of power, under the Warrant of the Commission, to execute Sentences in such manner as they have heretofore been executed by the Boedelkamer.

54. The Landdrost and Board of Heemraden acting as Sequestrators, shall lay before the Commission a statement of the Executions which have taken place, pursuant to the Decrees of the preceding Commission; and in cases of non-execution, shall account for the same.

55. In all civil proceedings carried on before the Commission, an accurate Record is to be kept, the same as is enacted by Art. 36 in Criminal Cases, two copies of which are to be signed in duplicate, one to be deposited in the Secretary's Office of the District in which the Suit was carried on, and the other in the Secretary's Office of the Court of Justice.

56. All sentences pronounced in civil cases, the amount or value of which exceeds the sum of One Thousand Rixdollars, or the value thereof, may be appealed from by the party cast to the Court of Appeals for Civil Cases, established in this Colony by Proclamation of the 29th May, 1807.

57. The Clerk of the District shall, at the expiration of each Session, forthwith notify to the Secretary of the Court of Appeals, such Sentences as have been appealed from, stating the time at which such sentence was passed, as well as the time at which the appeal was lodged.

58. Any Person wishing to appeal from a Sentence of the Commission in Civil Cases, is to give notice to the Secretary of the same, within forty-eight hours after the pronouncement of the Sentence, who is immediately to note the Appeal on the Record.

59. In all cases, civil as well as criminal, which admit of Appeal, the Parties, after the passing of Sentence, are to be informed thereof in open Court by the Commission.

60. In the Districts of Swellendam, George, and Tulbagh, the Appeal must be prosecuted within eight weeks after the same has been noted; in Uitenhage and Graaff-Reinet, within twelve weeks, saving the admission of relief, upon grounds known in Law, to be decided on by the Judge in Appeal.

61. Besides the hitherto prescribed cognizance and judgment of all civil and criminal cases which are brought to the knowledge of the Commissioners in each District, either by the Landdrost, or the interested Parties, they are directed also *ex officio* to take cognizance of every thing which appears to them to require the interference of Justice, and belongs to the competency of the Full Court ; in which cases they are to act in the spirit of this Proclamation, in such manner as the end of Justice shall be found to require.

62. Any complaint, however trivial, and all matters touching the morality and good Government of the Country Districts, shall be noticed by the Commission, and reported to the Governor, that such steps may be taken as he may deem meet.

63. It is particularly incumbent upon the Commissioners that they, in their judicial capacity, take care that the Proclamation of the 1st November 1809, respecting the treatment of Hottentots, be strictly followed up ; and that, as much as possible, regularity respecting the service of those Natives, as well as proper treatment of them, be punctually observed.

64. The Commission is enjoined scrupulously to examine the records of punishments inflicted on Slaves by order of the Landdrost, in order to ascertain that no unnecessary severity be practised on this unfortunate class of People.

65. The Commissioners shall likewise, as far as lies in their power, ascertain that no improper domestic correction has been used by Masters towards their Slaves, without the same being brought forward for legal interference.

66. The Commission shall examine all Notarial Acts passed before the Secretaries of the several Districts, as also the reports of Coroners where inquests have been taken.

67. Towards the prompt performance of all the above, a person duly qualified shall be appointed to discharge the duties of District Clerk, under the immediate direction of the Landdrost ; besides which the Commission shall be allowed a Secretary, who, together with the said Clerk, shall give the necessary assistance to them.

68. For the rest, all Public Officers in the different Districts, belonging to the Department or Administration of Justice, shall, if required thereto, be at the service of the Commission in the discharge of its official duties.

69. The Commission having closed its proceedings in one Drostdy, is, on the day appointed by it, to be accompanied to the end of the Village by the Landdrost and Commissioned Heemraden, together with the Secretary, continuing their journey through the different Fieldcornetships and Drostdies, as is prescribed in this Article, and in Article 16.

70. In unforeseen cases, not here provided for, the Commission shall regulate itself as far as possible in conformity to the Rules laid down for the conduct of the Full Court.

71. Finally, all the Inhabitants are warned and directed to shew to this Commission, appointed by me for the General Good of the Colony, all due respect, and to give them every assistance, by which they may be enabled to discharge with advantage and dispatch the important task with which they are charged.

And that no Person may plead ignorance of these presents, this Proclamation shall be published and affixed in the usual manner.

Given under my Hand and Seal, at the Cape of Good Hope, this 16th day of May, 1811.

(Signed) CALEDON.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY THE HON. LIEUT.-GENERAL HENRY GEORGE GREY, Colonel of the 17th Regiment of Light Dragoons, Lieut.-Governor, and Commanding in Chief His Majesty's Forces at the Cape of Good Hope.

Whereas His Excellency the Earl of Caledon had received His Majesty's Gracious Permission to return to Europe, with Instructions for him to leave the Power and Authority of this Government in the hands of the Hon. Lieut.-General Henry George Grey, Lieut.-Governor and Commander of the Forces of this Colony ; and whereas the said Lieut.-General and Lieut.-

Governor, the Hon. H. G. Grey, has taken the usual Oaths in the usual manner, and entered upon the Duties of the Government of the Cape of Good Hope : Notice is hereby given to all Officers, Civil and Military ; and all Persons are hereby called upon, from the date of these presents, to obey all Orders and Commands that may from time to time be issued by the Hon. Lieut.-General and Lieut.-Governor, in like manner as coming from the Actual Governor of this Colony.

Given under my Hand and Seal, at the Cape of Good Hope, this 5th day of July, 1811.

(Signed) H. G. GREY.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY LIEUTENANT-GENERAL SIR JOHN FRANCIS CRADOCK, &c., &c.

Whereas by a Proclamation dated 22nd May last, it was judged expedient to revise and amend the Tariff of Stamp Duties at present in use in this Settlement ; and whereas it has been found by experience, that in Article 9, Letter S, the Licence for keeping a Retail Shop has pressed severely upon certain poor Persons dealing in small quantities for the consumption of the poorer Inhabitants, in the following enumerated Articles, viz : Fruit, Vegetables, Milk, Butter, Soap, Eggs, Firewood, Candles, Comfits, and Tablets ; as also Coffee, Sugar, Tea, Rice, and Tobacco,—the five latter Articles in quantities not exceeding $\frac{1}{4}$ lb. in weight :

I therefore hereby order and direct, that the Tariff of Stamp Duties is hereby so far changed, that in future a Stamp of 5 Rds. shall be charged to Persons confining their dealings to those enumerated Articles to that extent ; such Persons to be liable to all pains and penalties inflicted by the Law of 22nd December, 1807, provided they deal in Articles not in such Licence enumerated, or to greater extent.

And whereas it appears just and equitable, that Persons keeping Retail Shops at Simon's Town, the Drostdies of Stellenbosch, Swellendam, Graaff-Reinet, Uitenhage, Tulbagh, George, and the Village of the Paarl, should be taxed equally with the Inhabitants of Cape Town : It is hereby enacted and ordained, that all Persons dealing in Retail in each of those respective Places, shall take out, on or before the 15th of March next, a Licence for such dealings, on a stamp of 20 Rds. in like manner as in Cape Town, and subject to the same penalties on neglect or failure.

Given under my Hand and Seal, at the Cape of Good Hope, this 24th day of December, 1812.

(Signed) J. F. CRADOCK.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY LIEUTENANT-GENERAL SIR JOHN FRANCIS CRADOCK, &c., &c.

Whereas it has been found by experience, that the confinement of Slaves, at the discretion of Masters and Mistresses, for domestic offences, without the intervention of the Sentence of a Court of Justice, the decision of the Fiscal, Landdrost, or other competent Authority, tends to corruption of their manners, and is productive of other evil effects :

Now be it hereby known, that all Public Authorities having the Superintendance of any Place of Confinement under their control and management, are directed not to permit to be detained for more than one month, any Slave or Slaves, unless there be charges of a Criminal nature offered against such Slave or Slaves, and a prosecution commenced by some proper and competent Authority.

And be it further enacted, that when, by the Sentence of the Court of Justice, Commission of Circuit, or other competent Authority, any Slave or Slaves shall be directed to be sold for

improper or cruel treatment on the part of their Master or Masters, or Mistress or Mistresses, that then, and in such case, a duty of 10 per Cent. net, over and above all other charges and deductions, shall be reserved and levied by the Vendue Master, or other Officer to whom such sale or sales are entrusted, out of the amount of such sale or sales, and be paid with the other Duties, under the usual Authorizations, to the Receiver General of His Majesty's Revenues.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, at the Cape of Good Hope, this 1st day of January, 1813.

(Signed) J. F. CRADOCK.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Government Advertisement.

His Excellency the Governor and Commander in Chief, in consideration of the long and severe Duties the Commandos employed against the Caffres have undergone, and of their highly meritorious conduct, is pleased, notwithstanding the many extraordinary and heavy expences to which the Colonial Government has otherwise been subject, on account of this Service, to remit to the Individuals and their Drostdies, the sum of 20,659 Rds. already paid to the Resident Commissaries of His Majesty's Forces at Uitenhage and Graaff-Reinet, for sundry Articles of Provisions issued to the Commandos on their accounts, to the 24th June, 1812.

And His Excellency is further pleased, to extend the same indulgence to the Individuals, that may have incurred a similar charge in the current accounts with the Resident Commissaries to the 24th December last.

But His Excellency by thus distinguishing Commandos at so heavy a charge to the Colonial Government, who have done so

much honour to their Country, does not intend to establish a new principle, so that it should be drawn into a precedent, so remote from the established usage, provided it may be necessary to call forth new Commandos, but designs it as a special mark of his and their Sovereign's approbation of Services actually performed.

Castle of Good Hope, 1st January, 1813.

By Command of His Excellency the Governor,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY LIEUTENANT-GENERAL SIR JOHN FRANCIS CRADOCK, &c., &c.

Whereas it appears, that one Skilling per Ton is levied indiscriminately upon all Merchant Vessels putting into the Ports of this Colony, by which Regulation those that arrive through Distress, or with a view to obtain Refreshments, are equally charged with Vessels that land Investments, or load and deliver Cargoes :

And whereas it appears but reasonable, that some distinction should be made, it is hereby ordered and directed, that in future a Port Due of two Skillings per Ton shall be levied upon all Ships or Vessels coming into any of the Bays or Harbours of this Settlement, for the purpose of Trade ; but only one Skilling per Ton (as heretofore) upon all such Vessels as are obliged to touch here on account of Distress or for Refreshment.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, in the Castle of Good Hope, this 15th day of January, 1813.

(Signed) J. F. CRADOCK.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY LIEUTENANT-GENERAL SIR
JOHN FRANCIS CRADOCK, &c., &c.*

Whereas by the Laws now in force, there is no limited time for the duration of the Imprisonment of any Person or Persons, against whom an Execution for Debt, Process of Court, or Precept or Warrant of any Court or competent Authority, in the nature of an Execution for the levying of any fine or fines, penalty or penalties, is issued for the non-payment of such debt and costs, or such fine or penalty, as such Debtor or Debtors, Offender or Offenders, are ordered and commanded to pay ; but such Debtor or Debtors, Offender or Offenders, are thereby committed to Prison, until such time as they can pay or satisfy such debt, fine or penalty, so that it may happen a Person may be confined many months for a small sum of money.

Now be it hereby declared, ordained, and enacted, that no Person or Persons whatsoever shall be confined for any debt, fine, penalty, or contempt of Court or other Authority, not exceeding the sum of Twenty Rixdollars, more than one month ; and every Magistrate, Fiscal, Deputy Fiscal, Landdrost or Deputy Landdrost, or others having the care, custody, or superintendence of any Prison or Place of Confinement, is hereby ordered and directed to discharge from such Prison or Place of Confinement, at the end of such month, such Person or Persons, without demanding or receiving any Fees or other Expences than that of their Diet, at the rate of 10 Stivers for each day.

And whereas it has occurred, that a Debtor or Debtors have been confined for a long and indefinite period of time for small Debts not exceeding 50 Rds. be it enacted and ordained, and it is hereby enacted and ordained, that no Person shall be detained in Prison for more than six Calendar Months, for any original Debt not exceeding 50 Rds. exclusive of all costs of suit ; and the Fiscal, Deputy Fiscals, Landdrosts, Deputy Landdrosts, and all others having the care and superintendence of Jails, Prisons, or Places of Confinement, are hereby directed and commanded to liberate all and every Person or Persons so confined, at the expiration of the six Calendar Months, as aforesaid, and all and every Person is forbidden again to arrest for such Debt afore-

said, any Person or Persons so liberated ; but nothing herein shall be construed to discharge such Debt or Debts, or to deprive the Creditor or Creditors of any and every other remedy against the Goods, Lands, or Property of such Debtor or Debtors, which now exists by Law.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, at the Cape of Good Hope, this 5th day of February, 1813.

(Signed) J. F. CRADOCK.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY LIEUTENANT-GENERAL SIR JOHN FRANCIS CRADOCK, &c., &c.

Whereas I have taken into consideration the great inconvenience sustained by the Inhabitants of this Town for want of Water, and considering the great advantages to the health of all Classes of Inhabitants and Burghers, and the great saving of Labour that must accrue from Water being conveyed to the Door, as it were, of every Inhabitant and Burgher,—I have determined, with the sanction and express approbation of His Majesty's Ministers, to carry into effect this great and beneficial measure of supplying every part of the Town with Water.

Now be it hereby notified and proclaimed to all whom it may concern, that I, by this Proclamation, have and do authorise the Burgher Senate to impose, raise, and levy, by the usual modes of Collection, or such other mode as they may find it necessary to adopt with my approbation, whatever additional Sum or Sums of Money, as may be requisite or necessary to the purpose of carrying into effect this important measure.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, in the Castle of Good Hope,
this 5th day of February, 1813.

(Signed) J. F. CRADOCK.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Government Advertisement.

Whereas His Excellency is most anxious to secure a just subsistence to the Inhabitants and Burghers of this Colony, and to guard against the consequences of such speculations in Individuals, or combinations, as may tend to acquire such a Monopoly of the Produce of Corn, Wheat, or Flour, which might excite and create alarm, and produce by such panic an artificial scarcity.

His Excellency determined to counteract all combinations and attempts to acquire a controlling influence over the Grain Market, by Individuals or combinations of Men, and anxious, in order so to do, to keep himself informed of all Grain sold and purchased, has directed the Collector of Tythes, and the Clerk of the Market to report the quantity of Grain brought into Cape Town, by whom sold, and to whom, and the price at which it was sold; and when delivered to Individuals from their own Farms, or by Private Contract unknown to the Driver, that then, in such case, the quantity so introduced, the name of the parties sending, and to whom delivered, shall be reported to the Fiscal for His Excellency's information, if it be necessary to make further enquiries.

And whereas such combinations or attempts at a monopolizing collection of Wheat, Corn, or Flour, may be attempted in the Country Districts, notice is hereby given to all Parties having Grain in their possession, acquired by purchase, and not being the produce of their Farm, to report to their respective Landdrosts, or Deputy Landdrosts, any quantity they may so purchase or possess not being the produce of their Farm, when the quantity so purchased exceeds 25 Muids; and such notice

shall contain the name of the Person from whom such Wheat, Corn, or Flour was purchased, and the price which was paid, and the quantity purchased : and all Landdrosts, Deputy Landdrosts, and other Magistrates, are called upon to be most vigilant ; and other Individuals are called upon, in a matter so essentially connected with the common interests, to give to the respective Magistrates notice of any attempts to contravene, elude, or evade this Advertisement, that the Offenders may be dealt with according to Law.

Castle of Good Hope, 5th February, 1813.

By Command of His Excellency the Governor,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Government Advertisement.

His Excellency the Governor conceives it to be necessary to make known his sentiments upon the general acquirement of the English Language, that the earliest attention may be paid to this essential Study by Parents and all Persons concerned in the Education of the Youth of this Colony.

His Excellency daily finds, that not only the dispatch of all Business in the Public Offices suffers through the want of able Translators, but he equally feels, and it must be universally acknowledged, that the medium of Translation, so contrary to the spirit and effect of Government, can afford but a very imperfect and limited communication in all Transactions.

His Excellency therefore, however he may still yield to the force of superior merit and qualifications in some respected cases of the present day, will consider himself obliged in all future appointments, among the rising generation who have had the opportunity of attainment, to make the possession of the English Language an indispensable condition.

His Excellency well knows, that the thanks of those young Persons will soon be due to him, when they shall find the advantage of this ordination, not only in its immediate benefits

in the transaction of the various Business connected with Government within this Colony, but in not leaving them confined to the Boundaries of the Cape of Good Hope, as it will enable them to enlarge the sphere of their talents and activity, and pursue one common course with all His Majesty's Subjects throughout his Dominions.

Castle of Good Hope, 19th February, 1813.

By Command of His Excellency the Governor,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY LIEUTENANT-GENERAL SIR JOHN FRANCIS CRADOCK, &c., &c.

Whereas it is most just, that every Person or Persons, as far as practicable, should contribute equally to the burthens public necessity imposes ; and whereas it has been represented to me by the Landdrosts and other most respectable Persons, that such of the Burghers and Inhabitants who reside upon and hold places near the Great Public Roads, are obliged to furnish Waggons and Horses to Persons employed upon the Public Service, and hitherto without compensation : Now be it hereby enacted and declared, that all and every Person furnishing Horses and Waggons to Persons authorised to demand them, shall be entitled to see the original Order, signed by the Colonial Secretary, and shall also be entitled to require a Copy of such Order, signed by the Party to whom he furnishes such Waggon or Horses, or other accommodation thereby directed, certifying the Order has been obeyed ; and it is hereby declared and enacted, that the Landdrosts and Heemraden shall, at their annual making up of the Opgaaf and levying of District Taxes, pay such Person or Persons producing such Copies of such Orders, and such Certificates that they have been obeyed, a fair and reasonable compensation, and collect the amount of such payments from the Inhabitants of the District at large, in addition to the other Taxes.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, in the Castle of Good Hope, this 12th day of March, 1813.

(Signed) J. F. CRADOCK.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY LIEUTENANT-GENERAL SIR JOHN FRANCIS CRADOCK, &c., &c.

Whereas a Proclamation bearing date the 12th instant, was issued, for regulating the practice of confining Persons accused of Crimes and Misdemeanours, and for the conduct of Witnesses, and sundry other things appertaining to the due Administration of Justice ; and whereas in the said Proclamation it was declared, that its Provisions and Enactments extended through all the Country Districts, the Cape and that of Stellenbosch excepted ; and whereas it appears advantageous that the said Cape District and that of Stellenbosch should not be excepted, it is hereby declared, that so much of said Proclamation as excepts the Cape District and that of Stellenbosch, is hereby annulled and repealed.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, in the Castle of Good Hope, this 19th day of March, 1813.

(Signed) J. F. CRADOCK.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Government Advertisement.

Whereas from certain discoveries made, there exists great reason to believe, that the benevolent purposes of the British Legislature have been defeated and evaded by the fraudulent importation of Slaves into this Colony from the Isles of France and Bourbon, this is to call upon all Parties who may have been brought from those Islands since the time prescribed by an Act passed in the 47th year of His Majesty's reign, being the year 1807, for the Abolition of the Slave Trade, to go to the respective Magistrates nearest their residences, and to declare the same : and this is to call upon all other Persons knowing of such transactions, to give the necessary information to protect the unfortunate : and this is further to give notice to all Persons having, retaining, or dealing with such Persons as Slaves, that no mitigation of penalties will be admitted of, on the plea of ignorance of the existing Laws after this Advertisement, if they are detected in retaining and treating such Persons as Slaves. But it is to be clearly understood, that it is not to be inferred from those expressions, any relaxations will take place in the penalties, unless it shall be proved, to His Excellency's satisfaction, that the Parties at the time of the offence were actually ignorant of the Law, as far as such a circumstance admits of proof.

And in order to give the fullest publicity to this Advertisement, the respective Wardmasters of this Town are hereby directed to appoint and assemble one Slave from every house in the respective Wards, and each Fieldcornet in the several Country Divisions, one Slave from each house in such Division, and to explain or cause to be explained to such Slaves so assembled, the full meaning of this Advertisement.

Castle of Good Hope, 26th March, 1813.

By Command of His Excellency the Governor,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY LIEUTENANT-GENERAL SIR
JOHN FRANCIS CRADOCK, &c. &c.*

Whereas it has been represented to me, that it is very inconvenient to the Inhabitants residing in that part of the Swellendam District lately separated from Stellenbosch, to proceed to the Drostdy of Swellendam, in order there to appear before the Matrimonial Court to have their Marriages registered.

And in order as much as in my power to meet with the wishes of the good Inhabitants of this Colony, I have thought proper to constitute a Matrimonial Court, to assemble in the usual manner, and on the usual days, at the Residence of the Deputy Landdrost at the Zwarteberg, where all Inhabitants residing in that part of the Swellendam District above alluded to, shall be at liberty to have their Marriages registered as customary, and such registry will be valid to all intents and purposes.

And I have further thought proper to appoint the Deputy Landdrost at the Zwarteberg, Vice-President, the two Heemraden there, Members, and Mr. J. C. Bergman Assistant Secretary of the Matrimonial Court.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, in the Castle of Good Hope, this 21st day of May, 1813.

(Signed) J. F. CRADOCK.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY LIEUTENANT-GENERAL SIR JOHN FRANCIS CRADOCK, &c. &c.

Whereas it has been found the present Regulations in force are not adequate and sufficient to secure the decent and respectful observance of the Sabbath Day : it is hereby commanded and enacted, that all Shops (those of Apothecaries, Bakers, and Butchers excepted) shall be shut up, and all trading and trafficking in any Goods, Wares, or Merchandize, or Retail, shall cease during Divine Service in the English and Dutch Churches ; and also all Public Billiard Rooms shall be shut up during the whole of Sunday : and to enforce and secure a due obedience to this Law, be it enacted, that any Person or Persons (Apothecaries, Bakers, and Butchers excepted) convicted in keeping open his Shop, buying or selling, or retailing therein, during Divine Service, shall be, and is hereby made liable to a penalty of One Hundred Rixdollars, or one month's imprisonment ; the one moiety to go to the Informer, and the other half to be equally divided between the Officer prosecuting and the School Fund ; and that every Keeper of a Public Billiard Table, where Persons are found or detected playing during the Sunday, shall be liable to a penalty of One Hundred Rixdollars, or two months' imprisonment ; and every Person or Persons playing shall also be liable to a penalty of One Hundred Rixdollars, or one month's imprisonment, to be sued for and recovered in the ordinary course of Law ; one moiety of such penalty to go to the Informer, the other moiety to the Officer prosecuting and the School Fund, in equal shares.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, at the Cape of Good Hope, this 21st day of May, 1813.

(Signed) J. F. CRADOCK.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Government Advertisement.

Notice is hereby given, that His Excellency the Governor and Commander in Chief will, in the course of the ensuing month, direct a Personal Examination of all such Prize Apprentices, by the Magistrates and Clergy nearest to the place of their residence; and a report to be made to him, whether by such Examination the respective Masters or Mistresses, to whom such Prize Negroes have been apprenticed, have duly and faithfully fulfilled the Conditions upon which they received such Apprentices; and particularly, whether the said Apprentices appear to have made that progress in the Principles of the Christian Religion, and in the English or Dutch Languages, that might reasonably be expected,—with an intention, where such Conditions of the Contract have not been satisfactorily performed, to direct such Apprentices may be put under other Masters or Mistresses.

Castle of Good Hope, 21st May, 1813.

By Command of His Excellency the Governor,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Government Advertisement.

The two great pursuits that seem universally on the present day to occupy the attention of that portion of the civilized world which is not actually engaged in war, or involved in its mournful consequences, are the more extensive circulation of the Holy Scriptures, and the solid establishment of such a System of Education as will enable the People to reach and behold the Divine Light contained in those sacred Writings.

All that will inspire benevolence, charity, and peace among men,—all that will promote good order in society,—all that will make the faithful Subject, as well as the useful and amiable Individual;—in fine, all that will crush vice, and rear up virtue,

—that will secure happiness in this life, and afford the best hope of Heaven in the world to come, is to be found therein.

Therefore the good, the wise, and philanthropic part of mankind have now devoted themselves to the plain and practical consideration of such measures as will secure the great effect in view—the Study of the Scriptures.

“ Education alone can accomplish it.”

Unless then a due proportion of Education, by the operation and authority of Government, prevail in a Country throughout all classes of its inhabitants, every reflecting man will deem it vain and a waste of good intention and generous spirit, to expect that the unconnected distribution of the Bible can produce that expanded knowledge of Sacred Truth, which, in the comprehensive and undistinguishing view of humanity, should be the lot of all.

An appeal is therefore now made to the whole Inhabitants of this great Colony, to establish a System of Education that will give the required understanding of the Scriptures, and at the same time lay the foundations, among the humbler ranks, of civilised, moral, and industrious life.

Were any incitement wanting but that of the benevolent and patriotic spirit inherent in the Settlement, observation may be directed to the words and acts of all the good and great in Europe, displayed in every recent Publication ; and it will be seen, that the highest and most illustrious names have led the way, and that even the whole splendor and influence of Royalty, throughout all its branches, is united in this sublime work.

It had been in the contemplation of this Government to direct a general Taxation through the several Districts, commensurate with the expences (however fluctuating) of School Education within the Province ; and nothing, if through necessity it be resorted to, can be more just and equal, than the operation of this assessment. But rather let it be now assumed with confidence, that a cold and calculating measure of this nature will not satisfy the impatient ardor of the Public, and that the whole Body of the Community, according to their ability, will anxiously press forward to create a common and extensive Fund, which will alike secure the incessant distribution of the Scriptures, and the uniform progress of Education.

The School Commission, to whom the Government and the Public are so much indebted for their zealous and enlightened labours, will be earnestly solicited, not only to continue but enlarge their sphere of superintendence and action ; and with assurance it is admitted, that as the means to do good and promote the best interests of the Colony will be increased and placed under their guard, they in proportion will overlook the additional trouble imposed upon them, and gladly enter upon a further task that promises so heartfelt a reward.

The Governor will in future be styled "The Patron of the Bible and School Commission," the designation hereafter of the Establishment, that he may invariably give the whole weight of Government to the progress of the Institution, and the aid and support of its Finance.

The Colonial Secretary will also be added to the Bible and School Commission, that the most direct means may be pursued to advance and accelerate its operations.

The Military Chaplain and the Minister of Simon's Town will be appointed regular Members ; and the Clergymen of the Country Districts, being already Honorary Members, are expected upon their visits to Cape Town, to more fully impart to the Bible and School Commission the circumstances of their respective Parishes, and communicate whatever, in their opinion, is likely to aid the special object in view.

The expenditure of the Fund in agitation will be laid before the Public in the Gazette, at the expiration of every six months, and a detailed account given of the Bibles distributed in each required Language, and of every other measure adopted to widely extend "Religious Education."

The respective Contributions, with the aggregate Sum, will also appear in each succeeding Paper.

They will be received by the Deputy Colonial Secretary, Receiver General, Directors of the Bank, Secretaries to the Orphan Chamber and School Commission, Deputy Fiscal at Simon's Town, and all Landdrosts, Deputy Landdrosts, and Clergymen in the Country Districts, and deposited in the Discount Bank.

Every well-wisher to this Colony, in the just pride to place it upon the foundation and in the rank it may so well aspire to ; every friend to the human race has now the opportunity to sub-

stantiate his sentiments, and by positive act, shew that gratitude to the protecting Deity, so much called for, if he duly reflects upon the peace and security, the ease and comfort this Settlement enjoys beyond the lot, perhaps, of any other portion of the Globe.

Castle of Good Hope, 1st July, 1813.

By Command of His Excellency the Governor,

(Signed) H. ALEXANDER, Secretary.

* * * The smallest Contributions will be esteemed proofs of the same Religious and Patriotic spirit as the highest Donations.

[Copy.]

Proclamation for a General Fast by HIS EXCELLENCY LIEUTENANT-GENERAL SIR JOHN FRANCIS CRADOCK, &c., &c.

A General Fast having been appointed throughout the United Kingdom, by His Royal Highness the Prince Regent, in the name and on behalf of His Majesty, and by and with the advice of His Majesty's Privy Council, it is hereby commanded, that a Public Day of Fasting and Humiliation be observed throughout this Colony, on Wednesday the first day of September next ensuing: to the intent that we, His Majesty's People, may humble ourselves before Almighty God, to obtain remission of our Sins; and in the most devout and solemn manner offer up our common Prayers for averting those Judgments which our manifold provocations have most justly deserved; and also, to beseech the Divine Aid and Blessing towards the success of His Majesty's Arms, both by Sea and Land, with those of His Allies, and for the restoration of Peace and Prosperity to His Majesty's and their Dominions.

Given under my Hand and Seal, at the Cape of Good Hope, this 6th day of August, 1813.

(Signed) J. F. CRADOCK.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY LIEUTENANT-GENERAL SIR JOHN FRANCIS CRADOCK, &c., &c.

Whereas by a Proclamation bearing date 8th of January, 1813, it was declared and enacted, that at the expiration of six months from and after the issuing of the said Proclamation, a Duty of three per Cent. should be levied on all Goods, Wares, and Merchandize, of the growth, produce, or manufacture of Great Britain or Ireland, which shall be imported into this Settlement or its Dependencies, from any part of His Majesty's Dominions, in British-built Vessels, owned and navigated according to Law, without any abatement or deduction whatsoever, except of so much as the Duties, payable on the importation thereof, shall amount to.

And whereas the said term of six months expired on the 8th July last, I do hereby, in pursuance of the said Notice, and by virtue of the Powers and Authority in me vested, direct, order, and command, that the said Duty of three per Cent. shall be collected and received upon all the Goods, Wares, and Merchandize, imported on and from the said 8th of July; and also direct, they shall be rated and valued at, and pay Duty according to, the annexed Schedule, or Book of Rates and Valuations.

	<i>Rds. Sk.</i>
Ale and Beer, per Hogshead	50 0
Ditto, in Bottles, per Dozen	4 0
Anchors, per Cwt.	10 0
Anvils, per ditto	12 0
Alum, per ditto	10 0
Anchovies (see Oilman's Stores).	
Beads, per lb.	0 2
Books, ad valorem.	
Bricks, per thousand	20 0
Brimstone, per Cwt.	10 0
Brass Ware, ad valorem.	
Brooms (see Turnery).	
Boots, per Pair	14 0
Canvas, British, broad, per Bolt	35 0
Cordage, per Cwt.	30 0

	<i>Rds. sh.</i>
Candles, Wax, per Cwt.	75 0
„ Spermacæti, per ditto	60 0
„ Tallow, per ditto	20 0
Chalk, per ditto	5 0
Cordials, per dozen	12 0
Carriages, Gigs, each	400 0
„ Curricles	800 0
„ Phaetons	1000 0
„ Chariots	1000 0
Clocks, each	75 0
Coals, per Chaldron	45 0
„ per cwt.	20 0
Corks, per Gross	1 0
Carpeting, English, per yard	2 0
„ Scotch	1 0
„ Turkish, imitation	6 0
Cards, Playing, per dozen Packs	12 0
Chocolate, per Cwt.	50 0
Copper, Sheet, per ditto.	75 0
„ Nails, per thousand	75 0
„ Wrought, ad valorem.	
Copperas, per Cwt.	10 0
Cabinet Ware, ad valorem.	
Cutlery, ditto.	
Confectionery, ditto.	
Cotton, manufactured, ditto.	
Cards, Wool, per dozen Pair	10 0
Drugs, ad valorem.	
Earthenware, ditto.	
Fishing Nets, per Fathom	0 4
Fish, Stock, per Cwt.	10 0
Flints, per thousand	10 0
Fowling Pieces, each	100 0
Furniture, ad valorem.	
Gall Nuts, per Cwt.	25 0
Glue, per ditto	12 0
Glass, Window, per 100 square feet	15 0
Glass Ware, ad valorem.	
Gunpowder, per Cwt.	75 0
Garden Seeds, free.	
Gloves (see Haberdashery).	
Grocery, ad valorem.	
Grindstones, each	10 0

	<i>Rds. sk</i>
Hemp, manufactured, imitation Ducks and Linen, ad valorem	..
Hair Powder, per Cwt.	50 0
Horse Hair, ditto	50 0
Harness (see Saddlery).	
Hops, per Cwt.	75 0
Hides, tanned, per Cwt.	50 0
Hats, fine Beaver, each	10 0
„ Plated	5 0
„ Coarse	3 0
„ Felt, or Negro	1 0
„ Straw	3 0
Handspikes, per dozen	12 0
Haberdashery, viz. :—Threads, Tapes, Ribbons, Gloves, &c. ad valorem.	
Iron, in Bars, British, per Ton	120 0
„ Hoops	160 0
„ Pig	50 0
„ Spades, per doz.	12 0
„ Shovels	10 0
„ Sickles	3 0
„ Smiths' Vices, per Cwt.	15 0
Isinglass, per Cwt.	500 0
Ironmongery, ad valorem.	
Jewellery, ditto.	
Junk, per cwt.	8 0
Linen and Flax, manufactured, ad valorem.	
Lead, Sheet, per Ton	200 0
„ Pig	150 0
„ Shot, per Cwt.	20 0
Leather, manufactured Morocco Skins., each.	3 4
„ Calf Skins, }	3 0
„ Kid ditto, }	3 0
Looking Glasses, ad valorem.	
Medicines (see Drugs).	
Musical and Mathematical Instruments, ad valorem.	
Mill Stones, each	100 0
Millinery, ad valorem.	
Molasses, per cwt.	6 0
Nails, per Cwt.	12 0
Oilman's Stores (see Provisions).	
Oakum, per Cwt.	20 0
Oil, Linseed, per Gallon	2 0

	<i>Rds. sh.</i>
Oil, Rape	2 2
„ Salad, per dozen Bottles	18 0
„ Turpentine, per Gallon	3 0
Oilcloth, per Piece	10 0
Ochre, red and yellow, per Cwt.	5 0
Oatmeal (see Provisions).	
Paints and Colours, dry, per Cwt.	10 0
„ „ ground in Oils	20 0
Paintings, Drawings, and Pictures, each, ad valorem.	
Pitch, British, per Barrel	15 0
Paper Hanging, English, per Roll	2 0
Plate, Silver, per Ounce	2 0
Plated Ware, ad valorem.	
Pewter Ware, ad valorem.	
Pickles (see Oilman's Stores),	
Prunes (see Grocery).	
Provisions, British Beef, per Tierce	20 0
„ ditto Pork, per ditto	25 0
„ Tongues, per dozen	25 0
„ Hams, per Cwt.	50 0
„ Bacon	40 0
„ British Cheese, per Cwt.	50 0
„ Pearl Barley	25 0
„ Oatmeal	12 0
„ dried, cured, and pickled Fish, per Cwt.	10 0
Perfumery, ad valorem.	
Quicksilver, ad valorem.	
Rosin, per Cwt.	10 0
Steel, in Bars, per Cwt.	40 0
Stationery, ad valorem.	
Saddlery, ditto.	
Snuff, per Cwt.	50 0
Soap, ditto	15 0
Starch, ditto	50 0
Sugar, refined, ditto	50 0
„ brown, ditto	7 0
„ white, ditto	12 0
Silks, manufactured, ad valorem.	
Shoes, common, per dozen	12 0
„ fine or dress	36 0
„ Ladies', ditto	36 0
„ Children's	6 0
Staves, Pipe, per thousand	250 0

	<i>Rds. sk.</i>
Staves, Leaguer, British	300 0
„ Stukvat	1000 0
Other Staves, in proportion to the above.	
Spars, ad valorem.	
Sponges, per Cwt. ad valorem .	
Shrub, per Gallon	2 0
Tar, British, per Barrel	
Turnery, ad valorem.	20 0
Toys, ad valorem.	
Telescopes (see Mathematical Instruments).	
Tin, per Box of 200 Sheets	15 0
„ Pig, per Cwt.	15 0
Tobacco, manufactured, per Cwt.	25 5
Tobacco Pipes, per gross	5 0
Tallow, per Cwt.	15 0
Twine (see Hemp manufactured).	
Tiles, small, per thousand	250 0
„ large, ditto	550 0
Upholstery, ad valorem.	
Varnish, per Gallon	
Vinegar, per ditto	2 0
„	1 0
Wax, Bees', per Cwt	50 0
Wine, English Claret, per dozen	13 0
„ „ Perry, per Hogshead	75 0
„ „ „ per dozen	6 0
„ „ Cyder, per Hogshead	50 0
„ „ „ per dozen	6 0
Watch Glasses, per gross	10 0
Watches (see Jewellery).	
Woollens, manufactured, ad valorem.	
Yarn, Cotton, per pound	0 2

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, in the Castle of Good Hope, this 13th day of August, 1813.

(Signed) J. F. CRADOCK.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY LIEUTENANT-GENERAL SIR JOHN FRANCIS CRADOCK, &c., &c.

Whereas it may be necessary to do away any doubts that may have been entertained or existed, as to the power of the Commission of Circuit enforcing the attendance of Witnesses from any part of the Colony by compulsory process, it is hereby declared and enacted, that the Law is, has been, and for the future shall continue to be, that all and every Person legally summoned to attend as a Witness, shall be bound to appear, and if he be guilty of contempt or neglect in not attending, he shall be punished in the same manner as persons neglecting or omitting the process of the Full Court are liable to be punished or compelled to attend, to give such evidence as may be necessary for the furtherance of Justice.

And whereas it is necessary for the due execution of Justice, and in order to prevent Witnesses absenting themselves under frivolous pretences, but of difficult detection, that in all Civil Cases, where Witnesses are summoned to attend, for the benefit of private parties interested in matters of character or property, a fair and just amount of their travelling expences, at the taxation and moderation of the Commission of Circuit, shall be tendered to them by the person summoning or calling upon such Witnesses, and that all applications to the Court against such Witnesses for non-attendance shall be supported by a deposition and oath of the party serving such notice, or demanding such attendance, that he had tendered travelling expences at the taxation and moderation as aforesaid.

And whereas Witnesses are exposed to be called from their homes and the superintendance of their lawful affairs, by frivolous and vexatious applications, be it hereby further enacted and declared, that in all Criminal Cases wherein it shall to the Commission appear meet and fit, Witnesses so summoned shall be reimbursed at the expence of the parties who have caused them to be thus summoned, trusting that the Court will see, before any sum be awarded, that the prosecution was frivolous, vexatious, and above all, without probable cause ; or, that even if there was ground for a prosecution that the

testimony of such Witnesses was irrelevant and immaterial, and different from what had been stated to the R. O. Prosecutor.

And be it also further declared and enacted, that in all cases where the poverty of the parties disables them from the means of repaying the expences of Witnesses in criminal prosecution, that then and in such case the Commission may direct their travelling expences to be paid by the District Treasury, at a fair and just rate, and that the parties who have caused them to be summoned without probable cause, in such cases of poverty, shall be liable to an imprisonment not exceeding two months, at the discretion of the Commission.

And be it further declared and enacted, to guard against the evils arising sometimes from a negligent and careless conveyance of Prisoners, by which they either effect their escape, or are wounded, and have been occasionally and unhappily killed (always enjoining, that every humane, though firm measure be employed, before the guard proceed to such extremity), in attempting to effect such an escape, be it enacted and declared, that all and every person having the custody or superintendance of the conveyance of any Prisoner or Prisoners, shall be allowed a fair and adequate compensation for the conveyance of such Prisoners, as far as they are safely conveyed and carried, at a rate not exceeding two Skillings per hour, when sanctioned and approved by the Commission of Circuit, to be paid rateably by the different Districts or District through which they have been conveyed, by the Treasury of each District, provided they arrive in safety at the place of their destination, to be afterwards reimbursed to such Districts out of the Treasury of the District to which the Prisoner belongs, and at the prosecution of whose Landdrost he is to be tried.

And be it enacted, that whoever permits such Prisoner or Prisoners to escape, shall be liable to pay to all those who have conveyed them safely, such sums of money or expences as they would have been entitled to, provided the Prisoner or Prisoners had been safely conveyed to the Drostdy Prison, and to such arbitrary fine or punishment for their negligence, or wilful permission to the Prisoner or Prisoners to escape, as the Commission of Circuit may inflict; it being hereby declared, that each party is answerable, as far as the expence of proper con-

veyance, for the conduct of his Servants, Slaves, or others, to whom the custody of the Prisoner or Prisoners is entrusted.

And be it further declared and enacted, that nothing in this Proclamation, or any of the Proclamations creating or connected with the Commission of Circuit, shall interfere with, or prevent Parties prosecuted before said Commission of Circuit from seeking and recovering damages on account of such groundless and vexatious prosecutions against the Persons stirring up, exciting, promoting, and carrying on such prosecutions in like manner as if they had been conducted before the Full Court of Justice, and according to the Laws and Usages of this Colony.

And be it further enacted, that in all Civil Cases, where the parties agree to settle matters in dispute amicably before the District Clerk, and wish to have such settlement enforced by summary and speedy execution, that in all and every such case the District Clerk shall direct the parties to appear before the Secretary of the District, and in the presence of two Witnesses to declare and confirm by their signature the point or points they have agreed upon, with express submission to the sanction and condemnation of the next Commission into the mutual compliance with all and every point so settled; the deed of which settlement is by the District Clerk to be laid before the Commission of Circuit, in like manner as such agreements are laid before the Full Court of Justice in Cape Town, and when, after due examination, the agreement be approved of by the Commission of Circuit, this approval shall be enforced as a sentence of the Court, in like manner as awards of arbitration are enforced by a decree of the Full Court in Cape Town, and execution issued accordingly.

And whereas doubts may have arisen whether the Commission of Circuit have a concurrent Jurisdiction with the Landdrosts and Heemraden, and other inferior Jurisdictions, be it hereby declared and enacted, that they have possessed, and still possess, a concurrent authority, with a power to call for a List or Schedule of all Causes, Civil or Criminal, pending in the respective Drostdies, with a full power to evocate or assume the decision of any pending Cause, which to them shall appear proper.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, at the Cape of Good Hope,
this 3rd day of September, 1813.

(Signed) J. F. CRADOCK.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY LIEUTENANT-GENERAL SIR
JOHN FRANCIS CRADOCK, &c., &c.*

Whereas it was judged expedient to prohibit Vendue Masters, Secretaries of the Orphan and Insolvent Estates Chambers, also all other Public Officers presiding officially over any Public Sale, to make any purchase at the Sales they attend in their official capacities, and which prohibition was made public by the Proclamation of the 27th December, 1805, I have thought proper to renew the said Proclamation in all that spirit and honor due to its peculiar case (for "*misfortune*" is the most concerned), and therefore hereby order and command :

That from henceforth the Vendue Clerks or Auctioneers at any of the common Sales, or at such as are held by the Orphan Chamber, or by the Chamber for Regulating Insolvent Estates, or any other Sale held by Public Authority, shall not be allowed to bid for, much less to purchase, any Goods put up by them to sale, either directly or indirectly, either in the name or through the means of any other person, be it who it may, or in their own names, or in trust for themselves or their children, on pain of the bargain being void and the forfeiture of their situation, and a fine of three times the real value of the article so purchased, besides the offending party being declared "*infamous*" ever more.

That also the Vendue Masters, the Secretaries of the Orphan Chamber and Insolvent Estates Chamber included, and likewise other Public Officers presiding officially over any Public Sale, shall not themselves come forward at the Sale they attend in their official capacities to make any purchase, but shall be obliged, if they are so inclined, to give permission, without the knowledge of the Auctioneer, to any other person to purchase

for them, so that neither the Auctioneer nor the Public shall know at the time of sale that the articles are bidden for on behalf of the Vendue Master, Commissioner, &c. on pain of nullity, exposure to infamy, and arbitrary correction.

It is the imperious duty of all the above Public Officers to lend their utmost aid, that the Goods and Effects of the Parties interested be disposed of as advantageously as possible.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, at the Cape of Good Hope, this 3rd day of September, 1813.

(Signed) J. F. CRADOCK.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY LIEUTENANT-GENERAL SIR JOHN FRANCIS CRADOCK, &c., &c.

Whereas it has appeared to me, that the manner in which the Members of the Worshipful the Court of Justice must, agreeably to the 3rd Article of the Proclamation of the 16th May, 1811, be chosen for the annual Commissions for administering Justice in the Country Districts, is liable to material inconvenience; and whereas the Chief Justice and Members of the Court have proposed to me, that the Members should take that duty by turns, whereby it can at once be prescribed, without any choice, what Gentlemen shall successively constitute the Commission of Circuit hereafter: I have therefore, after taking the said proposal into consideration, judged proper to approve of, and sanction the same, and in consequence thereof I hereby repeal and annul the said 3rd Article above-mentioned, for so far as it relates to the appointment and choice of the Members for the respective Commissions of Circuit in future.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, in the Castle of Good Hope,
this 3rd day of September, 1813.

(Signed) J. F. CRADOCK.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY LIEUTENANT-GENERAL SIR
JOHN FRANCIS CRADOCK, &c., &c.*

Whereas the President and Members of the Burgher Senate have, in obedience to my Proclamation of the 5th of February last, taxed the several Inhabitants of the Cape Town District, towards defraying the expences attending the new Waterworks :

I hereby declare my approbation of the taxation in question, and authorise the President and Members aforesaid to collect in the customary manner the sums for which the several Inhabitants have been assessed by them.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, at the Cape of Good Hope,
this 3rd day of September, 1813.

(Signed) J. F. CRADOCK.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

*Proclamation by HIS EXCELLENCY LIEUTENANT-GENERAL SIR
JOHN FRANCIS CRADOCK, &c., &c.*

Whereas it has appeared to me, that the beneficial Regulations prescribed by the Government Advertisement of the 3rd January, 1812, to prevent the Exportation of Wines from this Colony in

bad Casks, are frequently attempted to be transgressed, so far even that the same Casks have been offered three successive times for examination to the proper Officer or Officers, notwithstanding they had already been rejected, agreeably to the 3rd and 4th Article of his Instructions: I have therefore judged proper, in order to prevent the prejudicial consequences which must result therefrom, to command and direct, as it is hereby ordered and directed accordingly, that in future no Casks which have been once disapproved of by the Wine Taster, or his Assistant, shall be made use of for the Exportation of Wine, neither sold or delivered to any other person for that purpose, nor offered a second time to the Wine Taster or his Assistant for examination, under a penalty of 500 Rds. for every Cask, over and above the confiscation of such Cask or Casks so rejected; and in case of inability to pay the penalty, the Offender shall be punished with six months' imprisonment.

And in order to prevent all misunderstanding or evasion of this Regulation, the Wine Taster, or his Assistant, shall mark legibly, or cause to be engraved, on each end of the Cask so rejected, the word "*condemned*," and thereby enable every person to guard against purchasing, or receiving the same for the Exportation of Wine; which mark shall not be expunged, altered, or concealed, under a penalty of 100 Rds. for each and every Cask on which such mark be so effaced, altered, or obscured, and to such other penalties as now by Law exist.

The Informer shall receive one-third of the above-mentioned penalties.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, in the Castle of Good Hope, this 24th day of September, 1813.

(Signed) J. F. CRADOCK.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY LIEUTENANT-GENERAL SIR
JOHN FRANCIS CRADOCK, &c., &c.

Whereas the publicity of all Judicial Proceedings has an essential and direct tendency to attain the object of a regular and impartial Administration of Justice ; and as it has consequently appeared to me to be highly expedient that such public manner of proceeding should be carried into effect in every part of this Colony, I have therefore judged proper to order and direct, as I hereby order and direct accordingly, that in future all Proceedings before the respective Boards of Landdrost and Heemraden of the Country Districts, the Cape District included, shall be carried on with *open doors*, in the same manner as prescribed by the Proclamation of the 16th May, 1811, for the Commissions of Circuit : And I further order and direct, that the said Boards do conform to the mode of Proceeding set forth in said Proclamation, for as far as the same may fall under the competency of the respective Boards.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, in the Castle of Good Hope, this 25th day of September, 1813.

(Signed) J. F. CRADOCK.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Government Advertisement.

Notice is hereby given, that with the view to extend the Wine Trade of this Colony to the utmost degree, and to remove every pretence that may be urged in excuse for the inferiority of the Wine, either for Home Consumption or Exportation, His Majesty's Government in England has commanded, that at the

expiration of the present period in August next, the Wine Licences shall cease, and never be revived.

While this ardent anxiety, on the part of His Majesty's Government, is evinced to establish on the surest foundations, the only hitherto tried or known Article of Exportation, upon which the Wealth and Commercial character of the Colony alone rest, it gives His Excellency the Governor the most serious concern to see that part of the Community concerned in the culture and sale of Wine, so utterly disregard their future interests for the sake of a little immediate profit ; for they may be assured, if they continue the extravagantly high prices which they demand at present for their Wines, the whole system of Exportation and Contract Supply to the Naval and Military Departments, will fall to the ground ; and once lost or trifled with, it may never be regained.

His Excellency the Governor feels himself obliged to recall to their recollection, that he took off the Duty upon Exportation, to enable them to appear in the Foreign Markets to greater advantage ; and forgetful of the fact or motive, the Wine Farmer or the Merchant does not consider the loss the Colonial Revenue has sustained, but has fixed an augmentation of Price to what the former Duty in comparison was an insignificant trifle, and for which the alleged scarcity of the article gives no real excuse.

Castle of Good Hope, 30th September, 1813.

By Command of His Excellency the Governor,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY LIEUTENANT-GENERAL SIR JOHN FRANCIS CRADOCK, &c. &c.

Whereas by Proclamation of the 13th August last, it was enacted, that the Duty of Three per Cent. directed to be levied on all Goods, Wares, and Merchandize, of the growth, produce, or manufacture of Great Britain and Ireland, which shall be imported into this Settlement or its Dependencies, from any

part of His Majesty's Dominions, in British-built Vessels, owned and navigated as by Law directed, should be rated and collected according to a Schedule or Book of Rates and Valuations inserted in the said Proclamation.

And whereas I have thought it necessary to make some alterations in the Schedule above alluded to, I hereby annul and repeal the same; and further order and direct, that the said Duty of Three per Cent. shall in future be levied according to the under-mentioned Tariff, and that an *ad valorem* Duty shall be paid on all such British Articles as are not therein enumerated.

	<i>Rds. Sk.</i>
Ale and Beer, per Hogshead	50 0
Ditto, in Bottles, per Dozen	4 0
Anchors, per Cwt.	10 0
Anvils, per ditto	12 0
Alum, per ditto	10 0
Anchovies (see Oilman's Stores).	
Beads, per lb.	0 2
Books, ad valorem.	
Bricks, per thousand	20 0
Brimstone, per Cwt.	10 0
Brass Ware, ad valorem.	
Brooms (see Turnery).	
Boots, per Pair	14 0
Canvas, British, broad, per Bolt	35 0
Cordage, per Cwt.	30 0
Candles, Wax, per Cwt.	75 0
,, Spermacæti, per ditto	60 0
,, Tallow, per ditto	20 0
Chalk, per ditto	5 0
Cordials, per dozen	12 0
Carriages, Gigs, each	400 0
,, Curricles	800 0
,, Phaetons	1000 0
,, Chariots	1000 0
Clocks, each	75 0
Coals, per Chaldron	45 0
Corks, per Gross	1 0
,, per cwt.	20 0
Carpeting, English, per yard	2 0
,, Scotch	1 0
,, Turkish, imitation	6 0

	<i>Rds. sk.</i>
Cards, Playing, per dozen Packs	12 0
Chocolate, per Cwt.	50 0
Copper, Sheet, per ditto.	75 0
,, Nails, per thousand	75 0
,, Wrought, ad valorem.	
Copperas, per Cwt.	10 0
Cabinet Ware, ad valorem.	
Cutlery, ditto.	
Confectionery, ditto.	
Cotton, manufactured, ditto.	
Cards, Wool, per dozen Pair	10 0
Drugs, ad valorem.	
Earthenware, ditto.	
Fishing Nets, per Fathom	0 4
Fish, Stock, per Cwt.	10 0
Flints, per thousand	10 0
Fowling Pieces, each	100 0
Furniture, ad valorem.	
Gall Nuts, per Cwt.	25 0
Glue, per ditto	12 0
Glass, Window, per 100 square feet	15 0
Glass Ware, ad valorem.	
Gunpowder, per Cwt.	75 0
Garden Seeds, free.	
Gloves (see Haberdashery).	
Grocery, ad valorem.	
Grindstones, each	10 0
Hemp, manufactured, imitation Ducks and Linen, ad valorem	
Hair Powder, per Cwt.	50 0
Horse Hair, ditto	50 0
Harness (see Saddlery).	
Hops, per Cwt.	75 0
Hides, tanned, per Cwt.	50 0
Hats, fine Beaver, each	10 0
,, Plated	5 0
,, Coarse	3 0
,, Felt, or Negro	1 0
,, Straw	3 0
Handspikes, per dozen	12 0
Haberdashery, viz. :—Threads, Tapes, Ribbons, Gloves, &c. ad valorem.	
Iron, in Bars, British, per Ton	120 0
,, Hoops	160 0

	<i>Rds. sk.</i>
Iron, Pig	50 0
„ Spades, per doz.	12 0
„ Shovels	10 0
„ Sickles	8 0
„ Smiths' Vices, per Cwt.	15 0
Isinglass, per Cwt.	500 0
Ironmongery, ad valorem.	
Jewellery, ditto.	
Junk, per cwt.	
Linen and Flax, manufactured, ad valorem.	
Lead, Sheet, per Ton	200 0
„ Pig	150 0
„ Shot, per Cwt.	20 0
Leather, manufactured Morocco Skins, each	3 4
„ Calf Skins	3 0
„ Kid ditto,	3 0
Looking Glasses, ad valorem.	
Medicines (see Drugs).	
Musical and Mathematical Instruments, ad valorem.	
Mill Stones, each	100 0
Millinery, ad valorem.	
Nails, per Cwt.	
Oilman's Stores (see Provisions).	
Oakum, per Cwt.	20 0
Oil, Linseed, per Gallon	2 0
„ Rape	2 2
„ Salad, per dozen Bottles	18 0
„ Turpentine, per Gallon	3 0
Oilcloth, per Piece	10 0
Ochre, red and yellow, per Cwt.	5 0
Oatmeal (see Provisions).	
Paints and Colours, dry, per Cwt.	10 0
„ „ ground in Oils	20 0
Paintings, Drawings, and Pictures, each, ad valorem.	
Pitch, British, per Barrel	15 0
Paper Hanging, English, per Roll	2 0
Plate, Silver, per Ounce	2 0
Plated Ware, ad valorem.	
Pewter Ware, ad valorem.	
Pickles (see Oilman's Stores).	
Prunes (see Grocery).	

	<i>Rds. sk.</i>
Provisions, British Beef, per Tierce	20 0
„ ditto Pork, per ditto	25 0
„ Tongues, per dozen	25 0
„ Hams, per Cwt.	50 0
„ Bacon	40 0
„ British Cheese, per Cwt.	50 0
„ Pearl Barley	25 0
„ Oatmeal	12 0
„ dried, cured, and pickled Fish, per Cwt.	10 0
Perfumery, ad valorem.	
Quicksilver, ad valorem.	
Rosin, per Cwt.	10 0
Steel, in Bars, per Cwt.	40 0
Stationery, ad valorem.	
Saddlery, ditto.	
Snuff, per Cwt.	50 0
Soap, ditto	15 0
Starch, ditto	50 0
Sugar, refined, ditto	50 0
Silks, manufactured, ad valorem.	
Shoes, common, per dozen	12 0
„ fine or dress	36 0
„ Ladies', ditto	36 0
„ Children's	6 0
Staves, Pipe, per thousand	250 0
„ Leaguer, British	300 0
„ Stukvat	1000 0
Other Staves, in proportion to the above.	
Spars, ad valorem.	
Sponges, per Cwt. ad valorem .	
Shrub, per Gallon	2 0
Tar, British, per Barrel	20 0
Turnery, ad valorem.	
Toys, ad valorem.	
Telescopes (see Mathematical Instruments).	
Tin, per Box of 200 Sheets	15 0
„ Pig, per Cwt.	15 0
Tobacco, manufactured, per Cwt.	21 0
Tobacco Pipes, per gross	5 0
Tallow, per Cwt.	15 0
Twine (see Hemp manufactured).	
Tiles, small, per thousand	250 0
„ large, ditto	550 0

Rds. sk.

Upholstery, ad valorem.

Varnish, per Gallon	2 0
Vinegar, per ditto	1 0
Wax, Bees', per Cwt.	50 0
Wine, Perry, per Hogshead	75 0
„ „ per dozen	6 0
„ Cyder, per Hogshead	50 0
„ „ per dozen	6 0
Watch Glasses, per gross	10 0
Watches (see Jewellery).	
Woollens, manufactured, ad valorem.	
Yarn, Cotton, per pound	0 2

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, at the Cape of Good Hope, this 1st day of October, 1813.

(Signed) J. F. CRADOCK.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY LIEUTENANT-GENERAL SIR JOHN FRANCIS CRADOCK, &c. &c.

Whereas it has been represented to me, that Executors of Wills very often take upon themselves, and enter into, the administration and possession of Estates, without the proper precautions prescribed by Law, and continue therein for a certain length of time, notwithstanding the notorious insolvency of such Estates ; and that, although the fundamental principles of Law, with respect to the entering upon, or repudiating of inheritances, and the consequences which result therefrom, should be sufficiently known : And although the 10th and 12th Articles of the Instructions for the Insolvent Estates

Chamber, prescribing what they have to do in that respect, the same however seem not to be sufficiently known or acted upon, it has appeared to me to be useful to make known, and declare by way of ampliation of the said Articles, and referring to the same, that Executors, as soon as ever they perceive an Estate to be Insolvent, should be obliged immediately to deliver the same over to the Chamber of Insolvency, and not to consider by so doing as discharged from their responsibility, but, on the contrary, remain accountable to the Creditors or other interested Persons, for all hereditary Acts executed by them, as well as for other damages or injuries which may be occasioned to the Estate by their administration or neglect; while also the Chamber of Insolvency, after taking over the administration, perceiving any such neglect or damage, is hereby qualified and obliged, for the interest of the joint Creditors, to act in such manner as the nature of the case and the prescriptions of the Laws require.

And whereas some doubts have arisen, whether what is prescribed by the 53rd Article of the Instructions for the Insolvent Estates Chamber against private Persons retaining in their possession Goods belonging to the Estates, specified in the 52nd Article of said Instructions, should also be extended *nominatim* to Insolvent Estates, I hereby further declare and make known, that what is prescribed therein is likewise applicable to all Insolvent Estates.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, at the Cape of Good Hope, this 15th day of October, 1813.

(Signed) J. F. CRADOCK.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Proclamation by HIS EXCELLENCY LIEUTENANT-GENERAL SIR
JOHN FRANCIS CRADOCK, &c. &c.

Whereas certain idle and disorderly Persons, and mischievously inclined Boys, have done great and many injuries to the Water Pipes now laying, and have otherwise materially impeded the supply of Water of this Town, by defacing and injuring the temporary Fountains and other works connected therewith: Be it hereby declared and enacted, that any free Person, whether an adult or otherwise, who shall be caught, detected and convicted in doing any injury to the said Waterworks, or any part thereof, shall, upon due proof thereof laid before His Majesty's Fiscal, be punished by a Fine of One Hundred Rixdollars, or imprisonment for a term not exceeding three months, subject to the cognizance and decision of Commissioners of the Court of Justice, of which a rehearing to the Full Court may be obtained, agreeably to the Proclamation of the 17th July, 1797, and the subsequent Proclamation of the 25th September, 1813; and shall moreover be condemned to pay into the Treasury of the Burgher Senate an equivalent for damages sustained through their injury, the nature and extent of which shall be ascertained by a Certificate signed by the Overseers of the Water Pipes and Public Roads in Cape Town. And all Parents and others interested in the conduct of Youth, are desired to take notice hereof, as age will not be admitted as an excuse or exemption of punishment.

And it is further enacted, where Slaves are detected and convicted of the same offence, they shall be punished at the discretion of the Fiscal, at the Public Prison, with any number of Lashes, not exceeding 39, be confined one month, and then shall be liberated upon their Masters or Mistresses paying all costs, and the sum of 20 Rds.

And be it further enacted, that all fines and penalties raised by virtue of this Proclamation, shall be divided into two equal parts, one moiety whereof shall be applied to the use of, or be given to, the Informer or Informers, and the other moiety to the Treasury of the Burgher Senate.

And that no Person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal, in the Castle of Good Hope, this 15th day of October, 1813.

(Signed) J. F. CRADOCK.

By His Excellency's Command,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Government Advertisement.

Notice is hereby given, that His Excellency the Governor and Commander in Chief will commence his Tour through the Interior and along the Boundary of the Colony on the 18th instant, on which day His Excellency intends leaving Cape Town early in the morning.

Castle of Good Hope, 15th October, 1813.

By Command of His Excellency the Governor,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Government Advertisement.

Notice is hereby given, that His Excellency the Governor and Commander in Chief with a view of encouraging the Breed of the Spanish Sheep in this Colony, has been pleased to direct, that in future all Spanish Wool brought from the Interior to the Cape Market shall be admitted Duty Free ; as also, that no Taxes shall be longer levied on Spanish Sheep at the Annual Opgaafs in the Country Districts.

Castle of Good Hope, 15th October, 1813.

By Command of His Excellency the Governor,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Government Advertisement.

Notice is hereby given, that His Excellency the Governor and Commander in Chief, as a mark of respect to the Earl of Caledon, late Governor of this Settlement, has been pleased to direct, that the Village formerly known by the name of the Zwarteberg, and where the Deputy Landdrost of Swellendam now resides, shall in future be called CALEDON.

Castle of Good Hope, 31st December 1813.

By Command of His Excellency the Governor,

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Government Advertisement.

His Excellency the Governor and Commander in Chief, with the most lively satisfaction communicates to the Inhabitants of this Colony, the Tables of the future Duties to be paid at the Custom House in England, upon the importation of Cape Wine, as determined on the 2nd July, 1813, by an Act of the British Parliament, in the 53rd year of His Majesty's Reign.

The reduction is above two-thirds of the former Duty, but the value of the measure is enhanced beyond all other comparison, in the reflection that the Duty will now be the same as paid in the Excise, upon all the Home-made Wines of Great Britain.

His Excellency the Governor has no doubt but that the inhabitants of this Colony will duly appreciate this Paternal Act of His Majesty's Government, which at once identifies their interests with those of England. It will remain, however, in His Excellency's anxious consideration, that they should maturely reflect upon the course of their own proceedings, and not suffer themselves to be led away by the impulse of present immoderate profit, which, if pushed too far, and carried beyond

its fair and natural foundation, may at once alter the whole view, and render of no avail this great benefit.

Castle of Good Hope, 14th January, 1814.

By Command of His Excellency the Governor,

(Signed) H. ALEXANDER, Secretary.

TABLE A.

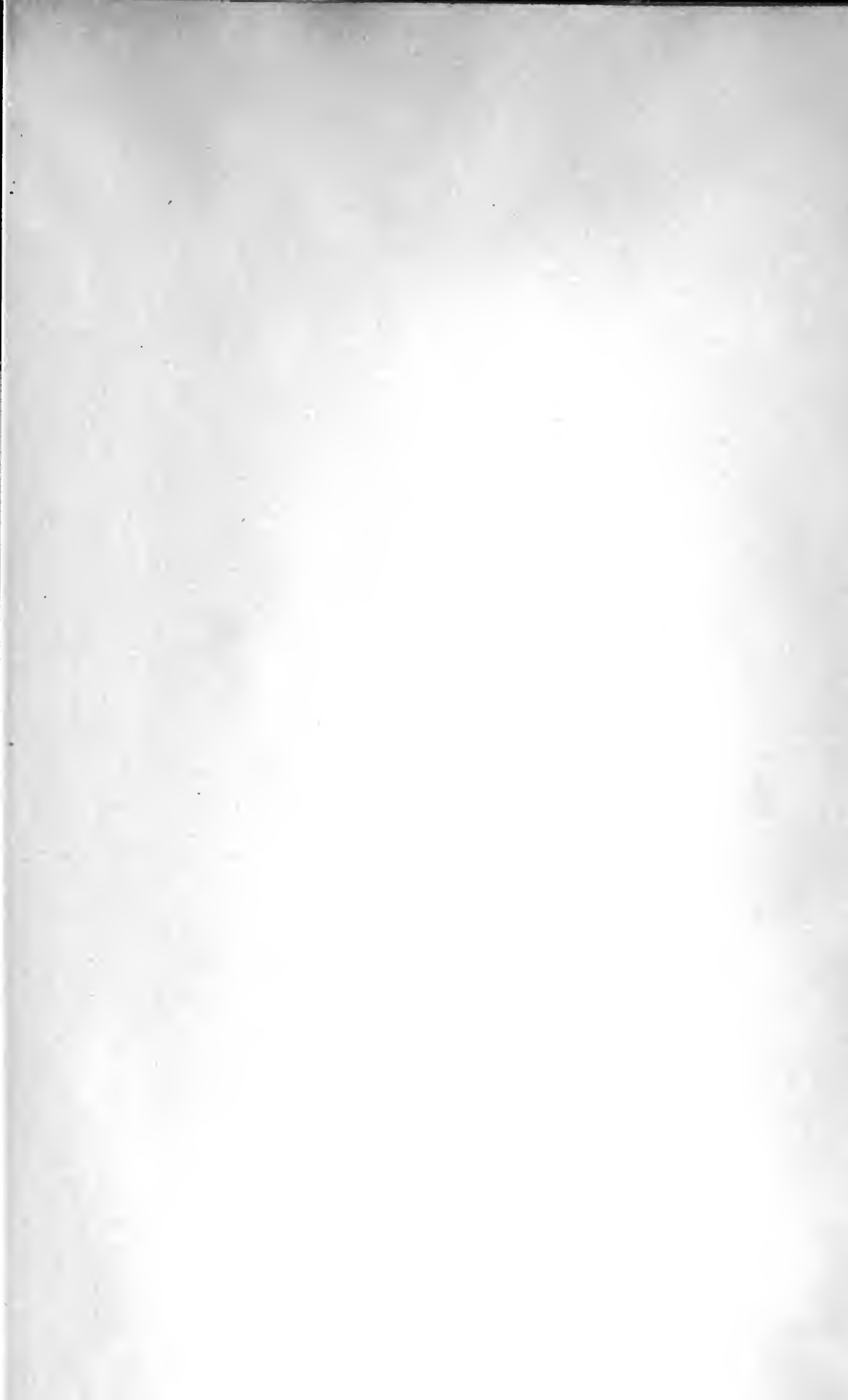
A Table of Duties of Customs payable on the Importation of Wine, the Produce of His Majesty's Settlement of the Cape of Good Hope, or the Territories and Dependencies thereof, into Great Britain.

	Duty.			Drawback.		
	£	s.	d.	£	s.	d.
Wine, the Produce of His Majesty's Settlement of the Cape of Good Hope, or of the Territories thereof, Wine imported in a British-built Ship, the Tun containing 252 Gallons	14	7	0	—	—	—
Wine not imported in a British-built Ship, the Tun containing 252 Gallons	15	8	8	—	—	—
Wine exported to any British Colony or Plantation in America, to Brazil, or any other of the Territories or Possessions of the Crown of Portugal, in South America, or to any of the Territories of the United States of America, the Tun containing 252 Gallons	—	—	—	13	6	0
Wine exported to any other place, the Tun containing 252 Gallons	—	—	—	12	5	0

TABLE B.

A Table of Duties and Drawbacks of Excise.

	Duty.			Drawback.		
	£	s.	d.	£	s.	d.
Wine, the Produce of His Majesty's Settlement of the Cape of Good Hope, or of the Territories or Dependencies thereof, the Tun containing 252 Gallons	17	10	0	16	9	0





63796 HSAf
T 374r

Author Theal, George McCall (ed.)

Title Records of the Cape Colony Vol. 24, Nov-Dec. 1825

UNIVERSITY OF TORONTO
LIBRARY

Do not
remove
the card
from this
Pocket.

Acme Library Card Pocket
Under Pat. "Ref. Index File."
Made by LIBRARY BUREAU

