Sel. Committee on

Aborigi (British Settlements)

1837

Report. + Minutes of Evidence.

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REPORT

FROM

THE SELECT COMMITTEE

ON

Aborigines (British Settlements);

WITH THE

MINUTES OF EVIDENCE,

APPENDIX AND INDEX.

[COMMUNICATED BY THE COMMONS TO THE LORDS.]

Ordered to be printed 14th July 1837.

(238.)

Lunæ, 20° die Februarii 1837.

Ordered, THAT a Select Committee be appointed to consider what Measures ought to be adopted with regard to the NATIVE INHABITANTS of Countries where BRITISH SETTLEMENTS are made, and to the neighbouring Tribes, in order to secure to them the due observance of Justice, and the protection of their Rights; to promote the spread of Civilization among them; and to lead them to the peaceful and voluntary reception of the Christian Religion.

And a Committee was formed of —

Mr. Fowell Buxton.	Mr. Pease.
Mr. William Gladstone.	Mr. Baines.
Mr. Hawes.	Mr. Andrew Johnston.
Mr. Bagshaw.	Mr. Hindley.
Sir Rufane Donkin.	Mr. Plumptre.
Mr. Holland.	Mr. Wilson.
Mr. Charles Lushington.	Colonel Thompson.
Sir George Grey.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Ordered, THAT the Minutes of Evidence, with the Report of last Session, be referred to the Committee.

Ordered, THAT the Committee have power to report the Minutes of the Evidence taken before them, together with their Observations thereupon, from time to time, to The House.

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REPORT.

THE SELECT COMMITTEE "appointed to consider what Measures ought to be adopted with regard to the NATIVE INHABITANTS of Countries where BRITISH SETTLEMENTS are made, and to the neighbouring Tribes, in order to secure to them the due observance of Justice and the protection of their Rights; to promote the spread of Civilization among them, and to lead them to the peaceful and voluntary reception of the Christian Religion;" and to whom the Report of the Committee of 1836 was referred; and who were empowered to report their Observations thereupon, together with the MINUTES OF EVIDENCE taken before them, to The House;—— HAVE examined the Matters to them referred, and have agreed to the following REPORT:

THE situation of Great Britain brings her beyond any other power into communication with the uncivilized nations of the earth. We are in contact with them in so many parts of the globe, that it has become of deep importance to ascertain the results of our relations with them, and to fix the rules of our conduct towards them. We are apt to class them under the sweeping term of savages, and perhaps, in so doing, to consider ourselves exempted from the obligations due to them as our fellow men. This assumption does not, however, it is obvious, alter our responsibility; and the question appears momentous, when we consider that the policy of Great Britain in this particular, as it has already affected the interests, and, we fear we may add, sacrificed the lives, of many thousands, may yet, in all probability, influence the character and the destiny of millions of the human race.

The extent of the question will be best comprehended by taking a survey of the globe, and by observing over how much of its surface an intercourse with Britain may become the greatest blessing, or the heaviest scourge. It will scarcely be denied in word, that, as an enlightened and Christian people, we are at least bound to do to the inhabitants of other lands, whether enlightened or not, as we should in similar circumstances desire to be done by; but, beyond the obligations of common honesty, we are bound by two considerations with regard to the uncivilized: first, that of the ability which we possess to confer upon them the most important benefits; and, secondly, that of their inability to resist any encroachments, however unjust, however mischievous, which we may be disposed to make. The disparity of the parties, the strength of the one and the incapacity of the other, to enforce the observance of their rights, constitutes a new and irresistible appeal to our compassionate protection.

The duty of introducing into our relations with uncivilized nations the righteous and the profitable laws of justice is incontrovertible, and it has been repeatedly acknowledged in the abstract, but has, we fear, been rarely brought into practice; for, as a nation, we have not hesitated to invade many of the rights which they hold most dear.

Thus, while Acts of Parliament have laid down the general principles of equity, other and conflicting Acts have been framed, disposing of lands without any reference to the possessors and actual occupants, and without making any reserve of the proceeds of the property of the natives for their benefit.*

Such omissions must surely be attributed to oversight; for it is not to be asserted that Great Britain has any disposition to sanction unfair dealing: nothing can be more plain, nothing can be more strong, than the language used by the Government of this country on the subject. We need only refer to the instructions of Charles II., addressed to the Council of Foreign Plantations in the year 1670.

" Forasmuch as most of our said Colonies do border upon the Indians, and peace is not to be expected without the due observance and preservation of justice to them, you are, in our name, to command all the governors, that they, at no time, give any just provocation to any of the said Indians that are at peace with us, "&c.

Then, with respect to the Indians who desire to put themselves under our protection, that they " be received."

" And that the governors do by all ways seek firmly to oblige them.

" And that they do employ some persons to learn the languages of them.

" And that they do not only carefully protect and defend them from adversaries, but that they more especially take care that none of our own subjects, nor any of their servants, do any way harm them.

" And that if any shall dare to offer any violence to them in their persons, goods or possessions, the said governors do severely punish the said injuries, agreeably to justice and right.

" And you are to consider how the Indians and slaves may be best instructed and invited to the Christian religion, it being both for the honour of the Crown and of the Protestant religion itself, that all persons within any of our territories, though never so remote, should be taught the knowledge of God, and be acquainted with the mysteries of salvation."

Nor is modern authority wanting to the same effect: the Address of the House of Commons to the King, passed unanimously July 1834, states, " That His Majesty's faithful Commons in Parliament assembled, are deeply impressed with the duty of acting upon the principles of justice and humanity in the intercourse and relations of this country with the native inhabitants of its colonial settlements, of affording them protection in the enjoyment of their civil rights, and of imparting to them that degree of civilization, and that religion, with which Providence has blessed this nation, and humbly prays that His Majesty will take such measures, and give such directions to the governors

* *See* Evidence 4367. In the preamble of an Act passed August 1834, " empowering His Majesty to erect South Australia into a British Province," &c. it is stated that the part of Australia which lies as there described, together with the islands adjacent, " consists of waste and unoccupied lands, which are supposed to be fit for the purposes of colonization. " In the account of the proposed colony which appears to be authorized by the Company who have purchased land under this Act, it is stated that " great numbers of natives have been seen along that part of the coast." — p. 62.

governors and officers of His Majesty's colonies, settlements and plantations, as shall secure to the natives the due observance of justice and the protection of their rights, promote the spread of civilization amongst them, and lead them to the peaceful and voluntary reception of the Christian religion."

This Address, as the Chancellor of the Exchequer observed, so far from being the expression of any new principle, only embodies and recognizes principles on which the British Government has for a considerable time been disposed to act.

In furtherance of these views, your Committee was appointed to examine into the actual state of our relations with uncivilized nations; and it is from the evidence brought before this Committee during the last two Sessions, that we are enabled to compare our actions with our avowed principles, and to show what has been, and what will assuredly continue to be, unless strongly checked, the course of our conduct towards these defenceless people.

It is not too much to say, that the intercourse of Europeans in general, without any exception in favour of the subjects of Great Britain, has been, unless when attended by missionary exertions, a source of many calamities to uncivilized nations.

Too often, their territory has been usurped; their property seized; their numbers diminished; their character debased; the spread of civilization impeded. European vices and diseases have been introduced amongst them, and they have been familiarized with the use of our most potent instruments for the subtle or the violent destruction of human life, viz. brandy and gunpowder.

It will be only too easy to make out the proof of all these assertions, which may be established solely by the evidence above referred to. It will be easy also to show that the result to ourselves has been as contrary to our interest as to our duty; that our system has not only incurred a vast load of crime, but a vast expenditure of money and amount of loss.

On the other hand, we trust it will not be difficult to show by inference, and even to prove, by the results of some few experiments of an opposite course of conduct, that, setting aside all considerations of duty, a line of policy, more friendly and just towards the natives, would materially contribute to promote the civil and commercial interests of Great Britain.

It is difficult to form an estimate of the population of the less civilized nations, liable to be influenced for good or for evil, by contact and intercourse with the more civilized nations of the earth. It would appear that the barbarous regions likely to be more immediately affected by the policy of Great Britain, are the south and the west of Africa, Australia, the islands in the Pacific Ocean, a very extensive district of South America at the back of our Essequibo settlement, between the rivers Orinoco and Amazon, with the immense tract which constitutes the most northerly part of the American continent, and stretches from the Pacific to the Atlantic Ocean.

These are countries in which we have either planted colonies, or which we frequent for the purposes of traffic, and it is our business to inquire on what principles we have conducted our intercourse.

It might be presumed that the native inhabitants of any land have an incontrovertible right to their own soil: a plain and sacred right, however, which seems not to have been understood. Europeans have entered their borders uninvited, and, when there, have not only acted as if they were undoubted lords of the soil, but have punished the natives as aggressors if they have evinced a disposition to live in their own country.

"If they have been found upon their own property, they have been treated as thieves and robbers. They are driven back into the interior as if they were dogs or kangaroos."

Ev. 2. 1817, 1819.

From very large tracts we have, it appears, succeeded in eradicating them; and though from some parts their ejection has not been so apparently violent as from others, it has been equally complete, through our taking possession of their hunting-grounds, whereby we have despoiled them of the means of existence.

NEWFOUNDLAND.

NEWFOUNDLAND.

To take a review of our colonies, beginning with Newfoundland. There, as in other parts of North America, it seems to have been for a length of time accounted a "meritorious act" to kill an Indian.*

On our first visit to that country the natives were seen in every part of the coast. We occupied the stations where they used to hunt and fish, thus reducing them to want, while we took no trouble to indemnify them, so that doubtless many of them perished by famine; we also treated them with hostility and cruelty, and "many were slain by our own people as well as by the Micmac Indians," who were allowed to harass them. They must, however, have been recently very numerous, since in one place Captain Buchan found they had "run up fences to the extent of 30 miles," with a variety of ramifications, for the purpose of conducting the deer down to the water, a work which would have required the labour of a multitude of hands.

4204.

4227.

It does not appear that any measures were taken to open a communication with them before the year 1810, when, by order of Sir J. Duckworth, an attempt was made by Captain Buchan which proved ineffectual. At that time he conceived that their numbers around their chief place of resort, the Great Lake, were reduced to 400 or 500. Under our treatment they continued rapidly to diminish; and it appears probable that the last of the tribe left at large, a man and a woman, were shot by two Englishmen in 1823. Three women had been taken prisoners shortly before, and they died in captivity. In the colony of Newfoundland it may therefore be stated that we have exterminated the natives.†

NORTH AMERICAN INDIANS.

NORTH AMERICAN INDIANS.

The general account of our intercourse with the North American Indians, as distinct from missionary efforts, may be given in the words of a converted Chippeway chief, in a letter to Lord Goderich: "We were once very numerous, and owned all Upper Canada, and lived by hunting and fishing; but the white men, who came to trade with us, taught our fathers to drink the fire waters, which has made our people poor and sick, and has killed many tribes, till we have become very small."‡

3915.

It

* Cotton Mather records, that, amongst the early settlers, it was considered a "religious act to kill Indians."

A similar sentiment prevailed amongst the Dutch boors in South Africa with regard to the natives of the country. Mr. Barrow writes, "A farmer thinks he cannot proclaim a more meritorious action than the murder of one of these people. A boor from Graaf Reinet being asked in the secretary's office, a few days before we left town, if the savages were numerous, or troublesome on the road, replied, 'he had only shot four,' with as much composure and indifference as if he had been speaking of four partridges. I myself have heard one of the humane colonists boast of having destroyed, with his own hands, near 300 of these unfortunate wretches."

† *See* Evidence given by Captain Buchan.

‡ Papers Abor. Tribes, 1834, p. 135.

NORTH AMERICAN INDIANS.

It is a curious fact, noticed in the evidence, that some years ago the Indians practised agriculture, and were able to bring corn to our settlements, then suffering from famine; but we, by driving them back and introducing the fur trade, have rendered them so completely a wandering people that they have very much lost any disposition which they might once have felt to settle. All writers on the Indian race have spoken of them in their native barbarism as a noble people, but those who live among civilized men, upon reservations in our own territory, are now represented as "reduced to a state which resembles that of gypsies in this country." Those who live in villages among the whites "are a very degraded race, and look more like dram-drinkers than people it would be possible to get to do any work." 3921. 3456, Gisborne.

To enter, however, into a few more particulars. The Indians of New Brunswick are described by Sir H. Douglas, in 1825, as "dwindled in numbers," and in a "wretched condition."

Those of Nova Scotia, the Micmacs (by Sir J. Kempt), as disinclined to settle, and in the habit of bartering their furs, "unhappily, for rum."*

General Darling's statement as to the Indians of the Canadas, drawn up in 1828, speaks of the interposition of the Government being urgently called for in behalf of the helpless individuals whose landed possessions, where they have any assigned to them, are daily plundered by their designing and more enlightened white brethren.†

Of the Algonquins and Nipissings, General Darling writes, "Their situation is becoming alarming, by the rapid settlement and improvement of the lands on the banks of the Ottawa, on which they were placed by Government in the year 1763, and which tract they have naturally considered as their own. The result of the present state of things is obvious, and such as can scarcely fail in time to be attended with bloodshed and murder; for, driven from their own resources, they will naturally trespass on those of other tribes, who are equally jealous of the intrusion of their red brethren as of white men. Complaints on this head are increasing daily, while the threats and admonitions of the officers of the department have been insufficient to control the unruly spirit of the savage, who, driven by the calls of hunger and the feelings of nature towards his offspring, will not be scrupulous in invading the rights of his brethren, as a means of alleviating his misery, when he finds the example in the conduct of his White Father's children practised, as he conceives, towards himself."‡

The General also speaks of the "degeneracy" of the Iroquois, and of the degraded condition of most of the other tribes, with the exception of those only who had received Christian instruction. Later testimony is to the same effect. The Rev. J. Beecham, Secretary to the Wesleyan Missionary Society, says he has conversed with the Chippeway chief above referred to, on the condition of the Indians on the boundary of Upper Canada. That he stated most unequivocally that previously to the introduction of Christianity they were rapidly wasting away; and he believed that, if it had not been for the introduction of Christianity, they would speedily have become extinct. As the causes of this waste of Indian life, he mentioned the decrease of the game, the habit of intoxication, and the European diseases. The small-pox had made great ravages. He adds, "The information which I have derived from this chief has been confirmed by

* Papers Abor. Tribes, p. 147. † Papers Abor. Tribes, p. 22.
‡ Papers Abor. Tribes, p. 24.

NORTH AMERICAN INDIANS.

by our missionaries stationed in Upper Canada, and who are now employed among the Indian tribes on the borders of that province. My inquiries have led me to believe, that where Christianity has not been introduced among the aboriginal inhabitants of Upper Canada, they are melting away before the advance of the white population. This remark applies to the Six Nations, as they are called, on the Great River, the Mohawks, Oneidas, Onondagas, Senacas, Cayugas and Tuscaroras, as well as to all the

4320. other tribes on the borders of the province." Of the ulterior tribes, the account given by Mr. King, who accompanied Capt. Back in his late Arctic expedition, is deplorable; he gives it as his opinion, that the Northern Indians have decreased greatly, and "decidedly from contact with the

5372. Europeans."

Thus, the Cree Indians, once a powerful tribe, "have now degenerated into a few families, congregated about the European establishments, while some few still retain their ancient rights, and have become partly allies of a tribe of

5372, 5373. Indians that were once their slaves." He supposes their numbers to have been reduced within 30 or 40 years from 8,000 or 10,000, to 200, or at most 300, and has no doubt of the remnant being extirpated in a short time, if no measures are taken to improve their morals and to cultivate habits of civilization. It should be observed that this tribe had access to posts not comprehended within the Hudson's Bay Company's prohibition, as to the introduction of spirituous liquors, and that they miserably show the effects of

5395. the privilege.

The Copper Indians also, through ill-management, intemperance and vice, are said to have decreased within the last five years to one-half the number

5403. of what they were.

The early quarrels between the Hudson's Bay and the North West Companies, in which the Indians were induced to take a bloody part, furnished them with a ruinous example of the savageness of Christians.* Mr. Pelly, the chairman of the Hudson's Bay Company has, however, assured your Committee, that many of the evils caused by the rivalry of the two companies have been removed by their junction, and that the present directors are well disposed to promote the welfare of the Indians: yet we observe, that the witness above quoted, Mr. King, who has travelled in the country, is of opinion, that even our system of peaceable trade has a tendency to become injurious to these people, by encouraging them in improvident habits, which frequently bring large parties of them to utter destitution and to death

5389, 5410, 5411. by starvation.

But whatever may be the actual condition of the Indians at the present moment, on which subject there appears to be some diversity of testimony, we entirely concur in the wisdom, the humanity, and the right feeling which dictated the following paragraph:—

> It appears to me that the course which has hitherto been taken in dealing with these people has had reference to the advantages which might be derived from their friendship in times of war, rather than to any settled purpose of gradually reclaiming them from a state of barbarism, and of introducing amongst them the industrious and peaceful habits of civilized life. Under the peculiar circumstances of the times, it may have been originally difficult to pursue a more enlightened course of policy; the system may, perhaps, have been persisted in by the Home and Colonial Governments rather as a matter of routine than upon any well considered grounds of preference, whilst, on the part of the Indians themselves, there is no doubt that its accordance with their natural propensities

* See Papers relating to Red River Settlement, 1815, 1819: especially Mr. Coltman's Report, pp. 115, 125.

NORTH AMERICAN INDIANS.

propensities and with their long established habits rendered it more acceptable to them than any other, nor is it unlikely that, if on the one hand there existed a disposition in the aboriginal inhabitants to cling to their original habits and mode of life, there was a proneness also in the new occupants of America to regard the natives as an irreclaimable race, and as inconvenient neighbours, whom it was desirable ultimately wholly to remove. Whatever may have been the reasons which have hitherto recommended an adherence to the present system, I am satisfied that it ought not to be persisted in for the future; and that so enlarged a view of the nature of our connexions with the Indian tribes should be taken as may lead to the adoption of proper measures for their future preservation and improvement; whilst, at the same time, the obligations of moral duty and sound policy should not be lost sight of.*

SOUTH AMERICA.

SOUTH AMERICA.

In South America, British Guiana occupies a large extent of country between the rivers Orinoco and Amazons, giving access to numbers of tribes of Aborigines who wander over the vast regions of the interior. The Indian population within the colony of Demerara and Essequibo, is derived from four nations, the Caribs, Arawacks, Warrows, and Accaways.

It is acknowledged that they have been diminishing ever since the British came into possession of the colony. In 1831 they were computed at 5,096; and it is stated "it is the opinion of old inhabitants of the colony, and those most competent to judge, that a considerable diminution has taken place in the aggregate number of the Indians of late years, and that the diminution, although gradual, has become more sensibly apparent within the last eight or ten years." The diminution is attributed, in some degree, to the increased use of rum amongst them†.

There are in the colony six gentlemen bearing the title of "Protectors of Indians," whose office it is to superintend the tribes, and under them are placed Post-holders, a principal part of whose business it is to keep the Negroes from resorting to the Indians, and also to attend the distribution of the presents which are given to the latter by the British Government, of which, as was noticed with reprehension by Lord Goderich, rum formed a part.

It does not appear that anything has been done by Government for their moral or religious improvement, excepting the grant in 1831, by Sir B. D'Urban, of a piece of land at Point Bartica, where a small establishment was then founded by the Church Missionary Society. The Moravian Mission on the Courantin was given up in 1817; and it does not appear that any other Protestant Society has attended to these Indians.

Papers Ab. Tribes, p. 183. p. 193.

In 1831 Lord Goderich writes, "I have not heard of any effort to convert the Indians of British Guiana to Christianity, or to impart to them the arts of social life."

Papers, p. 182.

It should be observed that no injunctions to communicate either are given in the instructions for the "Protectors of Indians," or in those for the Post-holders; and two of the articles of the latter, (Art. 14 and Art. 15,) tend directly to sanction and encourage immorality. All reports agree in stating that these tribes have been almost wholly neglected, are retrograding, and are without provision for their moral or civil advancement; and with due allowance for the extenuating remarks on the poor account to which they turned their lands, when they had them, and the gifts (baneful gifts some of them) which have been distributed, and on the advantage of living under British laws,

* Sir G. Murray's Despatch, 25th January 1830. Papers Ab. Tribes, 1834. No. 617, p. 88.

† Letter from Jas. Hackett, Esq., Civil Commissioner, to Sir B. D'Urban. Papers Abor. Tribes, 1834. pp. 194 and 198.

SOUTH. AMERICA.

laws, we must still concur in the sentiment of Lord Goderich, as expressed in the same letter, upon a reference as to sentence of death passed upon a native Indian for the murder of another. "It is a serious consideration that we have subjected these tribes to the penalties of a code of which they unavoidably live in profound ignorance; they have not even that conjectural knowledge of its provisions which would be suggested by the precepts of religion, if they had even received the most elementary instruction in the Christian faith. They are brought into acquaintance with civilized life not to partake its blessings, but only to feel the severity of its penal sanctions.

"A debt is due to the aboriginal inhabitants of British Guiana of a very different kind from that which the inhabitants of Christendom may, in a certain sense, be said to owe in general to other barbarous tribes. The whole territory which has been occupied by Europeans, on the Northern shores of the South American Continent, has been acquired by no other right than that of superior power; and I fear that the natives whom we have dispossessed, have to this day received no compensation for the loss of the lands on which they formerly subsisted. However urgent is the duty of economy in every branch of the public service, it is impossible to withhold from the natives of the country the inestimable benefit which they would derive from appropriating to their religious and moral instruction some moderate part of that income which results from the culture of the soil to which they or their fathers had an indisputable title."*

CARIBS.

CARIBS.

Of the Caribs, the native inhabitants of the West Indies, we need not speak, as of them little more remains than the tradition that they once existed.

NEW HOLLAND.

NEW HOLLAND.

The inhabitants of New Holland, in their original condition, have been described by travellers as the most degraded of the human race; but it is to be feared that intercourse with Europeans has cast over their original debasement a yet deeper shade of wretchedness.

These people, unoffending as they were towards us, have, as might have been expected, suffered in an aggravated degree from the planting amongst them of our penal settlements. In the formation of these settlements it does not appear that the territorial rights of the natives were considered, and very little care has since been taken to protect them from the violence or the contamination of the dregs of our countrymen.

The effects have consequently been dreadful beyond example, both in the diminution of their numbers and in their demoralization.

Many deeds of murder and violence have undoubtedly been committed by the stock-keepers (convicts in the employ of farmers in the outskirts of the colony), by the cedar-cutters, and by other remote free settlers, and many natives have perished by the various military parties sent against them; but it is not to violence only that their decrease is ascribed. This is the evidence given by Bishop Broughton: "They do not so much retire as decay; wherever Europeans meet with them they appear to wear out, and gradually to decay: they diminish in numbers; they appear actually to vanish from the face of

1835.

* Papers Abor. Tribes, p. 181, 182

of the earth. I am led to apprehend that within a very limited period, a few years," (adds the Bishop), "those who are most in contact with Europeans will be utterly extinct—I will not say exterminated—but they will be extinct." 243.

As to their moral condition, the Bishop says of the natives around Sydney, "They are in a state which I consider one of extreme degradation and ignorance; they are, in fact, in a situation much inferior to what I supposed them to have been before they had any communication with Europe." And again, in his charge, "It is an awful, it is even an appalling consideration, that, after an intercourse of nearly half a century with a Christian people, these hapless, human beings continue to this day in their original benighted and degraded state. I may even proceed farther, so far as to express my fears that our settlement in their country has even deteriorated a condition of existence, than which, before our interference, nothing more miserable could easily be conceived. While, as the contagion of European intercourse has extended itself among them, they gradually lose the better properties of their own character, they appear in exchange to acquire none but the most objectionable and degrading of ours." 214.

The natives about Sydney and Paramatta are represented as in a state of wretchedness still more deplorable than those resident in the interior. 1821.

"Those in the vicinity of Sydney are so completely changed, they scarcely have the same pursuits now; they go about the streets begging their bread, and begging for clothing and rum. From the diseases introduced among them, the tribes in immediate connection with those large towns almost became extinct; not more than two or three remained, when I was last in New South Wales, of tribes which formerly consisted of 200 or 300."

Dr. Lang, the minister of the Scotch church, writes, "From the prevalence of infanticide, from intemperance and from European diseases, their number is evidently and rapidly diminishing in all the older settlements of the colony, and in the neighbourhood of Sydney especially, they present merely the shadow of what were once numerous tribes." Yet even now "he thinks their number within the limits of the colony of New South Wales cannot be less than 10,000: an indication of what must once have been the population, and what the destruction. It is only, Dr. Lang observes, through the influence of Christianity, brought to bear upon the natives by the zealous exertions of devoted missionaries, that the progress of extinction can be checked." p. 684.

The case of these people has not been wholly overlooked at home. In 1825 His Majesty issued instructions to the Governor to the effect that they should be protected in the enjoyment of their possessions, preserved from violence and injustice, and that measures should be taken for their conversion to the Christian faith, and their advancement in civilization. An allowance has been made to the Church Missionary Society in their behalf, and efforts for their amelioration have been made, and attended with some degree of utility; but much as we rejoice in this act of justice, we still must express our conviction that if we are ever able to make atonement to the remnant of this people, it will require no slight attention, and no ordinary sacrifices on our part to compensate the evil association which we have inflicted; but even hopelessness of making reparation for what is past would not in any way lessen our obligation to stop, as far as in us lies, the continuance of iniquity. "The evil," said Mr. Coates, "resulting from immoral intercourse between

NEW HOLLAND.

p. 505.

the Europeans and the Aborigines, is so enormous that it appears to my mind a moral obligation on the local Government to take any practicable measures in order to put an end to it."

In this opinion the Committee entirely concur.

A new colony is about to be established in South Australia, and it deserves to be placed upon record, that Parliament, as lately as August 1834, passed an Act disposing of the lands of this country without once adverting to the native population. With this remarkable exception, we have had satisfaction in observing the preliminary measures for the formation of this settlement, which appears, if we may judge from the Report of the Colonial Commissioners, likely to be undertaken in a better spirit than any such enterprises that have come before our notice. The Commissioners acknowledge that it is "a melancholy fact, which admits of no dispute, and which cannot be too deeply deplored, that the native tribes of Australia have hitherto been exposed to injustice and cruelty in their intercourse with Europeans;" and they lay down certain regulations to remedy these evils in the proposed settlement.*

On the western coast of Australia collisions have not unfrequently taken place between the colonists and the natives, on the subject of which we may adopt the just language of Lord Glenelg: "It is impossible to regard such conflicts without regret and anxiety, when we recollect how fatal, in too many instances, our colonial settlements have proved to the natives of the places where they have been formed; and this too by a series of conflicts, in every one of which it has been asserted, and apparently with justice, that the immediate aggression has not been on our side. The real causes of these hostilities are to be found in a course of petty encroachments and acts of injustice committed by the new settlers, at first submitted to by the natives, and not sufficiently checked in the outset by the leaders of the colonists. Hence has been generated in the minds of the injured party a deadly spirit of hatred and vengeance, which breaks out at length into deeds of atrocity, which, in their turn, make retaliation a necessary part of self-defence." †

It is true, that to remain passive under actual outrages, would encourage savages in their perpetration, but we regret that in any instance, punishment, which appears disproportionate, should have been inflicted. We find the natives on the Murray River mentioned as amongst the most troublesome in this quarter; and in the summer of the year 1834 they murdered a British soldier, having in the course of the previous five years killed three other persons. In the month of October 1834 Sir James Stirling, the Governor, proceeded with a party of horse to the Murray River, in search of the tribe in question. On coming up with them, it appears that the British horse charged this tribe without any parley, and killed 15 of them, not, as it seems, confining their vengeance to the actual murderers. After the rout, the women who had been taken prisoners were dismissed, having been informed, "that the punishment

* Had such a course of conciliation been followed in the establishing of the colony at Raffles Bay, on the northern shore of Australia, it is probable that the "hostility of the natives" would never have been among the reasons for the abandonment of that settlement. It is said, that on the trifling offence of the theft of an axe, the sentinels were ordered to fire at the natives whenever they approached. Captain Barker, in command when the order came for the abandonment of the settlement, had pursued a different course, and had won their confidence; and, it is said, that, far from being such "untameable savages as originally represented, they proved themselves to be a mild and merciful race of people."—*See* Wilson's Voyage.

† Despatch from Lord Glenelg to Governor Sir J. Stirling, 23d July 1835.

NEW HOLLAND.

punishment had been inflicted because of the misconduct of the tribe; that the white men never forget to punish murder; that on this occasion the women and children had been spared; but if any other person should be killed by them, not one would be allowed to remain on this side of the mountains."*

However needful it may be to overawe the natives from committing acts of treachery, we cannot understand the principle of such indiscriminate punishment, nor approve of threats extending to the destruction of women and children. "It would also be satisfactory," as Lord Glenelg has observed, "to know that there had been no previous misconduct, or act of harshness or injustice, which had originally provoked the enmity of the natives."

We are however happy to learn that, in his general policy, Sir James Stirling has pursued conciliatory measures towards the neighbouring tribes, and that measures are in progress for effecting their civilization.

VAN DIEMEN'S LAND.

VAN DIEMEN'S LAND.

The natives of Van Diemen's Land, first, it appears, provoked by the British colonists, whose early atrocities, and whose robberies of their wives and children, excited a spirit of indiscriminate vengeance†, became so dangerous, though diminished to a very small number, that their remaining in their own country was deemed incompatible with the safety of the settlement.

In their case, it must be remembered, the strongest desire was felt by the Government at home, and responded to by the local Governor, to protect and conciliate them; and yet, such was the unfortunate nature of our policy, and the circumstances into which it had brought us, that no better expedient could be devised than the catching and expatriating of the whole of the native population. There is no doubt that the outrages of the Aborigines were fearful; but while the local "Aborigines Committee," in 1831, who recommended the removal, speak of the "forbearance" exercised both by the Government and the greater part of the community, they state that there is the "strongest feeling amongst the settlers that so long as the natives have only land to traverse, so long will life and every thing valuable to them be kept in a state of jeopardy;" and they intimate their fear that if the measure recommended be not adopted, "the result will be that the whites will individually or in small bodies take violent steps against the Aborigines, a proceeding which they cannot contemplate the possibility of without horror; but which, they do believe, has many supporters in this colony:" they therefore urge the removal under the "persuasion that such a measure alone will have the effect of preventing the calamities which His Majesty's subjects have for so long a period suffered, and of preventing the entire destruction of the Aborigines themselves."‡

The Governor Colonel Arthur's words on the subject are these: "Undoubtedly the being reduced to the necessity of driving a simple, but warlike, and, as it now appears, noble-minded race from their native hunting-grounds, is a measure in itself so distressing, that I am willing to make almost any prudent sacrifice that may tend to compensate for the injuries that the Government

* Despatch of Sir J. Stirling to Mr. Secretary Stanley, 1st November 1834.

† Report of the Aborigines Committee, Van Diemen's Land, 1830. Parl. Papers, No. 259, p. 36.

‡ Papers Abor. Tribes, p. 159.

VAN DIEMEN'S LAND.

Government is unwillingly and unavoidably made the instrument of inflicting."*

The removal accordingly proceeded under the management of Mr. Robinson (which is described by Colonel Arthur as able and humane); and in September 1834 it was so nearly effected, that the Governor writes thus: "The whole of the aboriginal inhabitants of Van Diemen's Land (excepting four persons) are now domiciliated, with their own consent, on Flinder's Island."

p. 679.

From still later reports it appears that not a single native now remains upon Van Diemen's Land. Thus, nearly, has the event been accomplished which was thus predicted and deprecated by Sir G. Murray:—

> The great decrease which has of late years taken place in the amount of the aboriginal population, render it not unreasonable to apprehend that the whole race of these people may at no distant period become extinct. But with whatever feelings such an event may be looked forward to by those of the settlers who have been sufferers by the collisions which have taken place, it is impossible not to contemplate such a result of our occupation of the island as one very difficult to be reconciled with feelings of humanity, or even with principles of justice and sound policy; and the adoption of any line of conduct, having for its avowed or secret object the extinction of the native race, could not fail to leave an indelible stain upon the British Government.†

ISLANDS IN THE PACIFIC.

ISLANDS IN THE PACIFIC.

We next turn our view to those islands in the Pacific Ocean to which we resort for purposes of traffic, without having planted colonies upon them; and again we must repeat our belief that our penal colonies have been the inlet of incalculable mischief to this whole quarter of the world. It will be hard, we think, to find compensation not only to Australia, but to New Zealand and to the innumerable islands of the South Seas, for the murders, the misery, the contamination which we have brought upon them. Our runaway convicts are the pests of savage as well as of civilized society; so are our runaway sailors; and the crews of our whaling vessels, and of the traders from New South Wales, too frequently act in the most reckless and immoral manner when at a distance from the restraints of justice: in proof of this we need only refer to the evidence of the missionaries.

It is stated that there have been not less than 150 or 200 runaways at once on the island of New Zealand, counteracting all that was done for the moral improvement of the people, and teaching them every vice.

4635.

"I beg leave to add," remarks Mr. Ellis, "the desirableness of preventing, by every practicable means, the introduction of ardent spirits among the inhabitants of the countries we may visit or colonize. There is nothing more injurious to the South Sea islanders than seamen who have absconded from ships, setting up huts for the retail of ardent spirits, called grog-shops, which are the resort of the indolent and vicious of the crews of the vessels, and in which, under the influence of intoxication, scenes of immorality, and even murder, have been exhibited, almost beyond what the natives witnessed among themselves while they were heathens. The demoralization and impediments to the civilization and prosperity of the people that have resulted from the activity of foreign traders in ardent spirits, have been painful in the extreme.

In

* Despatch to Lord Goderich, 6th April 1833. Papers, 1834.

† Despatch, 5th November 1830. Papers on Van Diemen's Land, 1831, No. 259, p. 56.

In one year it is estimated that the sum of 12,000 dollars was expended in Taheité alone, chiefly by the natives, for ardent spirits."

The lawless conduct of the crews of vessels must necessarily have an injurious effect on our trade, and on that ground alone demands investigation. In the month of April 1834, Mr. Busby states there were 29 vessels at one time in the Bay of Islands, and that seldom a day passed without some complaint being made to him of the most outrageous conduct on the part of their crews, which he had not the means of repressing, since these reckless seamen totally disregarded the usages of their own country and the unsupported authority of the British resident.*

Till lately the tattooed heads of New Zealanders were sold at Sydney as objects of curiosity; and Mr. Yate says he has known people give property to a chief for the purpose of getting them to kill their slaves, that they might have some heads to take to New South Wales. 1695.

This degrading traffic was prohibited by General Darling, the Governor, upon the following occasion:—In a representation made to Governor Darling, the Rev. Mr. Marsden states, that the captain of an English vessel being, as he conceived, insulted by some native women, set one tribe upon another to avenge his quarrel, and supplied them with arms and ammunition to fight. The natives were thus involved in a war, through the recklessness of a foreigner; for, as they alleged, it was not their own quarrel, and they wished to know what satisfaction the English would give them for the lives which had been taken. When, however, Mr. Marsden proposed writing to England to prevent the return of the obnoxious captain, they requested he would by no means do so, as they wished he might return, and then they would take satisfaction themselves. p. 486.

In the prosecution of the war thus excited, a party of 41 Bay of Islanders made an expedition against some tribes of the south. Forty of the former were cut off, and a few weeks after the slaughter, a Captain Jack went and purchased 13 chiefs' heads, and bringing them back to the Bay of Islands, emptied them out of a sack in the presence of their relations. The New Zealanders were, very properly, so much enraged that they told this captain they should take possession of the ship, and put the laws of their country into execution. When he found that they were in earnest, he cut his cable and left the harbour, and afterwards had a narrow escape from them at Tauranga. He afterwards reached Sydney, and it came to the knowledge of the Governor that he brought there ten of these heads for sale, on which discovery the practice was declared unlawful. Mr. Yate mentions an instance of a captain going 300 miles from the Bay of Islands to East Cape, enticing 25 young men, sons of chiefs, on board his vessel, and delivering them to the Bay of Islanders, with whom they were at war, merely to gain the favour of the latter and to obtain supplies for his vessel. The youths were afterwards redeemed from slavery by the missionaries, and restored to their friends. Mr. Yate once took from the hand of a New Zealand chief a packet of corrosive sublimate, which a captain had given to the savage in order to enable him to poison his enemies. Mr. Coates, the secretary of the Church Missionary Society, communicated to your Committee a letter from the Rev. S. Marsden to Governor-general Darling, giving the particulars of a most horrid massacre perpetrated 1695. 1699. 1703.

* *See* also Q. 2937.

ISLANDS IN THE PACIFIC.

perpetrated by means of the assistance of the master and crew of a British merchant brig. The circumstances were reported as follows to Mr. Marsden, by two New Zealand chiefs, who also made their report to Governor Darling in person:—

In December 1830 a Captain Stewart, of the brig Elizabeth, a British vessel, on promise of 10 tons of flax, took above 100 New Zealanders, concealed in his vessel, down from Kappetee Entry Island in Cook's Strait, to Takou, or Bank's Peninsula, on the Middle Island, to a tribe with whom they were at war. He then invited and enticed on board the chief of Takou, with his brother and two daughters: "When they came on board, the captain took hold of the chief's hand in a friendly manner, and conducted him and his two daughters into the cabin; showed him the muskets, how they were arranged round the sides of the cabin. When all was prepared for securing the chief, the cabin-door was locked, and the chief was laid hold on, and his hands were tied fast; at the same time a hook, with a cord to it, was struck through the skin of his throat under the side of his jaw, and the line fastened to some part of the cabin: in this state of torture he was kept for some days, until the vessel arrived at Kappetee. One of his children clung fast to her father, and cried aloud. The sailors dragged her from her father, and threw her from him; her head struck against some hard substance, which killed her on the spot." The brother, or nephew, Ahu (one of the narrators), "who had been ordered to the forecastle, came as far as the capstan and peeped through into the cabin, and saw the chief in the state above mentioned." They also got the chief's wife and two sisters on board, with 100 baskets of flax. All the men and women who came in the chief's canoe were killed. "Several more canoes came off also with flax, and the people were all killed by the natives of Kappetee, who had been concealed on board for the purpose, and the sailors who were on deck, who fired upon them with their muskets." The natives of Kappetee were then sent on shore with some sailors, with orders to kill all the inhabitants they could find; and it was reported that those parties who went on shore murdered many of the natives; none escaped but those who fled into the woods. The chief, his wife and two sisters were killed when the vessel arrived at Kappetee, and other circumstances yet more revolting are added.

Governor Darling forwarded to Lord Goderich the account of this dreadful affair, together with the depositions of two seamen of the brig Elizabeth, and those of J. B. Montefiore, Esq. and A. Kennis, Esq., merchants of Sydney, who had embarked on board the Elizabeth on its return to Entry Island, and had there learned the particulars of the case, had seen the captive chief sent on shore, and had been informed that he was sacrificed. Their depositions tally in all important points with the story of the New Zealanders; and General Darling remarks thereupon: "The sanguinary proceedings of the savages could only be equalled by the atrocious conduct of Captain Stewart and his crew. Rauparalia" (the aggressor chief) "may, according to his notions, have supposed that he had sufficient cause for acting as he did. Captain Stewart became instrumental to the massacre (which could not have taken place but for his agency) in order to obtain a supply of flax."*

General Darling referred the case to the Crown solicitor, with directions to bring the offenders to justice, but through some unexplained legal difficulty, this

* Governor Darling's Despatch to Lord Goderich, 13th April 1831.

this was never effected. Captain Stewart was indeed held to bail, but the other parties implicated, and the sailors who might have been witnesses, were suffered to leave the country. Thus, then, we have seen that an atrocious crime, involving the murder of many individuals, has been perpetrated through the instrumentality of a British subject, and that yet neither he nor any of his accomplices have suffered any punishment. Whether this impunity has arisen from defect in the law, or from inability to carry the law into execution, does not so clearly appear; but in either case it is incumbent upon this nation to provide against the repetition of outrages so destructive to the natives and so discreditable to the British name. We cannot conclude this melancholy detail without quoting the expressions of indignation with which this and other atrocities committed in New Zealand are spoken of by the then Secretary of State for our Colonies, Lord Goderich:—

It is impossible to read, without shame and indignation, the details which these documents disclose. The unfortunate natives of New Zealand, unless some decisive measures of prevention be adopted, will, I fear, be shortly added to the number of those barbarous tribes who, in different parts of the globe, have fallen a sacrifice to their intercourse with civilized men, who bear and disgrace the name of Christians. When, for mercenary purposes, the natives of Europe minister to the passions by which these savages are inflamed against each other, and introduce them to the knowledge of depraved acts and licentious gratifications of the most debased inhabitants of our great cities, the inevitable consequence is a rapid decline of population, preceded by every variety of suffering. Considering what is the character of a large part of the population of New South Wales and Van Diemen's Land, what opportunities of settling themselves in New Zealand are afforded them by the extensive intercourse which has recently been established, adverting also to the conduct which has been pursued in those islands by the masters and crews of British vessels, and finding from the letter of the Rev. Mr. Williams, that the work of depopulation is already proceeding fast, I cannot contemplate the too probable results without the deepest anxiety. There can be no more sacred duty than that of using every possible method to rescue the natives of those extensive islands from the further evils which impend over them, and to deliver our own country from the disgrace and crime of having either occasioned or tolerated such enormities.*

In connection with this subject we cannot forbear noticing the inequality of the measure of justice which appears to be dealt out to the European and the native by our Australian courts. This is especially noticed by the late Attorney-general of New South Wales; and when we find that within the precincts of our chief settlement it is yet a subject of recommendation that coroners should be required to sit on the bodies of Aborigines, whenever there "might be any reason to suppose that British subjects had been in any way accessary to their deaths†," we cannot be surprised that the enactors of savage deeds on shores remote from all abodes of civilized men find it easy to evade their due consequences. 1532

A witness states that he has known of several murders committed by European crews upon the beach at Kororeka and other parts; but with the disclosure of these fearful facts, he still grounds his chief complaint against our sailors, not on their cruelty, which he does not consider general, but on the highly demoralizing effect of their manners. 1664.

There are indeed honourable exceptions: "There are some," says Mr. Williams, "who are in the habit of visiting us twice or thrice a year, whose conduct is very praiseworthy;" but we fear that evil greatly predominates in the merchant service; and so highly do some of our sailors resist the interference of Christian missionaries, that they have been known to threaten their lives for venturing to interpose a check on their iniquitous proceedings. 5594.

Thus

* Despatch of Lord Goderich to Major-general Bourke, 31st January 1832.

† Backhouse, p. 681.

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Thus it is stated, that in 1825 nearly 40 seamen belonging to the Daniel, Captain Buckle, a large whaler from London, exasperated at the restraints laid on their licentiousness, went on shore at Lahaina, the port of Maui, one of the Sandwich Islands, armed, and with the black flag flying, and attacked the house of Mr. and Mrs. Richards, American missionaries, and appear to have been prevented from murdering them only by the promptitude and decision of the natives in coming to their defence. It is stated that the chiefs were obliged to keep a strong guard around the house for three successive days to protect their missionary from the murderous assaults of Christian seamen.

p. 500.

The conduct of the commanders and crews of our ships of war, both here and elsewhere, is stated to be such in general as to do credit to their nation. The savages in some parts of Australia are so aware of the distinction between them and the whalers, that they will flee on the approach of a small vessel, while they hail with joy that of a large one. We think, however, that there is reason to regret some of the circumstances attendant upon a recent naval expedition against New Zealand; the facts are thus stated:—

Parl. Papers on New Zealand, 1835, No. 585.

In April 1834 the Barque Harriet, J. Guard, master, was wrecked at Cape Egmont, on the coast of New Zealand. The natives came down to plunder, but refrained from other violence for about 10 days, in which interval two of Guard's men deserted to the savages. They then got into a fray with the sailors, and killed 12 of them: on the part of the New Zealanders 20 or 30 were shot. The savages got possession of Mrs. Guard and her two children. Mr. Guard and the remainder were suffered to retreat, but surrendered themselves to another tribe whom they met, and who finally allowed the Captain to depart on his promising to return, and to bring back with him a ransom in powder; and they retained nine seamen as hostages. Three native chiefs accompanied Guard to Sydney. Captain Guard had been trading with the New Zealanders from the year 1823, and it was reported that his dealings with them had, in some instances, been marked with cruelty. On Mr. Guard's representation to the government at Sydney, the Alligator frigate, Captain Lambert, and the schooner Isabella, with a company of the 50th regiment, were sent to New Zealand for the recovery of Mrs. Guard and the other captives, with instructions, if practicable, to obtain the restoration of the captives by amicable means. On arriving at the coast near Cape Egmont, Captain Lambert steered for a fortified village or pah, called the Nummo, where Mrs. Guard was known to be detained. He sent two interpreters on shore, who made promises of payment (though against Captain Lambert's order) to the natives, and held out also a prospect of trade in whalebone, on the condition that the woman and children should be restored. The interpreter could not, from stress of weather, be received on board for some days. The vessel proceeded to the tribe which held the men in captivity, and they were at once given up on the landing of the chiefs whom Captain Lambert had brought back from Sydney. Captain Lambert returned to the tribe at the Nummo, with whom he had communicated through the interpreter, and sent many messages to endeavour to persuade them to give up the woman and one child (the other was held by a third tribe), but without offering ransom. On the 28th September the military were landed, and two unarmed and unattended natives advanced along the sands. One announced himself as the chief who retained the woman and child, and rubbed noses with Guard in token of amity, expressing his readiness to give them up on the receipt of the promised "payment." "In reply," as Mr. Marshall, assistant-surgeon of the Alligator,

Alligator, who witnessed the scene, states, "he was instantly seized upon as a prisoner of war" (by order of Captain Johnson, commanding the detachment), "dragged into the whale-boat, and despatched on board the Alligator, in custody of John Guard and his sailors. On his brief passage to the boat insult followed insult; one fellow twisting his ear by means of a small swivel which hung from it, and another pulling his long hair with spiteful violence; a third pricking him with the point of a bayonet. Thrown to the bottom of the boat, she was shoved off before he recovered himself, which he had no sooner succeeded in doing than he jumped overboard, and attempted to swim on shore, to prevent which he was repeatedly fired upon from the boat; but not until he had been shot in the calf of the leg was he again made a prisoner of. Having been a second time secured, he was lashed to a thwart, and stabbed and struck so repeatedly, that, on reaching the Alligator, he was only able to gain the deck by a strong effort, and there, after staggering a few paces aft, fainted and fell down at the foot of the capstan in a gore of blood. When I dressed his wounds, on a subsequent occasion, I found 10 inflicted by the point and edge of the bayonet over his head and face, one in his left breast, which it was at first feared would prove what it was evidently intended to have proved, a mortal thrust, and another in the leg."

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Captain Lambert, who did not himself see the seizure, admits that the chief was unarmed when he came down to the shore, and that he "certainly was severely wounded: he had a ball through the calf of his leg, and he had been struck violently on the head."

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Captain Johnson proceeded to the pah or fortified village, found it deserted, and burnt it the next morning. On the 30th September Mrs. Guard and one child were given up, and the wounded chief thereupon was very properly sent on shore without waiting for the delivery of the other child; but "in the evening of the same day," Captain Lambert states: "I again sent Lieutenant Thomas to ask for the child, whose patience and firmness during the whole of the negotiations, notwithstanding the insults that were offered to him, merit the greatest praise. He shortly after returned on board, having been fired at from one of the pahs while waiting outside the surf. Such treachery could not be borne, and I immediately commenced firing at them from the ship; a reef of rocks, which extend some distance from the shore, I regret, prevented my getting as near them as I could have wished. Several shots fell into the pahs, and also destroyed their canoes."*

Oct. 8. After some fruitless negotiation, all the soldiers and several seamen were landed, making a party of 112 men, and were stationed on two terraces of the cliff, one above the other, with a six-pounder carronade, while the interpreter and sailors were left below to wait for the boy. The New Zealanders approached at first with distrust; but at length a fine tall man came forward, and assured Mr. Marshall that the child should be immediately forthcoming, and also forbade our fighting, alleging, that "his tribe had no wish to fight at all." Soon afterwards the boy was brought down on the shoulders of a chief, who expressed to Lieutenant M'Murdo his desire to go on board for the purpose of receiving a ransom:—

On being told that none would be given, he turned away, when one of the sailors seized hold of the child, and discovered it was fastened with a strap or cord; to use his own expression, he had recourse to cutting away, and the child fell upon the beach.

Another

* Parl. Papers, 1835. No. 585, p. 7.

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Another seaman, thinking the chief would make his escape, levelled his firelock, and shot him dead. The troops hearing the report of the musket, and thinking it was fired by the natives, immediately opened a fire from the top of the cliff upon them, who made a precipitate retreat to the pahs. The child being now in our possession, I made a signal to the ships for the boats, intending to re-embark the troops; but the weather becoming thick, and a shift of wind obliging the vessels to stand out to sea, and, at the same time, finding myself attacked by the natives, who were concealed in the high flax, I found my only alternative was to advance on the pahs. I therefore ordered Lieutenant Gunton with 30 men to the front, in skirmishing order, for the purpose of driving the natives from the high flax from which they were firing: this was done, and, as I have reason to think, with considerable loss on the part of the natives.*

The body of the chief is said to have been mutilated, and the head cut off by a soldier, and kicked about. It was identified by means of a brooch, which Mrs. Guard said belonged to the chief, who had adopted and protected her son. It is scarcely necessary to add that this wanton act met with the reprobation it deserved from Captain Lambert and his officers.

Captain Lambert states, that he should think there were between 20 and 30 of the natives wounded (and this, be it observed, after the child was recovered), but it was not ascertained. "The English went straight forward to attack the pahs, and they had no communication with the natives after." The troops immediately took possession of the two villages; and on quitting them, three days afterwards, burnt them to the ground.

In adverting to this transaction, it is necessary to bear in mind that we are furnished with the report made by one party only. If we could hear both sides, it is not improbable that further circumstances might be disclosed, which might alter the whole complexion of the case, or, at least, afford an explanation and an apology for the conduct of the natives. Limiting ourselves, however, to the narrative of the Europeans, and assuming no facts but such as they disclose, let us see how much blame attaches to each party.

A fray, in the first instance, took place between the Europeans and natives, in which 12 of the former, and 20 or 30 of the latter, perished.

From the examination of Captain Guard, it would appear that the natives were the aggressors. The Committee, however, receive his testimony with some hesitation, as they find this paragraph in the dissent of the colonial treasurer, C. D. Riddell, Esq., on the subject of this expedition:—"The Council has had no evidence before them of the character of Mr. Guard. The colonial treasurer has been casually informed that he was formerly a convict, and that his dealings with the New Zealanders have in some instances been marked with cruelty."†

Mr. Marshall being asked what was the character Captain Guard bore in the Alligator, says:—"In the estimation of the officers, the general sentiment was one of dislike and disgust at his conduct on board, and his conduct on
3761. shore." He has himself heard him say, that a musket-ball for every New
3763. Zealander was the best mode of civilizing the country.

Captain Lambert also declares that Guard suggested several things that he thought very improper; that he "was anxious that we should commence firing on the pahs; that we should land immediately, and not treat with
3845. them;" and that he did certainly hear of his having spoken in a very exas-
3846. perated manner against the natives, and having no sort of kind feeling towards

* Capt. Johnson's Report to the Governor of New South Wales. Parl. Papers, 1835. No. 583, p. 10.

† Parl. Papers, 585, p. 5.

towards them." Further, on Captain Lambert's being asked, "Was Captain Guard a man upon whose unsupported testimony you would feel justified in commencing an attack upon the natives?" his answer was, "Certainly not, unless there was an object in view, which I saw." From these circumstances, and from the testimony of missionaries, that in cases of conflict, the cause, when completely sifted, has been always traceable to the Europeans, it appears to the Committee, that the unsupported testimony of Guard is hardly sufficient to warrant us in throwing the whole blame of the encounter on the natives; more especially, as there is this degree of contradiction between Guard's original narrative and his subsequent statement. In the former, he expresses his conviction that the natives, prior to the conflict, intended to kill him and his men, and to eat their bodies. In the latter, though the natives had been further exasperated by the loss of 20 or 30 of their tribe, "he expresses no dread for the safety of his wife and family, nor of the men left in bondage to the Mataroa tribe; and was quite confident that a pound of powder, and a blanket or two, would be considered as a sufficient ransom for each of them: something more, perhaps, would be required for his wife and children."* 3847.

It appears to Your Committee, that prior to proceeding to violence, it would have been prudent to have courted further communication with the natives, and to have heard their version of the events which had taken place. Nor can they conclude that the natives were entirely the aggressors when such inquiries do not appear to have taken place.

In another stage of the transaction an event occurred which created a suspicion of treachery.

Lieutenant Thomas landed on the 30th of September; a single musket was fired, and the ball passed over his head; but whether this was the act of the tribe, or only of an individual, whether it was by accident or design, and whether it was intended to destroy that officer, or was merely a customary and peaceful salutation, as there is some reason to suppose, is not known, nor was inquiry made. 3724.

To Your Committee it does not appear probable that the natives should have abstained from slaughter while their victims were in their power, and should resort to violence when they had surrendered all but one of their prisoners.

These two acts, however, constitute the whole that has been alleged against the natives.

On the other hand it is necessary for the sake of justice, and for the sake of those traders who may be placed in the power of the natives, to inquire in what light the conduct of the Europeans appeared to them.

It is acknowledged that the agent sent from the frigate did promise ransom; he did so in contravention of his orders, but of this the natives could have no knowledge.

When the chief went down to the crew of the boat, unarmed and unattended; when he exchanged with Guard the usual token of peace, and when they saw him, instead of receiving the promised ransom, seized, dragged to the boat, exposed to violence and a species of torture, and finally shot

* Parl. Papers, 1835, No. 585, p. 5.

shot at and wounded; it was natural for them to suppose that they had been treacherously dealt with, and this was their construction. This impression
3706. may have been confirmed by the burning of their fortification. Again, on the afternoon of the same day on which Mrs. Guard and her children had been restored, their town was cannonaded, and their canoes destroyed by the fire of the vessel. Again, some days after, they see a large body of soldiers landed on their beach: the natives, it appears, declared at once that they did not wish to fight, and that the child would be forthcoming. Soon after the child appeared on the shoulders of a chief, who had, as it seems from Mrs. Guard's declaration, been his protector; they see the child snatched from him, the chief slain, his body mutilated, and a destructive fire poured upon them from musketry and cannon; and finally, after three days had passed, when the conflict had not been renewed, and when every prisoner had been restored uninjured, they saw two of their villages committed to the flames.

The impression left with that tribe of savages must have been one of extreme dread of our power, accompanied with one of deep indignation. The Committee cannot refrain from expressing their regret at this transaction; because it occasioned a great sacrifice of life; because it may be fatal to many innocent persons; and because it seems calculated to obstruct those measures of benevolence which the Legislature designs to native and barbarous tribes.

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The Rev. J. Thomas, Wesleyan missionary at the Friendly Islands, makes this report to his society from Tongataboo, December 1832:—

I wish to make a few remarks on a painful subject, viz., the ill conduct of masters of vessels and their crews at these islands. We have long been grieved to hear of the wickedness committed by our own countrymen who visit the Friendly Islands. It has spread its deadly influence far and wide, and presents an obstacle of no trifling importance to the extension of the Gospel at many parts of this island, and is a constant stumbling-block to the infant church of Christ at this place. From what we have lately witnessed, we find that the evil complained of is increasing upon us, and the consequences have been most afflicting. I do not hesitate to say that 18 out of 20 of the accidents which have happened at these islands have taken place through the depraved and wicked conduct of the crews, as they drink to excess, quarrel and fight among themselves, and insult and ill-treat the natives, especially the females, which leads to quarrels with the men, and sometimes with the heads of the people, who are not disposed to put up with such conduct from persons whom they can easily overcome. Designs are then formed to revenge the evils that they suffer; which lead to murder and theft, to the great loss of property to the owners of vessels, the disgrace of our common Christianity, and the English as a people, and the ruin and disgrace of the perpetrators, as well as the injury of the mission, and the natives generally. Another thing we complain of is, that captains of vessels leave their wicked and disorderly men at these islands, to our no small annoyance, and the injury of our people. We are aware that it is contrary to the British laws for captains to act so, yet they continue to do it. I here relate a case, which you can do as you can please with:—Captain Banks, of the Mary Jane, whaler, of Sydney, was in here a few days ago. He said his steward was a scamping fellow, and that he would leave him ashore at this place. We told the captain that he had no right to leave him here; also, that we had too many such men at this island. We furnished him with a copy of the British law on this subject; but notwithstanding that, he has left the man here. His name is Harroway. Two others were discharged also, and four ran away from the same vessel. The captain of the Tonnant Castle, from England, has long been in the habit of frequenting Tonga. He has generally taken up his abode at what is called the Mua, on the eastern part of Tonga. The above captain, though an old South Sea whaler, yet, I am sorry to say, conducts himself very improperly. He and his officers and crew have made that part of Tonga a kind of rendezvous, where all kinds of wickedness have been committed, at which even the poor heathen have been ashamed. 4307.

And in June 1833, Mr. Thomas still speaks of the mischief done by ill-disposed captains of whalers, who, he says, "send the refuse of their crews on shore to annoy us;" and proceeds to state that the conduct of many of these "masters of South Sea whalers is most abominable; they think no more of the life of an heathen than of a dog. And their cruel and wanton behaviour at the different islands in those seas has a powerful tendency to lead the natives to hate the sight of a white man." Mr. Williams mentions "one of these captains, who with his people had shot 20 natives, at one of the islands, for no offence;" and "another master of a whaler, from Sydney, made his boast, last Christmas, at Tonga, that he had killed about 20 black fellows,—for so he called the natives of the Samoa, or Navigator's Islands,—for some very trifling offence; and not satisfied with that, he designed to disguise his vessel, and pay them another visit, and get about a hundred more of them." "Our hearts," continues Mr. Thomas, "almost bleed for the poor Samoa people; they are a very mild, inoffensive race, very easy of access; and as they are near to us, we have a great hope of their embracing the truth, viz., that the whole group will do so; for you will learn from Mr. Williams's letter, that a part of them have already turned to God. But

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the conduct of our English savages has a tone of barbarity and cruelty in it which was never heard of or practised by them."

It is impossible but that such conduct should bring retaliation; and unfortunately the natives do not always discriminate between the innocent and the guilty; so that occasionally crews just arrived are liable to suffer for the misdemeanors of their predecessors. We believe, however, that to almost all of these cases may be applied the declaration made by a missionary respecting some which occurred in New Zealand: "Not one case has ever come under my own observation, never under any circumstances, but what the Europeans have been the aggressors, or have committed some breach in a known New Zealand law; though I will say that the natives have not always punished the right, that is, the offending party."

1693.

p. 501

"We have scarcely ever," says Mr. Ellis, "inquired into a quarrel between the natives and the Europeans in which it has not been found to have originated either in violence towards the females or in injustice in traffic or barter on the part of the Europeans."

We have felt it our duty to advert to these glaring atrocities, perpetrated by British subjects, but we must repeat that acts of this nature form but the least part of the injuries which we have inflicted on the South Sea islanders. The effects of our violence are as nothing compared to the diffusive moral evil which we have introduced; and many as are the lives of natives known to have been sacrificed by the hands of Europeans, the sum of these is treated as bearing but a trifling proportion to the mortality occasioned by the demoralization of the natives.

This is the view taken by those who have witnessed the proceedings of Englishmen in these remote regions, and also by those whose opinions, though they have not all personally visited them, are yet entitled to a large measure of consideration, from the offices they hold bringing them into constant communication with persons experimentally acquainted with the condition of the natives. With regard, then, to the fact of the depopulation of these South Sea Islands, the Rev. William Ellis states,—

4328. It has been most fearful; but I am not aware that it is traceable to the operation of the cruelty of Europeans. It is traceable, in a great measure, to the demoralizing effects of intercourse with Europeans; the introduction of diseases, of ardent spirits, and of fire-arms. These results of intercourse with Europeans have produced a destruction of human life that is truly awful. When Captain Cook was at the Sandwich Islands he estimated the population at 400,000. In 1823, when, with other missionaries, I made a tour of some of the islands, we counted every house in one of the largest islands, which is 300 miles in circumference, and endeavoured to obtain as accurate a census as several months' labour would afford; and there was not in the entire group of islands at that time above 150,000 people. That diminution is to be ascribed to the above causes—wars promoted by fire-arms, ardent spirits, and foreign diseases, and also to the superstitions of the people, the offering of human sacrifices. The practice of infanticide, which destroyed so many in the southern islands, did not prevail to any extent in the Sandwich Islands. Their wars were rendered far more destructive than heretofore by their being possessed of fire-arms. Where both parties are possessed of fire-arms the destruction is not so serious, but when one party only is possessed of fire-arms and the other party not, it is almost murder. With reference to the South Sea Islands, the depopulation has been as serious. Captain Cook estimated the population of the Island of Tahiti at 200,000. I have reason to believe, from actual observation, that his estimate was much too high; but the ruins of former dwellings, which still spread over every part of the island, show that it must have been much more densely peopled formerly than it is now. When the missionaries first arrived there were not more than 16,000, and after they had been there 10 or 14 years, such had been the extent of depopulation, from the introduction of European diseases, ardent spirits and of fire-arms, that the entire population was not above 8,000 some supposed not even 6,000. Since Christianity has prevailed among the people there has been a reaction; the population is increasing, and perhaps it has increased one-fourth since Christianity has been introduced. I do not ascribe the depopulation which had taken place in the South Sea Islands to overt acts of cruelty, but chiefly to the indirect operation of intercourse with Europeans.

On

ISLANDS IN THE PACIFIC

On this subject, the moral effect of the intercourse of Europeans in general with these people, savages and cannibals as they were before we visited them, Mr. Williams adds his testimony: "I should say, with few exceptions, that it is decidedly detrimental, both in a moral and civil point of view. And, in attempting to introduce Christianity among a people, I would rather by far go to an island where they had never seen an European, than go to a place after they have had intercourse with Europeans. I had ten times rather meet them in their savage state than after they have had intercourse with Europeans." 5578.

SOUTH AFRICA.

SOUTH AFRICA.

In the beginning of the last century, the European colony in Africa was confined to within a few miles of Cape Town. From that period it has advanced, till it now includes more square miles than are to be found in England, Scotland and Ireland; and with regard to the natives of great part of this immense region, it is stated, "any traveller who may have visited the interior of this colony little more than 20 years ago, may now stand on the heights of Albany, or in the midst of a district of 42,000 square miles on the north side of Graaff Reinet, and ask the question: Where are the aboriginal inhabitants of this district which I saw here on my former visit to this country, without any one being able to inform him where he is to look for them to find them." p. 692.

The disappearance of the former possessors of this immense region cannot, indeed, be accounted for in a few sentences, but we will endeavour to give a brief sketch of the fate of some of the tribes who have held possession of South Africa, premising that the Aborigines of this country may be classed under two distinct races, Hottentots and Caffres. 855.

The first are divided into two branches, the "tame" or colonial Hottentots, and the wild Hottentots or Bushmen. To the Hottentots belong the Corannas, Gonaquas and the mixed race of Griquas. The appellation Caffres, though sometimes still applied in a more extensive sense, is generally used in the Cape colony to denote the three contiguous tribes of Amakosa, Amatembee and Amaponda. Tambookies is a name the English have given to the Anatembee. Mambookies is our English name for the Amaponda, and the Amakosa comprehend the tribe under the family of Gaika, and who inhabit the country between the Kei and the Keiskamma, and lie nearest to this colony, along the chain of mountains stretching from the sources of the Kat river to the sea. 5327.

When the Cape was discovered by the Portuguese, the Hottentots were both numerous and rich in cattle. It was observed of them, that they kept the law of nations better than most civilized people. The Dutch formed their first settlement at the Cape in 1652, and their Governor, Van Riebeck, gives vent in his journal to a very natural sentiment, and one which we fear has been too prevalent with succeeding colonists, when he describes himself as looking from the mud walls of his fortress on the cattle of the natives, and wondering at the ways of Providence, which could bestow such very fine gifts on Heathen.

In the same spirit are the following entries:—

December 13th, 1652.—"To-day the Hottentots came with thousands of cattle and sheep close to our fort, so that their cattle nearly mixed with ours. We feel vexed to see so many fine head of cattle, and not to be able to buy to any considerable extent. If it had been indeed allowed, we had opportunity to-day to deprive them of 10,000 head, which, however, if we obtain orders to that effect, can be done at any time, and even more conveniently, because they will have greater confidence in us. With 150 men, 10,000

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or 11,000 head of black cattle might be obtained without danger of losing one man; and many savages might be taken without resistance, in order to be sent as slaves to India, as they still always come to us unarmed."

December 18th.—"To-day the Hottentots came again with thousands of cattle close to the fort. If no further trade is to be expected with them, what would it matter much to take at once 6,000 or 6,000 beasts from them? There is opportunity enough for it, as they are not strong in number, and very timid; and since not more than two or three men often graze a thousand cattle close to our cannon, who might be easily cut off, and as we perceive they place every confidence in us, we allure them still with show of friendship to make them the more confident. It is vexatious to see so much cattle, so necessary for the refreshment of the Honourable Company's ships, of which it is not every day that any can be obtained by friendly trade."*

The system of oppression thus begun never slackened till the Hottentot nation were cut off, and the small remnant left were reduced to abject bondage. From all the accounts we have seen respecting the Hottentot population, it could not have been less than 200,000, but at present they are said to be only 32,000 in number.

2535.

When the English took possession of the Cape, they found them the actual, though not the nominal, slaves of the boors, and after some feeble efforts on their part for emancipation, as such we suffered the boors to retain them.

1134, 1135, 1136.

The law of passes, by subjecting the Hottentots to "rigorous control in moving from one place to another," did indeed much towards rivetting their chains, as it had the effect of placing them under the control of any inhabitants of the colony, who never wanted frivolous pretexts to detain them at compulsory and unpaid labour.†

Every obstacle continued to be opposed to their civil or moral advancement, and as late as 1828, we find it stated in the law passed by General Bourke for their relief, that doubts existed upon the competency of the Hottentots and other free persons of colour (the recent possessors, be it remembered, of the whole soil) to purchase or possess land in the colony.‡

All parties agree in their account of the state of the Hottentots before the passing of the 50th Ordinance, a measure of admirable justice, by which their freedom was declared and their civil rights were recognised. These are the words of Colonel Wade:—

I do not consider it requisite to enter into any detailed history of the state of utter degradation from which the 50th Ordinance was intended to rescue the Hottentots and other free persons of colour: suffice it to say, that, from all I have been able to learn, the state of the slaves was a thousand times preferable, in every point of view, to that of this unhappy race, who, amounting at the very least to a fourth part of the whole free population of the settlement, were held in the most degrading thraldom by their fellow-subjects, at the same time that both Dutch and English Governments over and over again admitted, and, by the strangest of all inconsistencies, admitted it in the very Proclamations and Ordinances in which their compulsory servitude was provided for, that 'the Hottentots were a free people.' From the withering effects of this bondage (in truth, I know not how to designate so monstrous an anomaly) the 50th Ordinance was intended to emancipate them.

2781.
1146.

Major Dundas also speaks of it as the emancipation of the Hottentots.

Had this 50th Ordinance stood alone, it is more than probable that its benefits to the people would have been comparatively inconsiderable, but that ordinance was confirmed and perpetuated by an Order of the King in Council, which passed at the recommendation of Sir George Murray.§

The immediate effect of the liberty thus granted was, as might have been expected, some temporary disorder, but not requiring more than the ordinary means

* Van Riebeck's Journal.

† Report of Commissioners of Inquiry, p. 5.

‡ See also Report of Commissioners of Inquiry on Hottentot Population, p. 5.

§ *See* Papers Cape of Good Hope, Part II. 1835, No. 252, p. 34, 35.

means of coercion. "Vagrancy, to a considerable extent, immediately after the promulgation of the 50th Ordinance, did take place; but this, in the opinion of Mr. Justice Burton and others, the laws of the colony were fully sufficient to restrain." In 1834, Judge Kekewich, in his charge to the grand jury of the Cape district, stated decidedly, that crime had decreased within the last four years. 1387.

p. 644, 5430.

Besides the subjugated Hottentots, there were other Africans of the same or of kindred tribes, who were early designated under the term Bushmen, from their disdaining to become bondsmen, and choosing rather to obtain a precarious subsistence in the fields or forests. From their fastnesses, they were apt to carry on a predatory warfare against the oppressors of their race, and in return were hunted down like wild beasts. This state of things is thus described by Captain Stockenstrom:—

The white colonists having, from the first commencement of the settlement, gradually encroached on the territory of the natives, whose ejectment (as is too well known) was accompanied with great injustice, cruelty and bloodshed, the most hostile feelings were entertained by the weaker party towards those whom they considered as their oppressors. The Aborigines who did not become domesticated (as it was called) like the Hottentots, seeing no chance of retaining or recovering their country, withdrew into the interior as the whites advanced, and being driven to depredations by the diminution of the game, which constituted their principal means of subsistence, and which gradually disappeared when more constantly hunted, and as the waters became permanently occupied by the new comers, they often made desperate attacks on the latter, and in their turn were guilty of great atrocities. Some of the rulers of the colony in those days were, no doubt, favourable to measures of conciliation, but the evil soon got beyond their power of control. In proportion as the pastoral population increased, more and more land was taken possession of, and more desperate and bloody became the deeds of revenge on both sides, until the extermination of the enemy appeared even to the Government the only safe alternative, at least it became its avowed object, as the encouragement given to the hostile expeditions, the rewards of the successful commanders of the same, and many documents still extant clearly demonstrate. The contest being beyond comparison unequal, the colonial limits widened with great rapidity. A thin white population soon spread even over the great chains of the Suven and Newveld mountains, whilst the hordes, who preferred a precarious and often starving independence to servitude, were forced into the deserts and fastnesses bordering on the frontier.

It will be at once perceived that I am here alluding to a period of the colonial history not long previous to the close of the last century, and that the Aborigines spoken of are the Bushmen and some tribes of Hottentots, for our relations with the Caffres and others are somewhat of a different nature, as I will show in the sequel. Thus the isolated position of most of the intruders afforded the strongest temptation to the savages occasionally to wreak their vengeance. The numerous herds of our peasantry grazing on the usurped lands proved too seductive a bait for the hungry fugitives, who saw the pasturage of their flocks (the game) thus occupied; but their partial success against individual families was generally dearly bought by the additional loss of life and land in the long run.

p. 117, 118.

In 1774, an order was issued for the extirpation of the whole of the Bushmen, and three commandos, or military expeditions, were sent out to execute it. The massacre at that time was horrible, and the system of persecution continued unremitting, so that, as we have seen, Mr. Barrow records it came to be considered a meritorious act to shoot a Bushman.

In 1795, the Earl of Macartney, by proclamation, authorized the landdrosts and magistrates to take the field against the wild Bosjesmen, whenever such an expedition should appear requisite and proper; a practice to which, in some parts, they needed not much urging; for Mr. Maynier, in his answers to the Commissioners of Inquiry, says, "When I was appointed Landdrost of Graaf Reynet, I found that regularly every year large commandos, consisting of 200 or 300 armed boors, had been sent against the Bosjesmen, and learnt by their reports, that generally many hundred of Bosjesmen were killed by them, amongst which number there were perhaps not more than six or ten men (they generally contriving to save themselves by flight,) and that the greatest part of the killed comprised helpless women and innocent children.

Anno 1792.

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"I was also made acquainted with the most horrible atrocities committed on those occasions, such as ordering the Hottentots to dash out against the rocks the brains of infants (too young to be carried off by the farmers for the purpose to use them as bondmen), in order to save powder and shot." *

Colonel Collins, in his tour to the North Eastern boundary in 1809, speaking of the Bushmen of that frontier, says,—

An attempt to draw them into service having proved unsuccessful, and some losses having been occasioned by their disposition to theft, a people not inferior in natural endowments to any upon the face of the globe, were represented to the Colonial Government as unfit to live. A journey from the Cape was supposed at that time to be too great an undertaking for the purpose of ascertaining any point which concerned only so distant a quarter. The reports received were implicitly believed, and orders were given for unlimited commandos.

The original population of the north-eastern frontier must have been very considerable, if any credit can be attached to the accounts given by the old inhabitants, of their younger days. I have heard one man, who is represented as an estimable character in other respects, declare, that within a period of six years, parties under his orders had either killed or taken 3,200 of these unfortunate creatures; another has stated to me, that the actions in which he had been engaged had caused the destruction of 2,700. They had acted thus in compliance with the instructions of a government which not only violated all the principles of justice and humanity by this indiscriminate massacre, but even acted in direct opposition to the plainest rules of policy and of common sense, by depriving the colony of the benefit which might have been derived from so useful a people.

The total extinction of the Bosjesmen race is actually stated to have been at one time confidently hoped for; but fortunately even such zealous instruments were not able to effect this bloody purpose.

It is but justice to observe, that the first attempt to conciliate this injured people was under the benign influence of Great Britain.

The journey undertaken by Mr. Barrow, at the desire of Lord Macartney, seems to have opened the eyes of the inhabitants of this district to the criminality of their conduct. They had never before harboured a thought that any government would condemn their proceedings, but, on the contrary, they conceived that their exertions in this unjust cause were the most certain means of recommending them to favour.†

After a time, we find that a milder system was enjoined,‡ and in some places the Bushmen became the willing herdsmen of the boors, and whenever they were well treated, they are described to have made faithful servants; but the boors were too often tempted to buy or to kidnap their children, and to turn the parents off the lands which they took into occupation; and so completely is the country south of the Orange river now cleared of Bushmen, that, in 1834, Dr. Philip wrote in a memorial to the Government,—

A few years ago, we had 1,800 Boschmen belonging to two missionary institutions among that people in the country between the Snewbergen and the Orange river, a country comprehending 42,000 square miles, and had we been able to treble the number of our missionary stations over that district, we might have had 5,000 of that people under instruction. In 1832, I spent 17 days in that country, travelling over it in different directions. I then found the country occupied by the boors, and the Boschmen population had disappeared, with the exception of those that had been brought up from infancy in the service of the boors. In the whole of my journey, during the 17 days I was in the country, I met with two men and one woman only of the free inhabitants, who had escaped the effects of the commando system, and they were travelling by night, and concealing themselves by day, to escape being shot like wild beasts. Their tale was a lamentable one; their children had been taken from them by the boors, and they were wandering about in this manner from place to place, in the hope of finding out where they were, and of getting a sight of them.

p. 694. *See* also 5739.

We reserve an account of the Griqua tribe, on the northern frontier, for an illustration of a subsequent part of our Report on the effects of Missionary exertions.

We may however remark, that no tribe of our neighbours appear to have suffered more from the incursions of boors with their flocks and herds into their country, a practice illegal indeed, but unchecked, if not connived at.

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* Papers Cape of Good Hope, 1835, No. 50, Part I. p. 28.

† Papers relating to the Cape, 1835, No. 50, p. 40.

‡ *See* Despatch from Sir G. Murray, Papers Cape of Good Hope, Part II. 1835, No. 252, p. 34.

One of the first steps to be adopted to secure the peace of the frontier, and the prosperity of the colony, will be to put a stop to the practice of the boors in crossing the boundaries of the colony at certain seasons of the year with their numerous flocks and herds. In 1834, there were said to be about 1,500 boors on the other side of the Orange river, and for the most part in the Griqua country. Of these there were 700 boors, for several months during that year, in the district of Philippolis alone, with at least 700,000 sheep, cattle and horses. Besides destroying the pastures of this people, in many instances their corn-fields were destroyed by them, and in some cases they took possession of their houses. This evil has been increasing for years, and all that time the Griquas have been remonstrating, but nothing has yet been done effectually to check it; and, consequently, when the Griquas remonstrated with the boors, the latter replied that it was useless for the former to complain, because the government would pay no attention to their complaints, and that if the government interfered it would only be to grant the Griqua country to boors. Nothing but the influence of the missionaries and of Christian principles restrained the Griquas from attempting to expel them their country by force of arms.

p. 626.

The migration of the boors into the country of the Bushmen and other tribes is not less unjustifiable than the alleged inroads and robberies laid to the charge of the Caffres by the colonists. So long as the facts could be questioned, the reports on the subject were treated as gross calumnies. This being no longer possible, the conduct of those boors is defended on the plea of necessity. The country inhabited by the boors, it is said, cannot support their cattle. This may be a reason for leaving it, but none for seizing a country to which they can show no title. The natives have just as much justice on their side, when they seize the cattle of the boors, as the boors have in seizing their country. It is said they only take possession of those tracts of country at certain seasons, and afterwards return to their farms within the colony; but those seasons are seasons of scarcity to the natives as well as to the farmers, and this makes their conduct doubly oppressive. Their flocks and herds consume the whole pasturage of the countries they thus invade, and the natives are left in a state of utter destitution. It is understood that a great many families crossed the boundary towards the Kye in 1834. It is important to know the number of sheep, goats and horses they carried with them. Could we ascertain this, we would then be enabled to form an idea of the misery they must have inflicted on the natives, who live entirely by pasturage or game. The number of animals of all kinds would probably be estimated low at 2,000 for each; but if we allow 1,500 boors, and 1,000 only to each, the effects of such an immigration must be ruinous to the natives. It is a cruel robbery, followed by starvation and death in its most appalling shapes; yet these men complain that cattle are occasionally stolen from them by the natives from beyond the boundary. When the farmers received their grants from government, they knew the nature of the soil and climate, that they would support only a certain number of sheep and cattle, and that droughts often occurred. If they chose to collect a greater number of live stock than the lands could support at all seasons, they should have provided places of retreat behind them; but for this they must have paid, and this is the sole reason of the unjust proceedings of these men. Avarice is the motive, and its fruits are systematic robbery and murder. In April 13th, 1829, a letter was written by the secretary to government, which states that these farmers expatriated themselves without the permission of the government, and in defiance of the law. This fact illustrates what all writers on the Cape have lamented, namely, the weakness of the government; government gave way to the avaricious boors. It has also been stated, that did the farmers not graze their cattle beyond the line of boundary, the districts would be abandoned. There is in the colony, we hesitate not to say, room for ten times the number of its present population; and portions of these districts have been but recently taken from their original possessors, to make room for those who now occupy them, and who are yet allowed to plead the barrenness of the soil as an apology for farther encroachments. Another plea is, that the evil cannot be remedied; that is, that the state of the country is such, that the boors cannot be stopped from passing the boundary. If it is so, means must be employed till the evil is stopped; for robbery and murder, and the invasion of peaceable countries, and the extermination of whole tribes of mankind, must not be connived at, much less be winked at, by the British Government. It is astonishing the indifference with which the local authorities have viewed the proceedings of these wandering boors, and the slackness with which they have enforced the orders of government. In 1834 an official gentleman came to the Kat River settlement, where he was told that the boors were daily passing the boundary, to intrude themselves on the country of the natives beyond them. "I know that," said he, "but I cannot stop them; and besides, if they were to stop on their places, their cattle and all would perish for want of grass." What if Macomo were to make use of the same argument, and allowed his people, when there was as little grass in his country as there is on the floor of the Committee-room, to graze their cattle on the colonial lands? It is a well-known fact, that the farmers in the district of Tarka have been quite a nuisance to the Tambookie chiefs, Mapassa and others, by allowing their cattle to graze on their lands in times of scarcity. None but those who have studied human nature, and are intimately acquainted with the workings of the system, can conceive of the enormities that must necessarily result from such a state of things. That the boors have carried their slaves with them out of the colony is now beyond doubt. In 1834 an officer was sent to the Kye to bring back some slaves who were reported to have been taken by their masters beyond the boundary. The officer succeeded in bringing back some of the slaves; but the impudence and audacity of these

p. 633.

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men was beyond anything, and instead of being made an example of, they were allowed to remain beyond the line, much to the annoyance of the poor natives.

3611. The statement is confirmed by Colonel Cox. "Were there considerable numbers, or only one or two cases?—Yes, in some numbers. They have been in the habit of crossing for grass, during the dry season, for several years; but I understand that they have now built houses upon the sources of the river, and are living there in great numbers.

"Do you happen to know of any great body of persons living together in this way?—I heard of 40 farmers that went out, and are living upon the Kye.

3611, 3612, 3613. "Did they take their herds with them?—They took the whole of their herds, and families and slaves. An officer was sent to bring back their slaves."*

Serious complaints have, as might have been expected, arisen respecting the conduct of these distant parties of boors, and that of wandering traders beyond the colony; and in the absence of any specific enactment on this subject offences committed against the natives in their own country could not be noticed in our colonial courts:† we have, however, much satisfaction in observing, that a remedy for this acknowledged evil has been provided by a late Act (August 1836), making all crimes committed by His Majesty's subjects within any territory adjacent to the colony of the Cape of Good Hope, and southward of the 25th degree of south latitude, cognizable and punishable by our courts of justice.

We proceed to take a brief retrospective review of our relations with the Caffre race; a people generically distinct from the tribes of Hottentots, Bushmen and Griquas, and superior perhaps, from the effect of circumstances, to the two former in valour and intelligence.

5711. For a considerable period, under the Dutch government, the Gamtoos river had been considered the limit of the colony. Previous to our occupation of the Cape in 1780, the Dutch governor, in a proclamation of that date, fixed upon the Great Fish River as the utmost limit of the colony on the eastern frontier. This, however, was only a restrictive and prospective boundary, as the Caffres were still left in possession of the country; and in 1798 Lord

5713. Macartney claiming all that the Dutch assumed as belonging to them by the vague proclamation of Governor Van Plattenberg, this new boundary was declared by a proclamation of his Lordship, in which we find mention of our contiguity to the Caffres. The preamble of this proclamation states, "Whereas hitherto no exact limits have been marked out respecting the proper boundaries between this colony, the Caffres and the Bosjesmen, and in consequence of such limits not being regularly ascertained, several of the inhabitants in the more distant parts of this settlement have united in injuring the peaceful possessors of those countries, and under pretence of bartering cattle with them, reduce the wretched natives to misery and want, which at length compels them to the cruel necessity of having recourse to robbing, and various other irregularities in order to support life;" he therefore fixes the Great Fish River as the eastern boundary, and strictly forbids the inhabitants of the colony to pass beyond it.‡

The terms of this proclamation are remarkable, compared with others, inasmuch as we thereby find that at various times two several reasons have been assigned for taking away land from the Caffres; the one, that they make inroads

* *See* also Colonel Wade's Despatch, 14th Jan. 1834, Cape Papers, 1835, No. 252, p. 77.

† Sir L. Cole's Despatch, 15th Nov. 1833, Cape Papers, 1835, No. 252, p. 64.

‡ Parliamentary Papers on the Cape of Good Hope, Part I. p. 114.

inroads upon us, that they are troublesome neighbours, that we are not safe in their vicinity, we therefore pronounce their land forfeited; the other, as in Lord Macartney's proclamation, that we have been the oppressors, that we have seized their land and reduced the people to be plunderers from starvation, we therefore pronounce their land forfeited. It is singular that from such diversity of premises such an uniformity of conclusion should have been deduced.

After the return of the English to the Cape in 1806, disputes were continually occurring, and in 1811 the Caffres were driven completely out of the Zuurveld. "Up to 1811," says Captain Aitchison, "the Caffres had possession of the whole of Albany. In 1811, a large force was sent from Cape Town under Colonel Graham, and were about a year in clearing that country. A great many lives were lost on both sides."

The same witness states the process of clearing to have been by "merely sending in small detachments and constantly harassing the Caffres." 192, 193.

The cost of this war of 1811, which was protracted four years,* was deplorable in all respects; many hundred lives were lost on both sides; among the rest fell landdrost Stockenstrom, father of the Lieutenant-governor of the eastern district, and T'Congo, father of the chiefs Pato, Kama and T'Congo.

It is not easy to calculate exactly the expenses so brought upon the Cape Colony, and upon the home Treasury; but the Commissioners of Inquiry notice the expense of the war of 1811 as a great evil;† and as they remark, that peaceful intercourse is endangered by the troops,‡ so they anticipate saving of money from a peaceful system.§

The results of this war of 1811 were, first, a succession of new wars, not less expensive, and more sanguinary than the former;‖ second, the loss of thousands of good labourers to the colonists;¶ and this testimony as to the actual service done by Caffre labourers, comprises the strong opinion of Major Dundas, when landdrost in 1827, as to their good dispositions,** and that of Colonel Wade to the same effect; and thirdly, the checking of civilization and trade with the interior for a period of 12 years.†† p. 171.

The gain was some hundreds of thousands of acres of land, which might have been bought from the natives for comparatively a trifle.‡‡

In 1813, it is stated, that a "commando, under Colonel Brereton, took 30,000 head of cattle from the Caffres; a practice forming part of a system to which frequent reference is made in every history of our Cape colony transactions. 1008.

The inhabitants of the frontier have, it seems, from the earliest times, been accustomed to unite in "armed assemblages, called commandos," for the purpose of recovering stolen cattle. The system was recognized by the Government, who appointed a field-commandant to each district, and a field-cornet to each sub-division of the district.§§

For

* Par. Pro. H. C. 1835, No. 50, p. 196.

† Report, House of Commons Papers for 1835, No. 50, p. 200.

‡ Ib. p. 195.

§ Report on the Cape Finances, Papers for 1826–7, No. 282, p. 83, vol. xxi.

‖ Par. Pro. H. C. 1835, No. 50, p. 196.

¶ Ibid. No. 50, p. 195, and Evidence of Mr. Maynier, landdrost at the time, pp. 30 & 174; and Col. Collins's Report, p. 41.

** Par. Pro. 1835, H. C. No. 252, p. 14.

†† Ibid. No. 50, pp. 199, 200.

‡‡ Ibid. No. 50, pp. 34 & 47.

§§ Report of Commissioners of Inquiry, Parliamentary Papers on native inhabitants of the Cape of Good Hope, Part I. p. 194.

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Capt. R. S. Aitchison.

For the mode of conducting the commandos, we refer to the evidence:—

63. Please to describe a commando; how the orders are originally given, and the process?—A commando is merely a name attached to a force collected, either a regular military force, or partly military and partly civil. The magistrates in that country have power to order the farmers upon military duties when occasion requires. The commandant of the frontier, or the civil authority, demands assistance from the military and from the neighbouring counties, to check any inroad the Caffres may make, or to recover beasts that may have been stolen; these when collected are called a commando.

66. What was the first step generally taken in those cases?—It depends upon whether we went to check irruptions into our own country, or to punish for depredations committed. If by crossing the boundary upon the trace of stolen cattle, we were to follow them as far as we could; but I ought to say, different governors vary so much in their opinions, and take such extremely different views of a subject, that it was a difficult matter for those employed to know how to act.

67. Now you traced the cattle as far as you could?—Yes, generally, to some Caffre's kraal.

68. And if you do not find the cattle there, what do you do?—At one time we used to go to the first kraal we could and make reprisals; with those, of course, we returned to the colony, and they were given over to the civil authorities, to be disposed of as they thought fit. Upon other occasions we trace the cattle as far as we think proper, till we come to the kraal, and then point out to the chief of such kraal that the trace of such beasts had gone through his territory, and desired him to follow them up.

69. Suppose he denied all knowledge of them?—If you pointed out that the beasts had gone through and he refused to assist you, you took his cattle.

99. On what authority does the commando march; from the direction of the magistrate? —Nobody can enter Caffreland without the sanction of the military commander.

100. Then I wish to know on what authority he has this command?—By the order of the governor.

101. If I understand the matter right, when a boor loses his cattle he makes application to the magistrate?—To the nearest military post.

102. And upon his affidavit, or stating this fact satisfactorily to the magistrate, he interferes?—The magistrate is not required on these occasions; the magistrate is 60 miles off. I have been constantly on the frontier. The moment a farmer is aware that his cattle are driven off by the Caffres, he rides to the nearest military post, and there states his grievance. That officer has directions to listen to that, and to ascertain, as far as it is in his power, the truth of it. If he is satisfied of the truth of it, he sends an officer, if possible; but in many cases we have so small a force, that an officer could not be sent, and therefore non-commissioned officers were frequently trusted; they were sent to ascertain whether or not the cattle had crossed or passed as the farmer reported, and whether or not the Caffres were following them up. The trace of the Caffres is so marked that there can be no mistake.

In 1833 a proclamation of Sir Lowry Cole empowered any field-cornet or deputy field-cornet, to whom a boor may complain that he had lost cattle, to send a party of soldiers on the track and recover the cattle. These persons

1436. are often connected with the boors themselves: their unfitness for such a trust is elicited in the following evidence:—

2374-5-6. What is the rank and condition of a provisional field-cornet?—He is an inhabitant of the common class.

Is it possible that a man not in a higher situation than that of a constable in this country might be a provisional field-cornet?—Oh, decidedly, any man. I have seen provisional field-cornets of the most indifferent class in the colony.

And to persons of the most indifferent class, and in circumstances the lowest, this extensive power of making inroads upon the native territory, was, according to the old system, entrusted?—Very often; for the Committee must understand, that even a field-cornet himself can appoint a provisional field-cornet, who has the right of appointing another provisional field-cornet, in sudden emergencies.

It is on evidence, that this mode of recovering cattle is very uncertain, that the cattle are often reported as lost, when they have only strayed; so that,

P. 121; also, 979; 317. in nine cases out of ten, you punish the innocent; "and here," says Captain Stockenstrom, "lies the great evil, for it is the easiest and most lucrative mode of retaliation, yet at the same time the most demoralizing."

Of late years, a plan has arisen of keeping patrols constantly on the border, parties

* Captain Aitchison, pp. 86. 705. 707; Dr. Philip, p. 688; Captain Spiller, p. 836; Captain Stockenstrom, p. 971.

parties of military on the alert for observation, and ready to attend the summons of the farmers. The frequency of these retaliating expeditions is thus noticed by officers who have been employed in them :—

109. Were you called upon constantly to perform duties of this kind?—Constantly; not perhaps so frequently latterly, from my seniority in the corps; but I have known the junior officers to have been out four times in the week.

110. Upon these expeditions?—Upon these expeditions.

111. So that it was the great business of the corps?—The sole business of the corps. I have been left at my own post with seven or eight men only.

170. You say that you have known your officers called out four times in a week, suppose we say eight times in a fortnight; can you tell me the proportion, on an average, of how many of those are commandos, and how many patrols?—I mean the patrols; we have been out three months together on a commando; I have been out from July until October.

769. In your opinion, is the present strength of the Cape regiment equal to the defence of the frontier?—Decidedly not; and they were very much harassed when I was there with the duties they had to perform. Capt. Spiller.

1183. The military were constantly employed by these expeditions into the Caffre country?—That they were frequently employed there is no doubt; they were continually employed (I mean those who were on the immediate line of the frontier) on patrol; they were continually passing along the boundary of the colony to observe whether there might be marks of cattle having crossed the main roads, and follow such, and to intercept any cattle they might by chance observe while being driven from the colony. Major W. B. Dundas.

1184. How many expeditions do you imagine to have taken place during the year into the Caffre country to recover cattle?—I really cannot tell; but I can tell this, that during the whole time I was on the frontier, three years and a half, there was but one commando, properly so called, that is, a joint assemblage of burghers and military force, for the purpose of enforcing the restitution of cattle. There were other commandos, but they were set on foot to defend the Caffres and Tambookies against the inroads of other nations.

1185. Do you mean to say that there were incessant robberies going on of colonial cattle, and only in one case the military were employed?—No; I particularly explained what I considered to be a commando: a commando is the joint assemblage of burghers and the military force in considerable numbers, for the purpose of punishing the Caffres for depredations, or forcing the restitution of stolen cattle. There were frequent military parties that went in for the purpose of recovering cattle, or demanding the restitution of cattle.

2816. It is a matter of common occurence that the Caffres steal the cattle, and that commandos enter their country?—Not commandos, but patrols, agreeably to the directions of the governor; it is very common; there was scarcely a week without application on the part of the farmers and boors, when I commanded at Fort Beaufort, for patrols to retake stolen cattle, and sometimes two or three in the course of a week. Lieut.-Col. Wm. Cox.

2817. Were those patrols continually granted?—Always; and accompanied by the farmer himself, or one of his sons, people to whom the cattle belonged.

The late Commissioner of the frontier, now Lieutenant-governor, thus gives his opinion of the working of this system.

I had then long since made up my mind that the great source of misfortune on the frontier, was the system of taking Caffre cattle under any circumstances by our patrols, and I shall give my reasons: if Caffres steal cattle, very seldom the real perpetrators can be found, unless the man losing the cattle has been on his guard, and sees the robbery actually perpetrated, so that he can immediately collect a force and pursue the plunderers; if the cattle be once out of sight of the plundered party, there is seldom any getting them again; our patrols are then entirely at the mercy of the statements made by the farmers, and they may pretend that they are leading them on the trace of the stolen cattle, which may be the trace of any cattle in the world. On coming up to the first Caffre kraal, the Caffre, knowing the purpose for which the patrol comes, immediately drives his cattle out of sight; we then use force and collect those cattle, and take the number said to be stolen, or more: this the Caffres naturally, and as it always appeared to me, justly, resist; they have nothing else to live on, and if the cows be taken away the calves perish, and it is a miserable condition in which the Caffre women and children, and the whole party, are left; that resistance is usually construed into hostility, and it is almost impossible then to prevent innocent bloodshed. It also often happens that when the patrol is on the spoor of cattle really stolen, they find some individual head of cattle which is either knocked up or purposely left behind by the real perpetrators, near a kraal, and that is taken as a positive proof of the guilt of that kraal, and leads to the injustice which I have previously pointed out. There have been instances where the farmers have gone into Caffreland with a patrol, pretending to be on the spoor of stolen cattle, and where cattle was taken from the Caffres on the strength of this supposed theft, and on returning home he has found his cattle in another direction, or found them destroyed by wolves, or through his own neglect entirely strayed away; and thus men, not losing cattle at all, but coveting Caffre's cattle, have nothing more to do but to lead the patrol to a kraal, and commit the outrages above described; and the Caffres have frequently told me, "We do not care how many 969, p. 83.

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many Caffres you shoot if they come into your country, and you catch them stealing, but for every cow you take from our country you make a thief." This I know to be the case, and though I am aware that it is an unpopular view of the question, I must persist that as long as Caffre cattle be taken, peace on the frontier is utterly impossible.

1005. Then do you attribute the disturbances, which have so constantly prevailed on the frontiers, and the acts of severity which we have been obliged to inflict occasionally, and the backward state of improvement of the natives, and the necessity of maintaining a large military force on the frontiers, to this cause; namely, the seizure of Caffre cattle, for cattle stolen or pretended to be stolen from the colonists?—Decidedly.

1006. You think that is the great source of these evils?—Certainly.

1007. And the great source of expense to Government in keeping up a sufficient military force on the frontier?—Yes, decidedly; it leads to this, that when cattle are taken, those from whom they are taken have nothing else to live on; they consequently try to keep possession and defend themselves: this is "resistance;" we then use violence, they are shot, and at last comes war, and war without end.

1013. Do you think we can have a system of peace and tranquillity, and the introduction of civilization among the natives, so long as this system of seizing their cattle continues?—Decidedly not; they cannot be quiet, the people must eat.

1014. Do you think it is in vain to attempt to civilize and christianize them as long as this system of plundering them of their cattle continues?—Yes, it is in vain to attempt to civilize and christianize, if people have nothing to eat.

1015. Did you represent to the Government that the continuance of this system would render it necessary for the Government to annex the Caffreland to our dominions?—In both my statements which are before the Committee, it will be found that almost the very words were used long before any of the late outrages began. As a natural consequence of our commando in 1818, followed the expulsion of the Caffres, and the seizure of the ceded territory. We will go from one line to another, and we will take one slice of the country after another, and as long as you continue to take the people's cattle, so long will this take place, and you will go from river to river till you get to Delagoa Bay.

Nearly the same is the evidence of Colonel Wade, though he argues for the substitution of some other measure of protection: "I admit, without any hesitation, that there are very many and very great evils inherent in the commando system (some of which I will hereafter enumerate); that it is a mode of defence greatly liable to abuse under many circumstances, some local and others peculiar to the colony (some of which also are insurmountable); that almost at the very moment when the Secretary of State addressed the last of the despatches above alluded to, to Sir B. D'Urban, communicating His Majesty's disallowance of the commando ordinance, I was myself employed in writing to Mr. Stanley, representing the commando as a system of defence of very ancient date, and which, in every point of view, in my humble opinion, required to be abandoned."

p. 394.

The despatch of Mr. Stanley above referred to, expressly says, "There certainly are not wanting reasons for authorising the presumption, that these commandos have been carried on with much disregard of human life, and have been marked with acts of atrocious cruelty. It must, therefore, I apprehend, be admitted, that the system has been a fearful scourge to the native population, and with that impression on my mind I have naturally bestowed the most serious consideration upon the provisions of the Ordinance;" and he thereupon adds, "I have His Majesty's commands to signify to you his disallowance of the Ordinance, No. 99, and of Lord Macartney's proclamation, it being His Majesty's pleasure that such disallowance shall take place on 1st August next." *

But we return to the history. In 1817 we entered into a treaty with Gaika, a Caffre chief of importance, but not, as we chose, or as a witness expresses it, "wished," to consider him, paramount sovereign, to punish the depredations of the other chiefs, one of whom, T'Slambie, soon after quarrelled with Gaika. We took part with Gaika, and defeated his enemies, of whom a great number were slain, and we brought off an immense drove of cattle, which we divided

41 and 551. 1402.

* Parliamentary Papers on the Cape of Good Hope, Part II. pp. 64, 65.

divided with our ally. This involved us in the more serious war of 1819, when the Caffres, whom we had plundered in the preceding year, made a desperate incursion into the colony. They were driven back with slaughter, and we then demanded of Gaika a large portion of Caffreland, for no reason that can be discovered, except that he failed in preventing the incursion, though he was then our ally, and aided us in repelling it.

Then are these the facts of the case: that we interfered with the quarrel between Gaika and the other Caffre tribes; that we made an inroad into the Caffre territory, in consequence of which we took from them a considerable quantity of cattle; that that led to an incursion on their part into our territory, and that then, having chosen to consider Gaika as the only responsible chief, we obtained his unwilling and reluctant consent to the sacrifice of this rich district of land?—Yes, decidedly. 557, 558.

So that in the first instance, in consequence of our interference, we obtained a considerable quantity of the personal property of these natives; and, in the second place, we obtained a considerable space of territory?—Yes.

We thus pushed our boundary line to the Keiskamma, taking in about 2,000 square miles more. This tract was at first to be called neutral territory, but it soon came to bear the name of ceded territory, although the mode of cession was somewhat questionable. Gaika himself did not profess to have the entire disposal of the lands he thus surrendered; the right was disputed by the chiefs of his own nation, and the treaty was merely verbal, and consigned to the memory of the parties alone; but in those days, as a witness observed, a discussion with the Caffres was not treated with much formality.

But those chiefs who were present at the time of that interview with Lord Charles Somerset were consenting parties, were they not?—Lord Charles Somerset only held Gaika responsible, and only communicated with him. The discussions among the chiefs took place between themselves, and no one knows what their objections or their acquiescence were at that time. 555, 556.

But, as they made no objection, it might be taken for granted they were consenting parties?—It is very difficult for us to say whether they consented or not in their discussions with him; but we, being the stronger party, did not give that latitude to objections on the part of the native tribes which may be allowed on other occasions; a discussion with the Caffres was not then treated with so much formality as at present.

It should be noticed, that in this treaty Gaika expressly reserved for the Caffres the basin of the Chumie, which became afterwards a point of further contention.

Do you consider that Gaika had the power to make a surrender of that tract of territory?—He acquiesced after it was explained to him, it must be so; but that he said, "I willingly consent to this," I cannot possibly say. In the first place, it would be contrary to reason to suppose that any people, under such circumstances as the Caffres, would willingly part with such a country. I do not think any people would. But when he saw there were no other means, he acquiesced in it; and, after much consultation with the other chiefs, he consented, provided that the Chumie Basin was included in Caffreland. 549.

The next fact that strikes us is the statement of Captain Aitchison: "The chief, Macomo, upon representing the hardship of his being removed out of the country and giving up the Kat River, which was formerly his, was allowed to return again; but many robberies had been committed by his people, and traced to his kraals or huts. In 1822 or 1823 a large force, in which I was employed, surprised these kraals in the middle of the night, and we took from them 7,000 beasts." 38

We also find other records of commandos of the colony, and in 1826 it is admitted that one of these attacked by mistake the kraal of Botman.*

Still Macomo remained, as it was said, on sufferance; but in 1829 an attack of Macomo's upon the Tambookies was the occasion or the pretext of his expulsion. Macomo alleged that he had done nothing to deserve the displeasure of the British Government. But it is not our design to defend his treatment of the Tambookies. His expulsion, however, seems to have been pp. 63, 632.

* Parliamentary Papers on the Cape, Part II. p. 152

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been a measure of severity, as described by a witness by no means favourable to Macomo, and to have remained a lasting grievance in his mind. Mr. Gisborne was asked,

Mr. Gisborne, Q. 3284.

3286. Are you able to speak to the extent of territory taken from Macomo?—I cannot describe it otherwise than very generally, but it must be many miles each way. I accompanied one of the military parties, as a friend of the officers, when they were sent into it. I think the military was divided into three or four parties, who were in it for two days, going about the country and destroying the villages; and the country was so extensive, that our party had no communication with any other. The other parties were sufficiently far from us for us not to be aware that they were in the country, except by seeing the smoke of villages burning; and it was only on the evening of the second day we joined them again, so that the country must have been many miles each way in extent.

3287. Be pleased to explain the circumstances which came under your own observation, or to your own knowledge, relative to the expulsion of Macomo?—My knowledge was derived partly from general report and partly from the conversation with officers with whom I was living, whom I suppose to be very well informed. It was commonly said that Macomo had quarrelled with the Tambookies; that he had made war on them, and captured from them about 7,000 head of cattle; the Tambookies chiefs reported this to our government, and I believe asked for aid, and also for actual provision for themselves, in consequence of having lost their cattle; our government remonstrated with Macomo, and insisted upon his restoring an equal number, which he constantly put off. I believe he never actually refused. He said he would if he could, but that the cattle had been distributed among his people, and it would be impossible for him to recover them, and therefore, after a considerable time spent in that way, military parties were ordered to go into his country to capture all the cattle they could, and to expel him and his people from it. The country was afterwards colonized by free Hottentots.

3288. Those were the general motives which led to that step?—I believe they were.

3289. What circumstances took place in your observation as to the method of moving him out of the country?—The party of military I accompanied went into the country; they met with no opposition; they found a number of people, who immediately fled to the woods. They captured all the cattle they saw feeding, and burnt every village and every house which came within their range. The Caffre corn which was growing, they did not destroy, and the officers certainly ordered it not to be destroyed, and not to be burnt; so that if the Caffres chose to return at a future time and reap that corn, they might; but it was almost impossible to prevent the horses straying into the corn, and almost impossible to prevent the soldiers wilfully turning their horses in, that they might get a much better meal than they would otherwise. In most instances the soldiers went into the huts before they burnt them, and brought out any particular articles, such as the skins to hold milk, and other vessels, and laid them outside the houses, before they burnt them; but where the villages were large, it was impossible for them to do so in every instance. I saw no injury done to any person, though I saw a very distressing case, in which a hut had been burnt, not by the party I was with, but by another: the hut must have contained a poor idiot Caffre woman, who was also blind, and she was crawling about when we came up, not knowing how to escape, and was burning herself. She was immediately removed by the soldiers, and they left a hut standing for her, and some of the Hottentot soldiers, from their own feelings, left their rations with her, that she might have food.

3290. That injury was of course not intentional?—Of course not at all.

3291. Had you an opportunity of communicating with the Caffres, so as to ascertain whether they considered their expulsion from their country a great injury?—They certainly did, but we had no communication with any Caffre in that country at the time, except with one man, who had got to the other side a rocky ravine, while a village was being burnt. He called out to us in the Caffre language, which was explained to us by an interpreter, and asked us why we were burning his house; and it seemed to be difficult to make a reply: there was general silence throughout the party. I should perhaps say, I afterwards went into the interior, and was much among the Caffre tribes, and we were generally on friendly terms with them, and they often used to refer to the expulsion of Macomo, and ask about it, apparently thinking it was part of a general system of taking their country from them: even Hintza, and other chiefs less powerful than him, alluded to it in their conversation with us.

3296. *Chairman.*] Will you state the general impression which the whole transaction left on your mind as to the system of measures of expelling the Caffres from their land, as to its policy, and as to the probable consequences with regard to maintaining peace in the country?—As to the justice of the measure, I think that ejecting people entirely from their land, because they had been at war with others whom we might call our allies, was certainly the strongest kind of punishment that could be inflicted, and for an apparently almost dubious crime. The Caffres are constantly making war one with another, and a predatory war is not the greatest of crimes in their eyes. The government, very likely, were better informed as to what excuses, good or bad, Macomo might have for going to war with the Tambookies. He was a very uneasy neighbour, and I have no doubt the Cape government were very desirous to get rid of him as their neighbour. He might be almost called a usurper. He was a very active man. He had always a considerable number of the most enterprising of the Caffres, who liked to serve under him, because he

was

was a most successful plunderer. I think it would have been very difficult for any person to have relied on a promise or treaty of Macomo's, because he had established his power by being at the head of what might be termed a banditti. His father was Gaika, and Macomo could have no right to the territory till his death, if even then, not being his eldest or succeeding son. He had become the head of an army, and a certain portion of territory had been yielded to him, perhaps by Gaika. He was probably as difficult a man to live on good terms with as any man that could be found. The consequence of the measures might be easily foreseen. Macomo had no place to go to except to retire to a part of the country where the Caffres declined to live (unless they were forced to do so), for want of water: he could not be expected to live there any more than the Caffres who had refused formerly to occupy it. He must therefore be still expected to live by rapine, and even more so than when he had a country where he could live by pasturing cattle and cultivating corn. He retired further down the Sward Kei (I think), where is a very bad country, and I believe then became for some time a head of mere roving banditti, and lived on his neighbours. Since that time, he succeeded to the power in Gaika's country, and then of course his circumstances were altered. He was, in the first case, driven back on the Caffres, who were altogether deficient in pasture land. The numbers of persons to be supported by the same country were considerably increased, and their extent of land diminished.

3297. Do you apprehend that Macomo entertained so painful a recollection of this season of his life as to have influenced him in his late attack, which had been made in the colony by the Caffres?—I think it is impossible to doubt that Macomo's feeling certainly had not subsided for a considerable time. He had professed to be very willing to make terms with the colonists again, provided they would give him part of his land.

The banks of the Chumie were still left in the possession of the Caffres, and their next remove was from thence. We have thought it right to quote these passages of Mr. Gisborne's relative to Macomo, in order to show that there is no prejudice in his favour; but after stating his opinion, it is necessary, in justice to the chief, to give that of other witnesses, who are well acquainted with his character:—

Capt. R. S. Aitchison.

126. What had been the previous conduct of Macomo?—He had been a good deal blamed at one time: he was certainly the most daring Caffre of the whole; a gallant bold fellow, and as a friend a most excellent one; but as an enemy a very dangerous one.

127. But he was a man, from your intercourse with him, in whom you could place reliance, if he pledged his word to you?—I should have no hesitation in doing so.

Colonel Cox.

4532. Is the fact here stated true, that you had reason to entertain a good opinion of Macomo?—Macomo was a favourite of mine. I confess I thought a great deal could be done with him, and I thought he had been in some instances rather harshly treated. I have a more favourable opinion of Macomo than of any other chief.

4536. Do you attribute to him deliberate duplicity?—No.

4537. What do you think of him in point of general character and intelligence?—I think he has more intelligence than the other Caffre chiefs, and that a great deal more might be done with him than with any others; he has more reason to complain than the others; he has been removed two or three times from his territory.

Mr. J. Read, jun.

5186. Mr. *Johnston.*] What was your opinion of Macomo's character for intelligence?—I think he is a most intelligent man, an acute man, a man of great mind, a just man, a man who tried to do everything in his power to discourage thefts, a man who, if he could but sit quiet, as he once called it, would attend to the word of God. We have never had any cattle traced to his country; a man who is praised by every military officer. I heard Major Birnie say, at Beaufort, on my way to Graham's-town, that if Macomo had been treated by every officer as he had been treated by himself, Macomo might have been made much of, and this war never would have happened.

5187. What did the chief mean by the expression "sitting quiet?"—That he had no rest: he was daily annoyed by patrols.

Rev. S. Read.

5256. *Chairman.*] Do you consider Macomo to be a person of considerable natural talent?—Considerable.

5257. Do you think he had a sincere desire to sit down, as he called it, in peace, and to promote the civilization and improvement of his people?—I believe perfectly so, from everything I could learn. I do not derive this confidence in Macomo from my own personal observation alone; but every missionary that I have met with that had any knowledge of Macomo, spoke in the highest terms of him. The Rev. Mr. Ross resided with him three years, at Balfour, and he said he found him always correct in all his proceedings; and I have not met with a military officer that has come into contact with Macomo yet, but what has given Macomo a good character.

In 1833, before Sir Lowry Cole left the colony, he had given orders for removing Tyalie and his people from the Muncassanna; he was accordingly removed, but by an error, as Colonel Wade says, not placed beyond the boundary. To remedy this error, Colonel Wade, without consulting the frontier

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authorities, gave order for a further removal, which must have appeared to the Caffres, who had submitted quietly to the first order, an unaccountable decree.

2781. A very short time before Sir Lowry embarked for Europe (on the 10th of August), orders were transmitted to the civil commissioner and commandant to remove Tyalie and his people from the Muncassanna beyond the colonial boundaries. Finding that Government had decided on this measure, Tyalie did not offer any resistance, or render the employment of the troops and burghers, who were in readiness to enforce compliance, necessary, but withdrew from the colony, and was placed behind what was erroneously supposed to be the boundary, viz. the "Gaga," one of the small periodical streams which have their source in a ridge of no great elevation, which commences where the Kat Berg terminates, runs thence parallel to the course of the Chumie and Keiskamma Rivers, as far as Somerset Mount, where it branches off to the westward, and encloses several other streams that run directly to the sea.

2794. The necessity of removing Tyalie and his people from the Muncassanna had undergone mature consideration before Sir Lowry Cole issued his instructions for the execution of that measure in the preceding August or July; and when after his departure I discovered that they had been placed, not beyond the boundaries, but only behind the Gaga, which was erroneously supposed to be the boundary, and that there were others within the limits to whom I was positively certain no permission to reside there had been granted by the Government, and that the locations were, under these circumstances, still exposed to, and suffering from, depredation and trespass, I did not again deem it necessary to consult the frontier authorities, but decided upon perfecting the protection of the locations, as far as it was possible to do so. Had I asked their opinion, I am inclined to believe that the acting commandant, Colonel England, would not, and that the civil commissioner, Captain Campbell would, have approved of the removal. It is right also that I should explain, that the existence of an error as to the precise boundary line at the point in question was by no means a matter to excite surprise, as from the length of time Tyalie's Caffres had been permitted to remain in the Muncassanna, an indulgence they so frequently and so shamefully abused, no circumstance had for some years past rendered necessary the verification of that particular portion of the frontier, and there were very few who possessed accurate information on the subject.

2782. I have already explained that the chief Charlie (Tyalie) and his people were removed from the Muncassanna by order of Sir Lowry Cole. His orders were that they should be placed beyond the colonial boundaries; they were placed, not beyond the colonial boundaries, but beyond what was erroneously supposed to be the colonial boundaries, the Gaga. The source, as I have stated, of the Gaga is within a mile of the source of the Muncassanna; therefore, when I ascertained that depredations continued, I asked the officer of engineers to point out to me the exact boundaries, and he showed me that it was the upper stream, and not the Gaga, and it was at once evident to me that as long as the Caffres occupied the Gaga the depredations could be easily accounted for, as they had only a mile of open ground to go over into the Muncassanna, and therefore I at once decided upon removing them behind the upper stream, above the Gaga.

2783. Did the officer give any reason for his inferring that this upper river was the proper boundary and not the Gaga?—I have already stated it was the same officer who was sent with Captain Stockenstrom when a doubt arose as to the precise boundary in 1822. He had persons sent along with him to mark out and ascertain the boundary, and it happened fortunately that this same officer was in the year 1833 at Cape-town, and he traced the boundary himself upon that map, where the dotted line now is.

2784. *Chairman.*] Then having ascertained from Lieut. Pettingall, who surveyed the boundary, that an error had been committed, you considered that you were justified in removing the Caffres further to the eastward?—Yes. I must explain, also, that this was the first time since 1823 that it had become necessary to ascertain the boundary in that direction, because the Caffres had been permitted to return to the colony "on sufferance," and that country had been occupied by them from that period. Macomo was expelled from the valleys of the Kat in 1829, but Charlie (Tyalie) was still left in possession of the Muncassanna, and therefore it had not before become necessary to ascertain the precise boundary. Sir Lowry Cole left Charlie (Tyalie), certainly the most troublesome chief upon the frontier, on that stream, the Muncassanna, and as nothing at that moment was brought against him, permitted him to retain possession of it, although a tributary of the Kat River, where at the same time he located the Hottentots.

On this affair we would remark, that the actual boundary was at least a disputed point, few authentic witnesses remaining; but there were two persons, who, from their station, must be regarded as competent to speak to the point, and they, without communication, concur in declaring that the Chu-

5726. mie basin (the tract in question, as we believe) had been reserved for the Caffres. These are Captain Stockenstrom, who, in his account of the treaty, says, as we have seen, that Gaika did stipulate that his family should keep the Chumie basin;

basin; and Macomo, who, in a letter written in 1833, says, that "I have lived peaceably with my people west of the Chumie River, ever since I have been allowed by Stockenstrom and Somerset to live there in my own country." * 549.

Whatever may be the opinions of our witnesses on this and on other particulars of our border policy, on one point we observe they are all agreed, in condemning and in lamenting its fickleness and inutility. p. 555. 2694 66.

This vacillation may be explicable, perhaps, to ourselves, who are aware of the variety of men and opinions concerned in the administration of affairs, and of the contradictory representations liable to be made at a remote seat of government; but, as Lord Glenelg has justly observed, to the natives our proceedings must often have assumed an appearance of caprice, and of a confusion perfectly unintelligible. In no case has this vacillation been more awkwardly exemplified than in the further transactions with Macomo, thus stated by Captain R. S. Aitchison:—

Capt. R. S. Aitchison.

115. Have you ever been employed in removing any of the Caffre tribes out of the neutral territory?—I have: in November 1833 I was ordered to remove Macomo, Botman and Tyalie, beyond the boundary, which I did.

116. Who was the commandant of the frontier at that time?—Colonel England, of the 75th; Colonel Somerset having gone on leave to England.

117. Who was the governor?—The acting governor was Colonel Wade; after Sir Lowry Cole's departure, and before Sir Benjamin D'Urban arrived, Colonel Wade was acting governor.

118. Will you state what took place when you were ordered to remove Macomo and Tyalie?—Colonel England sent for me (I was absent about 30 miles from Graham's-town), and stated that he had received from Cape-town orders to remove those chiefs beyond the boundary, and that I was named for that duty. He then, as I had been a long time in the country and understood these matters perfectly, asked me the policy of that step, and we agreed that as it was the time of the year when the Caffre corn and pumpkins were in a forward state, that if this could be put off for a few months it would be an act of charity towards the Caffres. Viewing it as I did, he did not act upon the order, but by the post of the following day wrote to say that such being the case, he had submitted again the policy of allowing the Caffres to remain until they had reaped their harvest, and hoped it would be approved of by the governor. By return of post, which was about 14 days from that date, a peremptory order arrived for the removal of the Caffres. I was named and ordered to repair to Fort Willshire, to take upon myself the command of that post, and to superintend the clearing of the country. The force that was then put under my charge was quite inadequate to effect this purpose by force. I sent for Macomo and for Botman, and as I had known them many years, I told them, and in fact they expressed great confidence, knowing that I had never deceived them in any way whatever, and never promised them that which I could not perform. I sent for them and explained the case. At first they refused positively to go: I then pointed out as well as I could the absurdity of objecting to go. Macomo said he knew very well that I could not force him; I said of course that I must do it, but that if he would go quietly and advise all his people to do the same, Colonel Somerset might be expected very shortly and also the new governor, and that his good behaviour on this occasion would insure him my support, and that I would not fail, if he went quietly, to mention his conduct to both when they arrived. After many hours, I may say almost, of needless conversation upon the subject, he at last said that he would believe me, and would go. I gave him two days to complete the evacuation of the country, and then I went with the whole force I had, and did not find a single Caffre.

119. Had they left any property?—All the corn, which was quite green, all the gardens, and all the pumpkins, and everything was left; no animals were left.

122. In this conversation that you had with Macomo, did he claim his right to stay?—No; but he distinctly said, which we found out afterwards to be the case, that he could not make out the cause of his removal, and asked me if I would tell him; and I really could not: I had heard nothing, no cause was ever assigned to me for the removal; and moreover I met a boor who lived close to where Macomo was, and he said, "Pray what are you removing these people for?" I said "My orders are to do so." He said "I am very sorry for it, for I have never lost, so long as they have been here, a single beast; they have even recovered beasts for me."

125. Then Macomo behaved, in this interview between you and him, very well?—At first, as may be supposed, he was very violent; the man was very much irritated. I could not

* See also Despatch of Sir B. D'Urban, 28th Oct. 1834, Cape Papers, Part II. 1835, No. 252. p. 103.

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not assign any reason why he was ordered to be removed; and he absolutely stated, "I will allow you to inquire at Fort Willshire, whether or not I have not sent in horses and cattle re-captured from other Caffres, which had been stolen from the colony."

131. Did you see any instance of great distress amongst them?—Unfortunately it so happened for them that it was a particularly dry season; the grass, which generally is very abundant, was very scarce indeed, and also water; and they were driven out of a country that was both better for water and grass than the one they were removed to, which was already thickly inhabited. They took me over the country they were to inhabit, and I assure you there was not a morsel of grass upon it more than there is in this room; it was as bare as a parade.

132. On Colonel Somerset's return from England, was there any permission given to Macomo and his followers to return?—I mentioned to Colonel Somerset on his return what I had told Macomo; I considered it my duty to do so, and he either obtained or gave the Caffres permission to re-occupy the ground from which I had driven them.

149. As to Macomo's tribe, did they reap the benefit of that harvest when they returned in January?—No, I think not; the corn would not be ripe till March.

150. You suppose the whole of that was lost?—A great part of that.

151. They came in February?—Yes.

152. When were they driven out?—By return of post. Colonel Somerset allowed them to come in, and, upon a representation to the civil commissioners, they were ordered back again.

In what light, may we again ask, must these changes have appeared to the Caffres, removed without cause assigned from their huts and springing corn in November 1833—restored in February 1834—sent away again by return of post—in the same year, as we shall see, allowed to resettle themselves—and again ejected.*

We might find cause for regret in these changes, if only on the ground of the fickleness of policy which they exhibit, but when we couple with them the fact mentioned by Mr. Gisborne, that one only of these removals had produced in the minds not only of the chiefs immediately concerned, but in that of Hintza, feelings of distrust and irritation, we cannot but consider these repetitions of the grievance as one of the principal causes of the calamity which has befallen the colony. Of the last scene of removal, Colonel Wade was witness on the 21st October 1834. He says, that "at this time, they had been returned about a month, had built their huts, established their cattle-kraals, and commenced the cultivation of their gardens." He states that, together with Colonel Somerset, he made a visit to Macomo and Botman's kraal, across the Keiskamma, and that Macomo rode back with them, when they had recrossed the river and reached the Omkobina, a tributary of the Chumie. p. 314. "These valleys were swarming with Caffres, as was the whole country in our front, as far as the Gaga; the people were all in motion, carrying off their effects, and driving away their cattle towards the drifts of the river, and to my utter amazement, the whole country around and before us was in a blaze. Presently we came up with a strong patrol of the mounted rifle corps, which had, it appeared, come out from Fort Beaufort that morning; the soldiers were busily employed in burning the huts and driving the Caffres towards the frontier."

Colonel Wade objects to the restrictions imposed by Sir B. D'Urban, as to the use of force against the Caffres, and conceives that to this system of the

* Sir Benjamin D'Urban thus speaks of the November expulsion:—"For many years past the tribes of the chiefs Macomo, Bothman and Tyalie had been allowed by the colonial government to reside and graze their cattle immediately within (on the western side of) the River Keiskamma, upon the Gaga, Chumie and Muncassana. In the November of the last year the acting governor, under the impression that this indulgence had been abused (which probably it might have been to a certain extent), ordered their immediate expulsion from the whole of that line, and they were expelled accordingly. This unfortunately happened when a period of severe drought was approaching; so that these tribes, I am afraid, but too certainly suffered much loss in their herds in consequence."—Despatch 28th Oct. 1834, Cape Papers, Part II. 1835, No. 252, p. 103.

leniency may be attributed the difficulties which arose: the above description, we think, scarcely warrants the inference, and Macomo's remonstrances on the occasion appear to us to be but natural. "I rode with Macomo for some time, who was evidently sorely vexed at the work that was going on around us. He complained of the Caffres being so often permitted to enter the colony and again thrust out, without any apparent cause for their removal; that they had remained during the last five weeks unmolested, and were again burnt out, when there was no cause of complaint against them. He asked me, emphatically, 'When am I to have my country again?'"

The further procedures with the Caffres are thus described:—

1434. The second time of my leaving Caffreland was in October, last year, in company with a gentleman, who was to return towards Hantam. We passed through the country of the Gaga at 10 o'clock at night; the Caffres were enjoying themselves after their custom, with their shouting, feasting and midnight dances; they allowed us to pass on unmolested. Some time after I received a letter from the gentleman who was my travelling companion on that night, written just before the breaking out of the Caffre war; in it he says, "You recollect how joyful the Caffres were when we crossed the Gaga; but on my return a dense smoke filled all the vales, and the Caffres were seen lurking here and there behind the Mimosa; a patrol, commanded by an officer, was driving them beyond the colonial boundary. (This piece of country has very lately been claimed by the colony.) I saw one man near me, and I told my guide to call him to me: the poor fellow said, "No, I cannot come nearer; that white man looks too much like a soldier;" and all our persuasions could not induce him to advance near us." "Look," said he, "pointing to the ascending columns of smoke, "what the white men are doing." Their huts and folds were all burned. When the boors cross the northern boundary, you hear the civil commissioner and Colonel Bell saying the drought compels them to intrude into the country of the Griquas. I suppose boors are men, Caffres are beasts, or why not use the same argument for all classes of our fellow-men?" Thus much of this gentleman's letter, upon whose veracity I can implicitly depend. It was about this period that the case of the Caffre Goube came on, when the magistrate of Graham's-town awarded to a Caffre 50 lashes on his bare back, and an imprisonment of two months, for resisting a serjeant in the execution of his duty," such being the civil charge, as may be seen in the records of the magistrates' court of Graham's-town. The poor Caffre being a subject of Macomo's, had, as it appears in evidence, built his hut on a part of the neutral territory, so called, probably the Gaga. The serjeant being about to set fire to the hut, the Caffre is said to have threatened opposition; he afterwards went through the Caffreland, showing his wounded back to his countrymen, and calling down their vengeance. Numerous were the instances of commandos or patrols, of which I heard when in Caffreland, carrying off the cattle of the Caffres, burning their huts, besides the misconduct of the traders and farmers.

Of the previous state of the country, and its appearance at the time we are speaking of, Dr. Philip says:—

p. 551. In passing through Albany and the neutral territory in the end of August or the beginning of September, the scenes where their depredations were said to have taken place, I made particular inquiry after the boors and settlers who could not send their cattle and herds without sending armed men to defend them; and I endeavoured to ascertain where the hordes of Caffres were said to be within the colony harassing the military, and, in spite of them, committing unparalleled outrages; but I met with none who had either seen or heard of such things. Herds of cattle and horses were seen wandering in different directions, some of them attended by herdsmen without any arms, and others of these herds without any one appearing to look after them. Everything within the colony wore the aspect of peace; and the principal things which seemed to occupy the people's minds were the emigration of the boors beyond the frontier, and the expectation that when the Governor came to the frontier he would grant them new farms beyond the limits of the colony. We heard in every direction that the patrols had been very active; and on approaching the Caffre frontier the first thing which struck my travelling companions and myself was a patrol coming out of Caffreland. During the two weeks I spent at the Kat River, I was constantly hearing of patrols driving the Caffres over the Chumie, burning their huts, and going into Caffreland to bring out cattle said to have been stolen. Having remained at Kat River about a fortnight, I went into Caffreland, accompanied by Captain Bradford, J. H. Tredgold, esq. and the Rev. Mr. Read. We spent about a fortnight in the Caffre country, and in every part that we visited we found the Caffres in a state of continual alarm; and we seldom met a few of them together but one or the other of them had to tell us how they had been ruined by the patrols. It was truly heartrending to listen to their complaints, and the complaints of the men were almost forgotten in the distress of the women and children, who were literally perishing, being stricken through for want of the fruits of the field and the milk that had been the means of their support, their cows having been carried away by the patrols.

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Having visited the missionary stations of Lovedale, Burn's-hill and the Buffalo River, I returned by way of Knap's-hill, the missionary station of the Rev. Mr. Kayser, which was on Macomo's ground, and near his kraal. There we met with several of the Caffre chiefs who had been invited to meet me there; namely, Macomo, Botman, Kama, and Tzatzo. We had a public meeting, which occupied the greater part of a day, and at which there was much speaking. My sole object on that occasion was to procure any additional information for the Governor which I could obtain. I stated to them that I had come among them as their friend; I neither was in fact, nor appeared to them to be, in any other character. In reply to the remarks which the chiefs made about their sufferings, I stated that I hoped the Governor would soon be on the frontier, and that I had reason to think he was a just man, and would redress any real grievances of which they might have to complain. I told them at the same time, that they must not expect anything more than was reasonable from his Excellency; that he was obliged to protect the colonists from any depredations that might be committed on them by the Caffres, and that any future plan that might be proposed to the chiefs by the Governor would necessarily embrace the restoration of cattle stolen from the colonists by the Caffres, and other things of a similar nature.

I found the Caffres reasonable, and I had not the least doubt that had the Governor gone to the frontier at the time I was there, they would have embraced the plan he had to propose for the peaceable settlement of the frontier affairs with transports of joy. Having stated rather strongly the necessity the chiefs would be under of preventing all stealing from the colony as the condition of any peaceable relations the Governor might enter into with them, Botman made the following reply: "The Governor cannot be so unreasonable as to make our existence as a nation depend upon a circumstance which is beyond the reach of human power. Is it in the power of any Governor to prevent his people stealing from each other? Have you not within the colony magistrates, policemen, prisons, whipping-posts and gibbets; and do you not perceive that in spite of all these means to make your people honest, that your prisons continue full, and that you have constant employment for your magistrates, policemen and hangmen, without being able to keep down your colonial thieves and cheats? A thief is a wolf; he belongs to no society, and yet is the pest and bane of all societies. You have your thieves, and we have thieves among us; but we cannot, as chiefs, extirpate the thieves of Caffreland, more than we can extirpate the wolves, or you can extirpate the thieves of the colony. There is, however, this difference between us: we discountenance thieves in Caffreland, and prevent, as far as possible, our people stealing from the colony; but you countenance the robbery of your people upon the Caffres, by the sanction you give to the injustice of the patrol system. Our people have stolen your cattle, but you have, by the manner by which you have refunded your loss, punished the innocent; and after having taken our country from us, without even a shadow of justice, and shut us up to starvation, you threaten us with destruction for the thefts of those to whom you left no choice but to steal or die by famine."

My last interview with the chiefs took place in the beginning of October 1834. After this interview, I returned to the Kat River, where I waited, expecting daily the arrival of the Governor. Finding that he delayed his proposed journey, and that I had no certainty as to the time of his arrival on the frontier, I drew up a document, communicating additional information, and at the same time laying before Sir Benjamin the principle on which it was necessary to base the system of international law proposed to be introduced. Finding that I could not wait longer for his Excellency on the frontier, I wrote a letter to him, in which I stated that circumstance, assigning my reasons for leaving Caffreland at that period; and as he was daily expected in Graham's Town, the above document, with the letter in question, I forwarded to Graham's Town, to be put into the hands of his Excellency on his arrival there, that he might see them before he went into Caffreland.

I then left Kat River on the 4th of November, by way of the Mankassana and Gaga. On a ridge which separates these two districts, I met several parties of Caffres. Goobie, a Caffre, who had been imprisoned and flogged at Graham's Town by order of the civil magistrate, had returned to that neighbourhood; and one of the first questions asked me was, what right the English Government had to punish the subject of a Caffre chief? I was assured by the people then around me, that it was the first example of a Caffre ever having been flogged; that the man could never again lift up his head in society; that it would have been better had he been shot dead; and that when the Governor should arrive among them, he would hear of it from every tongue in Caffreland as one of the greatest indignities that could have been offered to their nation. I said everything in my power to soothe them; but no people can have a keener sense of injustice in cases where they themselves are the sufferers, or can be more alive to what they deem national affronts, than the Caffres are; and I found that any argument I used to quiet their minds tended only to increase the excitement to which this circumstance had given rise. Some of the Caffres asserted that the man was arrested on what was till then considered Caffre territory; but this is a circumstance of small consequence; he was the subject of a Caffre prince, and he had only lifted his hand to protect his hut, and his wife and child, who were in it.

Leaving the Mankassana, I proceeded along the western edge of the Chumie Basin, and during a ride of perhaps 20 miles I did not find a single Caffre kraal or hut which had not been burnt or otherwise destroyed by the military. Immediately above Fort Willshire, and below the junction of the Chumie and Keiskamma Rivers, I saw with my own eyes the kraals and huts of the Caffres burning. This was on ground that was of use to no one.

one. It was on the boundary of the neutral ground (within the territory which goes by that name), and at a great distance from any colonists. The people were sitting in small groups looking at their burning habitations. Being asked why they did not go over the river, they said there was no grass on the other side, and they might as well perish by the patrols as by famine; they added, that the patrols who fired their kraals and huts had informed them, that the next day every one of them was to be driven over the river at the point of the bayonet.

On the 5th of November, the day after I left Kat River, I halted near Fort Willshire, about mid-day. Macomo, hearing that I was there, came to the place, accompanied with about 20 of his men. They remained with me about two hours. On his way he called at Fort Willshire, where he was reminded of a demand which had been made upon him a short time before by Colonel Somerset for 480 head of cattle, said to be due to the colony. The chief stated in reply to that demand, that there were no colonial cattle among his people; that he had always been ready, whenever cattle had been stolen from the colony, and reported to him, to recover them; that in the course of a year he had sent back a great number he had recaptured from Caffres that did not belong to them. Colonel Somerset had still urged that the 480 head of cattle were to be demanded, adding that he had orders from the Governor to make this demand, but the Governor was not willing to use force till he knew whether Macomo would comply with the demand or not. To this the chief replied, that he could only repeat what he had before said, that he had done everything in his power to recover cattle said to have been stolen from the colony; that he would be answerable for his own people, but that he could not be answerable for cattle stolen by vagabond Caffres in the bushes. Having given this reply, and being conscious that he had done everything in his power, and seeing no end to the demands made upon him, he received this last demand as a proof that his ruin was resolved upon; for he had just been told at Fort Willshire that a commando was about to enter his country to take the 480 head of cattle, and this threat seemed to add greatly to his distress. The chief then entered upon further detail of his grievances, and declared that it was impossible for human nature to endure what he had to suffer from the patrol system. I reasoned with him, and did all in my power to impress upon his mind the importance of maintaining peace with the colony. I stated again that I had reason to believe that the Governor, when he came to the frontier, would listen to all his grievances, and treat him with justice and generosity. "These promises," he replied, "we have had for the last 15 years;" and, pointing to the huts then burning, he added, "things are becoming worse: these huts were set on fire last night, and we were told that to-morrow the patrol is to scour the whole district and drive every Caffre from the west side of the Chumie and Keiskamma at the point of the bayonet." He asked to what extent endurance was to be carried? and my reply was, "If they drive away your people at the point of the bayonet, advise them to go over the Keiskamma peaceably; if they come and take away cattle, suffer them to do it without resistance; if they burn your huts, allow them to do so; if they shoot your men, bear it till the Governor come; and then represent your grievances to him, and I am convinced you will have no occasion to repent of having followed my advice. He was deeply affected, and the last words he said to me were (grasping my hand) "I will try what I can do."

These events bring us to the breaking out of the late war. On this most important subject we abstain from entering. Though much evidence has been laid before us, and many circumstances appearing therein have excited our deep regret (amongst the most painful of which we may allude to the death of the Caffre Prince Hintza), yet as the evidence on this head has not been completed, and as the events are so recent, we have been led to the belief that an analysis of the statements already before us might not be considered either impartial or conclusive: we therefore waive the investigation. It is sufficient to express our opinion, that the system which has long been pursued in our intercourse with the natives of South Africa has been productive of most injurious effects both to the colonists and the Caffres, exposing the former to constant insecurity and frequent severe suffering and loss, and subjecting the latter to great injustice, and to treatment which could not fail to occasion feelings of irritation and hostility.

We look upon the late war as one among many illustrations of these evils. While we purposely abstain from dwelling upon the circumstances which immediately produced it, we, without hesitation, name its real, though perhaps remote cause—it was the systematic forgetfulness of the principles of justice in our treatment of the native possessors of the soil.

That any substantial benefit can accrue from border conflicts, either to the

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British or the Caffre nation, may well be questioned. What has either party gained by recent hostilities? It is proved that both have sustained immense detriment—civilization has been retarded; commerce has been interrupted; the vanquished party has endured immense loss in property, in territory and in life*; and the victorious nation, besides suffering in all these particulars, has incurred an actual outlay of money far more than commensurate to the value of the territory acquired. The cost of this war to the British nation is estimated at 241,884 *l.* 14 *s.* 8½ *d.*

With respect, however, to this part of our investigation, we wish it to be understood, that it is not against individuals, much less against the colonists or the military as bodies, that we would direct our reprehension; we are convinced that a large proportion of both are well and kindly disposed towards the natives: but it is the system that has been permitted to prevail in the colony, which, in our opinion, requires a complete alteration; a system which puts it into the power of the few who are rash, reckless or greedy, to hazard the peace and the welfare of the whole community. We are aware that the results of a long system of erroneous policy are not to be remedied without much time and patience, and we fear that the weight of the calamity which it has produced has in many instances fallen on those of our colonists who have least merited it; but we entertain a confident hope that, by the measures which have been lately adopted and recommended by the Government, peace and harmony between us and our neighbours may be restored and established on a sure and lasting basis; and it is chiefly to the enlightened principles, and to the just directions of the head of our Colonial Department, exemplified as they are in his late despatches before us, and to laws embodying and carrying into effect those directions and principles, that we look for this happy accomplishment of our desires. Thus much at least is sufficiently obvious, as has been stated by Sir Benjamin D'Urban in his despatch to Mr. Secretary Rice, of 28th October 1834, "that a complete and effectual reformation of our system of proceeding with the native tribes (if that may be called a system which seems to have been guided by no fixed principles, certainly by no just one) had become absolutely necessary."

Effects of Fair Dealing, combined with Christian Instruction, on Aborigines.

Effects of fair dealing and Christian Instruction on Aborigines.

In the foregoing survey we have seen the desolating effects of the association of unprincipled Europeans with nations in a ruder state.

There remains a more gratifying subject to which we have now to direct our attention—the effect of fair dealing and of Christian instruction upon heathens. The instances are unhappily less numerous than those of an opposite character, but they are not less conclusive; and in reviewing the evidence before us, we find proof that every tribe of mankind is accessible to this remedial process, and that it has actually been partially applied, and its benefits experienced in every quarter of the world, so that the main feature of the case before us being the ravages caused by Europeans, enough has been incidentally

* This consisted in the slaughter of 4,000 of their warriors, or fighting men. "There have been taken from them also, besides the conquest and alienation of their country, about 60,000 head of cattle, almost all their goats—their habitations everywhere destroyed and their gardens and cornfields laid waste."—Sir B. D'Urban to Lord Glenelg, November 1835.

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incidentally disclosed to show that those nations which have been exposed to our contamination might, during the same period, have been led forward to religion and civilization. Independently of the obligations of conscience to impart the blessings we enjoy, we have had abundant proof that it is greatly for our advantage to have dealings with civilized men rather than with barbarians. Savages are dangerous neighbours and unprofitable customers, and if they remain as degraded denizens of our colonies, they become a burthen upon the State.

We have next to express our conviction that there is but one effectual means of staying the evils we have occasioned, and of imparting the blessings of civilization, and that is, the propagation of Christianity, together with the preservation, for the time to come, of the civil rights of the natives.

We have seen that a mere acquaintance with civilized men by no means prepares savages to receive Christianity, and that kind of civilization which alone can be advantageous to them or ourselves.

True civilization and Christianity, says Mr. Ellis, are inseparable; the former has never been found, but as a fruit of the latter. An inferior kind of civilization may precede Christianity, and prevail without it to a limited extent; such, for instance, as the adoption, by comparatively rude tribes, of the dress and modes of living of more cultivated society, a taste for their arts, manufactures and comforts. All this may occur without any change of character. This kind of civilization is only superficial: it may polish and smooth the exterior of human society, but it leaves the deep foundations of crime and wretchedness, the vices of human nature, which are the causes of all barbarism in every part of the world, untouched, and consequently supplies no sufficient remedy for the evils to be removed. My experience would lead me to regard this inferior kind of civilization as a very inefficient means of promoting the improvement of the native inhabitants of different countries. The communication with members of a more advanced state of society, by which it is produced, has often occasioned the most serious impediments to the introduction of Christianity, and it certainly would not predispose men to admit the moral claims of the Christian religion. The advantages this kind of civilization offers have not proved inducements sufficiently powerful to overcome the long confirmed habits of uncivilized nations, while their intercourse with Europeans has generally added the vices of the latter to those of the aborigines, and has increased in a fearful degree the miseries which prevailed before. Mr. Ellis adds, it is a fact of great importance in the present inquiry, that Christianity has never been introduced into any nation or tribe where civilization has not invariably followed.

p. 539. 540. 4416.

We further find, in the evidence before us, that benevolent attempts have been made to instruct savages in the arts of civilized life, for the purpose of improving their condition, and gradually preparing them for the truths of the Gospel, and that these attempts have been signally unsuccessful.

The cause of this failure is explained by Mr. Beecham.

The higher motives of the gospel must be brought to bear upon the mind of the savage; he must be made to feel the importance of the truths of religion before he will discover anything desirable in the quietness and sobriety of civilized life, or will dare to break through his superstitions in order to subdue it.

4389.

I was aware that the Governor of Upper Canada had made many attempts to induce the Indians to renounce their wandering life, and I wished to ascertain from the chief himself what were his views of the endeavours made by the Governor in their behalf, and how it was that they failed. He said the fact was simply this, that the offers of the Governor had no charms for them; they could see nothing in civilized life sufficiently attractive to induce them to give up their former mode of living for the sake of it. He told me that they gave the Governor credit for very kind and benevolent intentions; yet, in answer to all his applications, while they thanked him for his kind intentions, they uniformly told him that they preferred their own mode of living to that followed by Europeans. This again was the case with the Indians who are situated in the neighbourhood of the river St. Clair. The Governor made several attempts to induce them also to renounce their wandering habits, and devote themselves to civilized pursuits; but they also refused, arguing in the following strain: "Who knows but the Munedoos (gods) would be angry with us for abandoning our own ways," and concluded by saying, "We wish our great father, the Governor, to be informed that we feel thankful to him for his good will towards us, but cannot accept of his kind offers." It is true that, after some time, one of the tribes so far acceded to the Governor's proposals as to consent that he should build them some houses. He built a small number for their use,

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but it was altogether a fruitless experiment; the Indians only occupied them occasionally as they used their own huts, without any reference to the comforts or pursuits of civilized life. I have here a letter from the chief himself in his own hand-writing, in which he says, in reference to the attempts that had thus been made to promote civilization without Christianity, "I have heard of no instance in this part of the country, where the plan of first civilizing the heathen Indians ever succeeded."

In like manner, the American Society of Friends have for nearly a century and a half laboured for the civilization of the Indians, under an idea that civilization would make way for the introduction of the peculiar doctrines of the Christian religion. Their efforts have been always received with gratitude, and been repaid by the confidence of the Indians: but a member of the Society of
4422. Friends, Mr. Elisha Bates, who was in a committee for their benefit, and who several times visited the Shawnee tribes, declares, with reference to these people, that though there was an improvement in civilization, it was not by any means satisfactory, and he states, "Within the last few years we have had to review the whole course of proceedings, and we have come to the conclusion, from a deliberate view of the past, that we erred, sorrowfully erred, in the plan which was originally adopted, in making civilization the object; for we cannot count on a single individual that we have brought to the full adoption of Christianity."

So complete indeed has been the failure of the merely civilizing plan with various tribes of Indians, that intelligent Americans have been led to adopt the conclusion, that it is necessary to banish the Indians from the neighbourhood of the white population, on the supposition that they are not capable of being reclaimed or elevated into a civilized or well ordered community.

This was not the opinion of William Penn, whose conduct towards the Indians has been deservedly held up as a model for legislators, and who, "notwithstanding he purchased their lands" by an equitable treaty, "did not desire their removal," but "admitted them to full participation in the benefit and protection of the laws," and who also took pains to promote their religious instruction, and to render the intercourse with their white brethren beneficial to them.* That the good which he contemplated has been frustrated by many untoward circumstances, we are aware; but we do not therefore doubt the feasibility of producing a permanent impression upon uncivilized men. We consider that the true plan to be pursued is that which we find thus recommended by the Church Missionary Society, in their instructions to two of their emissaries. "In connexion with the preaching of the Gospel, you will not overlook its intimate bearing on the moral habits of a people. One effect arising from its introduction into a country is, the 'beating the sword into a ploughshare and the spear into a pruning-hook.' Seek then to apply it to the common occupation of life; and instead of waiting to civilize them before you instruct them in the truths of the Gospel, or to convert them before you aim at the improvement of their temporal condition, let the two objects be pursued simultaneously." †

The Governors of the Canadas, as we find in their despatches, seem to have been brought to the conviction that religious instruction and the influence of missionaries would be the most likely means of improving their condition, and, eventually, of relieving the Government from the expense of the Indian department.

* Paper A, referred to in the Evidence of T. Hodgkin, Esq. M.D.

† Papers Abor. Tribes, 1834, No. 617, p. 152.

department. Both Sir James Kempt and Sir J. Colbourne advise the sending of missionaries among them.*

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A remarkable instance of the power of the gospel in reclaiming savages has been afforded by the Mississaguas and Chippeways, the very Indians who had, as we have seen, rejected civilization, and who were notorious for drunkenness and debauchery.†

Their improvement began with their conversion: "as soon as they were converted, they perceived the evils attendant upon their former ignorant wandering state; they began to work, which they never did before; they perceived the advantage of cultivating the soil; they totally gave up drinking, to which they had been strongly attached; they became industrious, sober and useful."‡

The Bishop of Quebec writes,—

The Methodist Society have been very successful in converting a great portion of the Mississagua tribe from heathen ignorance and immoral habits to Christian faith and practice; and this improvement has been so great and rapid within these few years, that the hand of God seems to be visible in it; and it must be acknowledged that they have done much in the work of their civilization. An extraordinary reformation and conversion to Christianity has taken place in this tribe within a few years. It commenced on the river Credit, and has extended to various settlements of the nation to a considerable distance. A great proportion of the tribe have become sober and industrious in their habits, well clad as to their persons, and religious in their life and conversation.§

Mr. Magrath also mentions that they no longer desire the gifts of trinkets and gaudy coloured clothes, in which they formerly delighted, in lieu of which they request twine, for the purpose of making fishing-nets for the Lake Ontario. The half-caste chief Kahkewaquonaby, generally known by the name of Peter Jones, in answer to the question, whether the Chippeways, on embracing the gospel, did not immediately apply themselves to civilized pursuits, says,

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This has uniformly been the case with all the tribes that have embraced the gospel. Immediately on their conversion, they have applied to the Governor and missionaries for assistance, to enable them to settle down in villages, and attend to the things that make for their present happiness as well as their spiritual welfare. Their language is, "Give us missionaries to tell us about the words of the Great Spirit; give us schools, that our children may be taught to read the Bible; give us oxen to work with, and men to show us how to work our farms." To the question, Whether the Christian Chippeways have not made considerable advancement in civilization?—The improvement the Christian Indians have made, has been the astonishment of all who knew them in their pagan state. The change for the better has not only extended in their hearts, views and feelings, but also in their personal appearance, and in their domestic and social condition. Formerly they were in a wandering state, living in wigwams, and depending on the chace for subsistence. The Christian Chippeways are settled at the following places, viz. River Credit, Grape Island, Rice Lake, Mud Lake, Lake Simcoe, Cold Water, Muncey Town, River St. Clair (Wawanosh's tribe), and Sahgeeng. At each of these places they have made more or less progress in civilization, according to the advantages they enjoyed. The River Credit Mission being the oldest station among the Chippeways, I will give you an account of their present temporal condition. About ten years ago this people had no houses, no fields nor horses, no cattle, no pigs, and no poultry. Each person could carry all he possessed on his back, without being much burthened. They are now occupying about 40 comfortable houses, most of which are built of hewn logs, and a few of frame. They are generally one-and-a-half story high, and about 24 feet long and 18 feet wide, with stone or brick chimneys; two or three rooms in each house; their furniture consists of tables, chairs, bedsteads, straw mattresses, a few feather beds, window-curtains, boxes and trunks for their wearing apparel, small shelves fastened against the wall, for their books, closets for their cooking utensils, cup-boards for their plates, cups, saucers, knives and forks. Some have clocks and watches. They have no carpets; but a few have mats laid on their floors. This tribe own a saw-mill, a work-shop, a blacksmith's shop, and a warehouse,

* Abor. Tribes, Parl. Papers, p. 40–43.
† Parl. Papers, p. 27.
‡ Report of the Rev. J. Magrath, p. 42.
§ Abor. Tribes, Parl. Papers, p. 53.

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warehouse, the property of the whole community. They have about 200 acres of land under cultivation, on which they grow wheat, Indian corn or maize, oats, peas, potatoes, pumpkins and squashes. In their gardens they raise beans, melons, cabbages, onions, &c. A few have planted fruit-trees in their gardens, such as apple-trees, cherry-trees, pear-trees, currant and gooseberry-bushes. All these thrive well here, when properly cultivated. They have a number of oxen, cows, horses, pigs, poultry, dogs and cats; a few barns and stables; a few waggons and sleighs; also all sorts of farming implements. "I guess," as the Yankees say, it would require an Indian as strong as Sampson, to carry all his goods and chattels on his back now.

p. 529.

He goes on to speak of the improvement in their dress; they now use English cloth; and he dwells especially upon the great amelioration of the condition of the women, who have been raised from the drudgery of beasts of burthen, and are now treated with consideration by their husbands.

A similar instance is furnished by the history of the St. Clair Chippeways, of whom the Rev. J. Evans says,—

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They were all drunkards with one exception, not drunkards in a limited sense, but the most abandoned and unblushing sots imaginable; they were never sober when they could procure anything to intoxicate them; they were idle in the extreme, never attending to any business except hunting; the women being considered the proper persons to manage the agricultural department, which consisted of perhaps half an acre of maize or Indian corn, seldom more; the greater part of the produce of which was in general sold for whiskey at the spirit-store or the tavern, in the vicinity of which places the greater part of their time was spent, embracing every opportunity of soliciting from the whites the means of gratifying their insatiable thirst for the "fire water." Their places of abode, until about three years past, were bark wigwams; and such was their poverty and wretchedness, that could my pen draw a faithful picture, and fully point out their extreme misery, there are few indeed in the island of comforts where you dwell, who would not charge me with exaggeration. Thus sinking in the slough of iniquity, the children were at times exposed to the most severe sufferings by hunger and nakedness. I have known many times a family of small children left to spend several days and nights in the wigwam alone, gathering a few sticks to warm their shivering limbs, or wandering through the bushes to obtain a few berries and roots; chewing the bark of the elm and other trees to satisfy their hunger; greedily devouring the potatoe peelings and refuse thrown out by the whites; while their parents were rolling around some of those hot-beds of vice, those nurseries of crimes, the taverns. They were the most prodigal that can be conceived; the annual payments made by the Crown as a remuneration for their lands, together with presents, amounting to several thousand pounds sterling, were almost useless; nay, in many cases, worse than useless, by making them indulge to a greater extent in drunkenness. I have known scores of them to sell all their goods thus obtained in two or three days. Such was their insatiable thirst for liquor, that a quart or two would induce them to part with anything they possessed, rather than forego the gratification of a drunken frolic. I have known the Indians to live for days on a dead horse, ox or other animal, rather than leave the spot where they could procure whiskey.

For the civilization of this tribe also Government made considerable efforts. Sir J. Colbourne, who has ever been much interested in the civilization and improvement of the Aborigines, had, as we have seen, built them houses, appointed an Indian agent, and established a school; but the houses, although very comfortable, were so little prized by the Indians, that many of them were in a great measure rendered uninhabitable at the time when they embraced Christianity, windows and doors having in several instances been completely destroyed, and but few of them were ever occupied, excepting as an occasional shelter. No furniture was found in them, the Indians choosing rather to follow their old habit of sitting on the floor, and eating with their fingers around the kettle, spreading their skins, &c. on the floor as a bed. "The school was so little regarded, that the teacher considered it unnecessary to attend, and during the six months preceding their embracing Christianity, he only gave 13¼ days attendance."

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The Wesleyan missionary sent to these Indians had more than ordinary difficulties to contend with: to gain access to them he found it necessary to travel with them; he went out with them on their hunting expeditions, that he might have an opportunity after the chace to speak to them on the subject of Christianity; but his endeavours have succeeded to a great extent. A very considerable number of that body of Indians have now embraced Christianity, and have become decidedly a changed people.

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The first Indian at St. Clair who embraced Christianity was one of the Metai or conjurors. He had no corn field, was poor in the extreme, and always drunk when he could procure liquor. He was baptized, together with his family, the 10th December, 1834. He commenced clearing his lands and splitting rails, and, at the last fall, reaped the reward of his labour in a plentiful crop of corn, pumpkins, turnips, and potatoes, the produce of about an acre of land, cleared and fenced with his own hands. In February 1835, the chief and several others were baptized and converted, and each appeared to vie with the other who should give the strongest proofs of industrious habits. Last summer, these people mowed and stacked 16 tons of wild hay, for the wintering of four pair of oxen, which they now possess for public use among them. They have, during the past winter, split and drawn several thousand oak rails, with which they are now about to engage in enclosing their several fields of from one to three acres. They are now comfortably clothed, having made a good use of the goods received as payment and presents, which were formerly wasted in liquor. Many of the houses now present an appearance of neatness and comfort. Tables, chairs, bedsteads, bed and window-hangings, and other necessaries, together with their regular family worship, established in every house morning and evening, proclaim, in language too forcible to be misunderstood, Christianity and civilization go hand in hand; and here Christianity is the elder sister, and I believe everywhere else. The school has been well-attended during the winter, averaging about 30 scholars; and as a proof that the Indians are not, as heretofore, careless in this respect, I may add, that some of the families being now about four miles back in the wood, making sugar, frequently come in a morning, and bring the children from five to six years of age, and fetch them home again at night, so anxious are they that their children should learn.

I might point to other nations in Canada, where Christianity has done more than at St. Clair, as it is only 15 months since the first Indian has become a Christian. In some of the missions, the Indians, who, a few years ago, were no less miserable than those of St. Clair, are engaged in useful avocations, as joiners, shoemakers, printers, blacksmiths, &c.; and there are likewise places where years of ill-directed effort have failed even to civilize the Indians, nor will they succeed until the lever of the gospel shall raise them out of the mire of paganism and ignorance. p. 53[1].

The Rev. Mr. Ryerson, who is described as being intimately acquainted with the Mohawks, gives a similar history of their past and present circumstances:—

A striking proof of the inefficacy of merely educational instruction to civilize barbarous tribes, and of the power of the gospel to civilize as well as to christianize, the most vicious of the human race, is furnished by the Mohawk nation of Indians in Upper Canada.

The Mohawks are one of the six nations of Indians to whom, at an early period, His Majesty granted a large tract of land, situate on the banks of the Grand River, the most fertile tract of land in Upper Canada, lying in the heart of the province, and surrounded by a white population. Most of these Mohawks had even been baptized, and they were visited once a year by a clergyman of the Church of England.

The greater part of them were taught to read and write: they were exhorted to till the soil, and cultivate the arts of civilized life; yet this nation was more drunken, ferocious, and vicious than any one of the five other heathen nations on the Indian reservation. They were proverbially savage and revengeful, as well as shrewd, so as often to be a terror to their white neighbours. In no respect was the social and civil condition of the Mohawks practically and morally improved above that of the neighbouring heathen tribes, by the mere educational and civilizing process of 40 years. The example and vices of the Mohawks were often urged by their heathen neighbours as an objection against the Christian religion itself, when missionaries were sent among them. But a few years ago (1825), when the gospel was preached to these Mohawk Indians, as well as to the several tribes of Chippeway Indians, a large portion of them embraced it, and became at once changed in their dispositions, and reformed in their lives, teachable, sober, honest, and industrious; and are improving in the arts of civilization, and cultivating the virtues and charities of Christian life. p. 52[8].

In the instance of these various tribes of Indians, we see that the very people who had access to civilization not only in the form in which it ordinarily presents itself to savages, but for whom also expensive and more than ordinarily humane exertions were made, under the patronage of the Governor, to lead them to adopt civilization, nevertheless withstood all inducements to alter their habits. The allurements presented to them altogether failed, so that there was neither civilization nor Christianity among them; when a second experiment, beginning at the other end, was made. Christianity was preached to them by resident missionaries; and no sooner did they become converts to its doctrines, than they exhibited that desire for the advantages of civilized life, and that delight in its conveniences, which have hitherto been supposed

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to belong exclusively to cultivated nations, and to be utterly strange and abhorrent to the nature of the savage.

On the subject of the North American Indians, Mr. Beecham concludes his evidence by saying,—

I think I may safely lay down this as a general rule, that wherever the Gospel has not been introduced among the Indians of Upper Canada, there the process by which the diminution of their numbers is effected is steadily going on; but wherever Christianity has been established, there a check has been interposed to the process of destruction; and on the older stations, among the tribes that have been the greatest length of time under the
4400. influence of Christian principles, there the population has begun to increase. Christianity, by the change which it has wrought in their character and pursuits, by saving them from those destructive vices to which they were given up, and promoting that industry which procures for them the means of healthful subsistence, has thus checked the evils under
4399. which they were wasting away.

The Rev. W. Ellis, the Secretary of the London Missionary Society, who
4410. was for many years himself a Missionary in the South Sea Islands, thus gives the summary of the results of his own experience :—

It is my conviction that Christianity supplies materials and machinery for promoting civilization of the highest order. I might adduce one or two examples of the correctness of these sentiments from a part of the world with which I am more familiar than any other, the South Sea Islands. If civilization be viewed as consisting in exemption from temporal wants, and the possession of means of present enjoyment, the inhabitants of these islands were placed in circumstances more favourable to civilization than perhaps any other people under Heaven. They have a salubrious climate, a fertile soil, and an abundance of all that could render the present life happy, so far as mere animal existence is concerned; but there was perhaps no portion of the human family in a state of wretchedness equal to that to which they were reduced before Christianity was introduced among them. They were accustomed to practise infanticide, probably more extensively than any other nation; they offered human sacrifices in greater numbers than I have read of their having been offered by any other nation; they were accustomed to war of the most savage and exterminating kind. Efforts were made by the missionaries for the introduction of the arts of civilization, with instruction in the truths of the Christian religion. For 15 years those efforts were altogether unsuccessful; they produced no amelioration in the morals or in the circumstances of the people. The vices which sailors took there rendered the inhabitants more wretched. When Christianity was adopted by the people, human sacrifices, infant murder and war entirely ceased; *peace remained unbroken for* 15 *years*; the language which the missionaries had learned during the interval between their arrival and the adoption of Christianity by the people, had been reduced to a system; orthography, a grammar and dictionary had been prepared; portions of the Bible had been translated. When the natives adopted Christianity they were willing to become pupils in the school; but until Christianity supplied a motive, by producing a desire to read the Scriptures, they never had a motive sufficient to lead them to endure the restraint and confinement of the school, but they have done so since, and there are several thousands now capable of reading and writing. The entire volume of Divine Revelation has been translated; the New Testament has been printed, and is in circulation among them. Christianity condemned indolence, *required industry*, and supplied inducements to labour; and the natives, since they embraced Christianity, have acquired a knowledge of a number of useful manual arts. Before that the efforts of the missionaries to induce them to work in iron and in wood produced no satisfactory result; since that they have been taught to work in wood, and there are now carpenters who hire themselves out to captains of ships to work at repairs of vessels, &c., for which they receive regular wages; and there are blacksmiths that hire themselves out to captains of ships, for the purpose of preparing iron-work required in building or repairing ships. The natives have been taught not only to construct boats, but to build vessels, and there are perhaps 20, (there have been as many as 40) small vessels, of from 40 to 80 or 90 tons burthen, built by the natives, navigated sometimes by Europeans, and manned by natives, all the fruit of the natives' own skill and industry. They have been taught to build neat and comfortable houses, and to cultivate the soil. They could not be induced to do that while heathen, for they used to say, the fruit ripens and the pigs get fat while we are asleep, and that is all we want; why, therefore, should we work? But *now they have new wants*; a number of articles of clothing and commerce are necessary to their comfort, and they cultivate the soil to supply them. At one island, where I was once 15 months without seeing a single European excepting our own families, there were, I think, 28 ships put in for provisions last year, and all obtained the supplies they wanted. Besides cultivating potatoes and yams, and raising stock, fowls and pigs, the cultivation, the spinning and the weaving of the cotton has been introduced by missionary artizans; and there are some of the chiefs and a number of the people, especially in one of the islands, who are now decently clothed in garments made after the European fashion, produced from cotton grown in their own gardens, spun by their own children, and woven in the islands. One of the chiefs of the island of Rarotonga, as stated by the missionaries, never wears any other

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other dress than that woven in the island. They have been taught also to cultivate the sugar-cane, which is indigenous, and to make sugar, and some of them have large plantations, employing at times 40 men. They supply the ships with this useful article, and at some of the islands between 50 and 60 vessels touch in a single year. The natives of the islands send a considerable quantity away; I understand that one station sent as much as 40 tons away last year; in November last a vessel of 90 tons burthen, built in the islands, was sent to the colony of New South Wales laden with Tahitian-grown sugar.

4417. Have they any slaves there?—Not since Christianity has been introduced; formerly captives taken in war were made slaves.

4418. Then Christianity, among other good effects, has *led to the abolition of slavery* among them?—They never considered the two things compatible. Besides the sugar they have been taught to cultivate, they prepare arrow-root, and they sent to England in one year, as I was informed by merchants in London, more than had been imported into this country for nearly 20 previous years. Cattle also have been introduced and preserved, chiefly by the missionaries; pigs, dogs and rats were the only animals they had before, but the missionaries have introduced cattle among them. While they continued heathen, they disregarded, nay, destroyed some of those first landed among them, but since that time they have highly prized them, and by their attention to them they are now so numerous as to enable the natives to supply ships with fresh beef at the rate of 3*d.* a pound. The islanders have also been instructed by the missionaries in the manufacture of cocoa-nut oil, of which large quantities are exported. They have been taught to cultivate tobacco, and this would have been a valuable article of commerce had not the duty in New South Wales been so high as to exclude that grown in the islands from the market. The above are some of the proofs that Christianity prepares the way for and necessarily leads to the civilization of those by whom it is adopted. There are now in operation among a people who, when the missionaries arrived, were destitute of a written language, 78 *schools, which contain between* 12,000 *and* 13,000 *scholars*. The Tahitians have also a simple, explicit and wholesome *code of laws*, as the result of their imbibing the principles of Christianity. This code of laws is printed and circulated among them, understood by all, and acknowledged by all as the supreme rule of action for all classes in their civil and social relations. The laws have been productive of great benefits. I have before me a copy of the code of laws printed in 1835, in the islands, and a translation also. The missionaries have often been charged with being opposed to the introduction of the means for the temporal improvement of the people. I might adduce the evidence of many witnesses to show that the labours of the missionaries, while chiefly directed to the spiritual improvement of the people, have originated and promoted the civilization of the most efficient kind. But I will only quote the testimony of one, a naval officer, Captain Beechy, who visited the island in 1826, and was there several months. After mentioning a number of changes, he refers to the laws. There were several instances in which he saw their operation. In reference to their practical working, he says, "The limit thus imposed on the arbitrary power of the monarch, and the security thus afforded to the liberties and properties of the people, reflect credit upon the missionaries, who were very instrumental in introducing these laws." And after adverting to a trial for theft, Captain Beechey, as quoted by Mr. Ellis, proceeds to say, "If we compare the fate which would have befallen the prisoners, supposing them innocent, had they been arraigned under the early form of government, with the transactions of this day, we cannot but congratulate the people on the introduction of the present penal code, and acknowledge that it is one of the greatest temporal blessings they have derived from the introduction of Christianity." Christianity, when received by an uncivilized people, not only leads to the adoption of salutary laws for preserving the peace of the community and cultivating the virtues of social life, but it secures *protection to the merchant and the mariner*, and the greatest *facilities for the extension of commerce*. Traffic can often only be carried on with uncivilized tribes at great risk, even of personal safety; but where missionaries have introduced the Gospel, our vessels go with safety and confidence. Formerly, when a wreck occurred, the natives hastened to plunder and to murder, or reserved those who escaped from the sea for sacrifices; now they succour them and protect their property. I could give many instances of this, but I content myself with one. It is contained in a letter left by Captain Chase, of American ship Falcon, with the native teachers at Rumtu, at which island he had been wrecked:—

"The natives gave us all the assistance in their power, from the time the ship struck to the present moment. The first day, while landing the things from the ship, they were put into the hands of the natives, and carried up to the native mission-house, a distance of half a mile, and not a single article of clothing was taken from any man belonging to the ship, though they had it in their power to have plundered us of everything that was landed. Since I have lived ashore, myself, officers and people have received the kindest treatment from the natives that can be imagined, for which I shall ever be thankful. Myself and officers have lived in the house of Buna (a teacher from Raiatea), who, together with his wife, has paid every attention to make us comfortable, for which I return my unfeigned thanks, being the only compensation I can make them at present."

The moral progress of this quarter of the world stated in this general survey is more particularly detailed by the missionaries of the several

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societies who have there laboured; and the testimony of all to the necessity of beginning with Christianity is the same. Thus a clergyman of the Church Missionary Society in New Zealand, says, in answer to the question

1783. "From the experience you have had in missionary exertions, would you begin by attempting to civilize or by attempting to christianize?—Certainly by attempting to christianize; 15 years we attempted to civilize without effect, and the very moment that Christianity established itself in only one instance in the island, from that moment civilization commenced, and has been going on, hand in hand with Christianity, but never preceded it."

In the case of New Zealand, it appears solely to have been the religious character of the missionaries which won for them the confidence of the people.

1596. "We found them decidedly a savage people, addicted to cannibalism, to murder and to everything which was evil, and accustomed to injuries from Europeans."

One of the first proofs of the influence which the missionaries had acquired was given on the occasion of a war which some among them were desirous to terminate. The account is so characteristic of the manners of the people and of the missionaries' method of influencing them, that we transcribe the whole of it:

1615. In what instances have the missionaries exercised their influence in making peace between contending tribes?—The first instance was the battle of Hokianga. A young man, the son of a chief, came over to the Bay of Islands, and when he arrived there he took up a stone, and dashing it upon the ground, said, "This stone is Warrehumu." That is one of the greatest curses that he could utter; and the custom of the country is always to punish the tribe to which the party belongs that has uttered the curse, and not the party himself. Immediately that Warrehumu heard that he had been cursed by this man he went and began to punish the tribe, which punishment they resisted. One man loaded his musket with ball cartridge, and fired it into the midst of the party; a skirmish ensued; Warrehumu was shot dead, his wife and children and 20 of his men. The rest escaped, and told their tale in the Bay; and the chiefs assembled to consult together what they ought to do, and they were unanimously of opinion that it was impossible to make peace till they had had satisfaction in blood to double the amount shed on their side. There were two or three of them that were very desirous of making peace, on account of the great slaughter that must take place if they fought, for they were equally well armed, and about 2,000 on each side; and one of the principal men jumped up in the midst of the consultation, and said, "There are these missionaries that have been talking to us for 15 years about peace, let us see what they can do." They came, and requested us to go. We went, five of us, in a body. We found 2,000 people on one side of a little eminence, and 2,000 on another side, within musket shot, waiting the arrival of the chiefs to commence the attack. We pitched our tent between them for three successive days; we went from tribe to tribe and from hut to hut to endeavour to make it up between them. At the end of that time there was great division in their councils, and we seemed to be as far from effecting our purpose as at the first moment; and then we requested them to leave the decision of it to one individual, which they resolved to do, and left it to Tareha, a chief of great importance in the Bay, but a very dreadful savage. We succeeded in getting him to our tent, and he resolved in his own mind to decide for peace; we tried to work upon his mind in the best manner we could.

1616. Is he connected with either of those parties?—Yes.

1617. Both parties placed it in his hands?—Yes, it was left to the Bay of Islanders to decide; the other people could not say a word.

1618. Was it in consequence of your communications with Tareha that he was induced to take the resolution in favour of peace?—Himself and the whole of the 4,000 people attributed it entirely to that, and from that moment we date our present influence in the country.

1619. Did you then secure peace between the contending tribes?—Yes; and they have been the firmest friends and allies of any distinct tribes we are acquainted with in the country ever since that time.

1620. What sort of arguments did you use with that person?—We first began to tell him of what would be the effect of it in lessening their own numbers, even if they gained the victory, and that the people from the south would then come down upon them, knowing that Hongi was dead, they would come in a body upon them and destroy them; and then we endeavoured to point out to him the evil of it in the sight of that God whom we came to make known. After our consultation he got up, and as he was passing out of the tent he said, "Perhaps I shall be for war, perhaps I shall be for peace, but I think I shall

shall be for war; perhaps we shall fight, perhaps we shall not fight, but I think we shall fight." We then tried to work upon his fears; he was an enormously large man, and Mr. Williams called out to him, "Take care, Tareha, you are a very big man, and no musket-ball can pass by you." Effects of fair dealing and Christian Instruction.

1624. Was the result of your interference, that what would have probably been a bloody battle was prevented, and that peace was made between the contending tribes?—Yes; and they have remained upon the most friendly terms ever since.

1625. Do you believe that if it had not been for the interference of the missionaries this conflict would have taken place?—There is no question in my own mind, nor in the mind of any New Zealander I have ever met with.

1626. Did the measures which the missionaries took upon that occasion tend to extend and enlarge their influence afterwards?—Yes, throughout the whole country. It was made known in the southern parts of the island, and brought great numbers to request our interference in their quarrels also.

1627. Do you recollect any other instances in which the missionaries have been engaged in promoting peace?—Not in which I myself have been engaged; but many in which my brethren have, at the different stations.

1628. Can you speak of those from that kind of information that you can confidently state that you know the facts?—Yes.

1629. Will you state any that have come to your knowledge in that way?—There was the battle of Tauranga: the first rise of that was, the captain of an English vessel, a whaling ship, had a quarrel with some women on board his vessel; he was very angry about it, and determined to get the natives of the interior to punish those on the coast for the insult which those two women had offered to him in that quarrel. He sent into the interior to fetch the chiefs, telling them they must come to fight a battle for the insult of those two women. They refused to do so, saying, that it was not according to New Zealand custom; that they only fought when people had done some real injury, but that they never fought when it was all mouth, and that this had been nothing but mouth, and consequently they refused to fight. He told them that he would make it known in England; that every one in England thought the New Zealanders were a brave people; but he would let the English people know, and let the King know that they were cowards; but that if they would fight he would supply them with arms and ammunition. They could not bear this, and therefore they resolved to fight. They brought down a great number of people. We were rather too late in going over; we did not know so much of it as we do sometimes; and about a quarter of an hour after the battle we saw a hundred of the people dead and wounded upon the beach. Then, according to the custom of the country, a number of the New Zealanders went to the south to seek satisfaction for the death of their friends. Those persons who went down intending to cut off some of the tribes of the south as a payment for the death of their friends, were fallen in with by a large armed party of the natives, and were all cut off themselves; 41 went and only one returned. This caused the whole of the Bay of Islanders to arm themselves and to go and fight with the tribes of the south for the loss of those 40. There were between 50 and 60 canoes. The canoes were attended by our missionary ship, the Active, the missionary boat, and a small cutter that we have. Mr. Williams accompanied the flotilla. They were five weeks before the fortification of the besieged, negociating with the besiegers, but without effect, the first five weeks. The missionaries then returned home, and afterwards, not satisfied, they went back again. Mr. Williams went down in his boat a second time, with Mr. Chapman, Mr. Kemp and Mr. Fairburn, and effected a reconciliation between the two parties. The Bay of Islanders returned home without having destroyed a single individual.

Besides being thus instrumental in preserving peace in the country, the missionaries have been enabled to effect another great good, in abolishing the custom of tapuing, or rendering sacred and unapproachable a particular place or person; a superstition which opposed the greatest obstacles to improvement and civilization. 1635 to 1641 and 1643.

We find that the missionaries in New Zealand have composed a grammar of the native tongue, translated the whole of the New Testament, and supplied every one who could read with a copy, to the number of 1,800; that they have translated also a portion of the Old Testament, and printed the Liturgy and Services of the Church of England, which they use in their congregations. "The whole of the northern part of the island has now established the Sabbath; they allow their slaves to attend worship, and require no labour from them on the Sunday; they give them every possible advantage on that day, and leave them entirely to themselves."

1771. Then although they have not abolished slavery still the effect of Christianity among them has been to mitigate it very much?—Decidedly, to alleviate it in every sense of the word.

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Mr. Coates, the secretary of the Church Missionary Society, gives a long list of improvements effected in New Zealand; we take this paragraph as being of the latest date, 14 December 1835:—"When we last met at the Lord's table we had 74 native communicants. The number of candidates for baptism is considerable, and their number is increasing. The scene in the Waimate and its vicinity is much changed, and we may truly be said to live in a civilized country. Our neighbours, those not connected with the seaports, are civil, courteous, honest and teachable. Locks and bolts are but little used, and but little needed; working tools are safe, although lying in all directions. Ten years ago a person scarcely dared to lay a tool down, as it was almost sure to be stolen."

The general results of the mission in New Zealand are thus stated:—

1782. What have been the effects of the exertions of the missionaries in a general manner?—Abolishing their superstitious observances, establishing the Sabbath, rendering the natives more industrious, bringing a large proportion of their land into a state of cultivation, preventing war, ameliorating the condition of the slaves, and making the language a written one.

Amongst other benefits conferred by Christianity, the amelioration of the laws of the islanders is undoubtedly one of the most important; it has been adverted to in the evidence of Mr. Ellis, but the subject is so interesting that we transcribe, further, that given by Mr. Williams.

5646. *Chairman.*] Have the natives of those islands any fixed code of laws?—Yes; in the island of Tahiti they have a representative government and trial by jury.

5647. That of course has been adopted in imitation of our practice?—Yes, they asked our advice in the formation of their laws. Their practices were very sanguinary when they were idolaters.

5648. Then Christianity has had the effect of softening the rigour of their usages?—Entirely so; for instance, formerly in the island of Rarotonga, an island which I discovered, the king, when a thief was caught upon his premises, would have him cut up, and portions of the body hung in different parts of the farm on which the depredation had been committed. But when Christianity was embraced by them they saw immediately that such sanguinary proceedings were inconsistent with the benign spirit of the Gospel, and they inquired of us what would be done in England, and what was consistent with the Christian profession. We informed them that there were judges in England, and all such offences were tried regularly, and particular punishments awarded. They immediately said, "Will it not be well for us to have the same?" and after months and months consultation with them, and explaining those things to them, a very simple code was drawn up.

5649. Are the powers of the sovereign circumscribed under this representative system?—Not particularly so. Formerly the will of the chief was law; life and death was entirely vested in his hand; he could send his messengers out and kill a person upon any occasion, which he cannot do now. So far it is circumscribed; but it is operating very beneficially upon the people.

5650. When you speak of a representative government, do you mean that delegates come from different districts of the island, and form themselves into an assembly?—Yes.

5651. Have their proceedings any authoritative weight with the executive government?—Yes; this may be illustrated by a circumstance which has taken place since I left. The representatives met, and the first thing they did was to send a message to the queen to know upon what principles they were to proceed; she sent back a copy of the New Testament, saying, "Let the principles of this book be the foundation of all your proceedings;" and they, perceiving the beneficial effects of the temperance societies in all the districts where they had been introduced, immediately proceeded to enact a law that they would not trade with ships that came there for the purpose of introducing ardent spirits among them.

5652. Mr. *Baines.*] By whom are the representatives elected?—It is done in the different districts; it does not create any stir among the people; the chiefs of the respective districts meet among themselves, and say we will send so and so this time. I am speaking now of the Tahitian islands; the islands are in a varied state of progression; some just emerging from barbarism.

5653. *Chairman.*] Then the Committee are to understand that Tahiti is most advanced in civilization, and in the profession of Christianity?—Yes.

5654. And your past observations relate exclusively to Tahiti?—Yes; the Society Islands are following very closely in every respect, but Tahiti is the head-quarters.

5655. Have the Society Islands representatives?—No; they have not, they have a regular code of laws and trial by jury.

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There are occasions in which the penalties due to the dishonesty of our countrymen have been averted by the influence of the missionaries. The following instance occurred in the island Rurutu, about 300 miles from Tahiti:—

A captain of a whaling vessel from London went on shore there; engaged with the natives for a certain number of hogs and yams as provision for his crew, promising to give the natives axes and other useful articles in return. The natives, as he requested, took all the property he had purchased from them to the ship, which was lying two or three miles from the shore. As soon as the natives had reached the ship and the captain had hoisted in the pigs as the stock for the voyage to England, instead of paying them the axes and other articles which he had promised, he threw over to them a small bundle of pieces of iron hoop, then cut the rope by which their canoes were hanging on to the ship, and sailed away from the island. They of course could not overtake him and did not try to do so, but returned and held a consultation as to the course they should pursue; and the decision at which they arrived—for they had not been visited by Missionaries at that time—was, that the next vessel that came they should invite the captain, the officers and the seamen on shore, decoy them up into the woods and there destroy them; then seize their boats and other property, and also get the ship, if possible. A missionary from Raiatea visited the island shortly after that time; they informed him of what had occurred, and of the purpose they had formed. He of course said that it was very wrong of his countryman to have acted towards them as he had done, but dissuaded them from retaliating in the manner they intended. He made some compensation for their losses, promised to represent the case to benevolent individuals in England, and thus succeeded in dissuading them from executing their purpose of seizing the next ship that might visit the island. A number of facts of this kind have occurred in the islands, but I mention this because it occurred while I was there, and because the information of it I received from the missionary with whom I was associated, and in whose testimony I place the most entire confidence.*

p. 501.

We find that the missionaries have often been successful mediators between the natives and those who have injured them. "There was an instance in which we were called in," says Mr. Yate, "by the captain of His Majesty's ship 'Alligator' (Captain Lambert) and the British resident in New Zealand:"—

A man of the name of King, a person who had escaped from New South Wales, had entered into an engagement with Pomare, a chief of one of the tribes in the Bay of Islands, to give him a certain number of muskets and a quantity of powder for a certain quantity of the produce of the country. He gave him several loads of flax, and a quantity of timber and potatoes. King sold those things to the masters of other vessels that came into the harbour and then left the country without making any payment to Pomare. King possessed a small schooner, about a 15-ton vessel; he sold the schooner to some merchant there, and when Pomare found that the vessel which belonged to King was still in the island he took possession of it, and would not give it up to the person to whom it had been sold. They represented this to the British government at New South Wales, and the captain of the "Alligator" received instructions to obtain this vessel from Pomare and to see that right was done. Pomare still refused to give up the vessel, and then the captain wrote to us to interfere to get Pomare on board.

Mr. William Williams and myself went and succeeded in getting him on board; and when the matter came to be sifted we found that Pomare was perfectly right, and that the Englishman had been altogether wrong: Pomare had been cheated out of the whole of his property; and so convinced was the captain of the "Alligator" that the New Zealander was right, that he gave him the full payment for the property which he had been cheated out of, and Pomare then restored the vessel which he had taken possession of as payment for it.

1604.

Mr. Williams, who was for 18 years a missionary in the South Sea Islands, and principally residing in Raiatea, one of the Sandwich Islands, confirms the account given by other witnesses, and adds further particulars.

He too says, in reference to the improvement which had taken place,

All this is to be ascribed to the result of Christian principle implanted in them by missionary labour. We could not get them to do anything, or evince any attention to industrious

5626.

* It is a remarkable fact, that the very chief who, instigated by ill-treatment, led the attack on the "Boyd," when the whole ship's company of 90 persons excepting two (a little girl and the cabin boy) were massacred and devoured, was, 15 years afterwards, when under missionary influence, the means of rescuing an English vessel which had been boarded by a party of his subjects with a similar intention.—*Bennet and Tyerman's Voyage*, vol. ii. p. 137.

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industrious habits, till they made a profession of Christianity. There must be an impetus given to the mind before they will aspire to those improvements.

These facts, which the late questions have elicited from you, are introductory to one general and leading question, which is, whether in our endeavours to introduce Christianity among barbarous nations, civilization or Christianity should take the precedence?—I have not the slightest hesitation upon that. Christianity must precede; you cannot get a barbarous people to attend to anything of a civilizing process, or to aspire to any European habit, till you give them Christian principle. You must eradicate their disposition to war before you can get them to desire earnestly the blessings of peace; and what is to do that but Christian principle taking possession of the mind?

5627.

5628. But supposing they were inclined to attend to your suggestions and exhortations with regard to a civilizing process only, would not that smooth the way to the introduction of Christianity?—I do not know; the difficulty is to get them to attend to anything of the kind until they have embraced Christianity.

5629. On the whole, then, you think it expedient and indispensable that in the successful introduction of civilization, you should use the great engine of the truths of the Gospel originally?—Undoubtedly; I think the most effectual and the most speedy way to civilize a people is to commence with teaching them the principles of Christianity. The idea I would convey is this: I would not advise an attempt to civilize a people, leaving Christianity out of the question. I think the attempt would fail; but I would advise that Christianity should be accompanied with a civilizing process. It is what we have united in all our attempts.

The missionaries made it their business to teach their converts useful trades.

5623. I have made 8 or 10 sugar-mills for them with my own hands, says Mr. Williams. I built a ship there, and when the natives saw what could be done upon their own islands, with their own materials, they imitated the example, and have now many small vessels of their own building, just like our ships, instead of their own canoes; 20 to 50 tons burden.

Has the character and style of their dwellings improved?—Very much indeed. We have taught them the art of making lime from the coral rock, and they now plaster their

5624. houses and divide them into apartments and live in families.

5657. They are "very apt indeed" at learning mechanical trades.

5657. I made rope machines for them, and taught them rope-making from the hibiscus bark, and taught them turning. I made turning lathes for them; in the different islands they have very good chairs and sofas and things now of their own manufacture, in learning all which they showed great aptness.

5668. Is not the consequence of this instruction very much to increase the comforts, as well as to elevate the character, of the people amongst whom they labour?—Undoubtedly, instead of their little contemptible huts along the sea beach there will be a neat settlement, with a large chapel in the centre capable of containing 1,000 or 2,000 people, a school-house on the one side, and the chief's or the missionary's house on the other, and a range of white cottages a mile or two miles long, peeping at you as it were under the splendid banana trees or the bread-fruit groves, so that their comfort as well as their happiness is increased, and altogether their character is elevated.

It is a remarkable feature in this work, that it has been greatly extended by the agency of the converted natives themselves, since it has always formed a part of the missionary system to employ native teachers to propagate Christianity.* Thus Mr. Williams says:—

5663. We should not have been able to have extended our labours to the number of islands that we have, had it not been for the labours of the native missionaries. In the island of Rarotonga, which I discovered, I found them all heathens; I placed native missionaries among them, and by the native missionaries alone they were all converted to the profession of Christianity; so that on my second visit to that very place I found not an idolater remaining. This has been the case in eight different islands to which I have taken native missionaries. The inhabitants of eight islands were entirely converted to Christianity by the agency of native missionaries.

5664. This, then, is a means unlimited; you have materials there to increase the native missionaries to any extent almost?—Yes; perhaps that is saying rather too much, for we are very particular in the persons we select, and they are not so numerous as we could wish.

Still

* We happen to know of one island named Rurutu, which was most singularly converted by a boat's crew of their people who had been cast away on a Christianized island; they returned to their homes with native teachers, and when the next English vessel touched at Rurutu, bearing a deputation from the London Missionary Society, these gentlemen were amazed to behold a chapel, and were greeted, to their uttermost surprise, with a Christian and almost civilized reception.—*Bennet and Tyerman's Voyage*, vol. i. p. 492.

Still we have about 60 or 70, and that number is increasing; because, whenever the Gospel is attended with its beneficial effects; there is a new agency created for its still further propagation.

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Do you suppose that native missionaries might not be more extensively employed than they are at present?—Yes; we intend to employ more as soon as we can; but our labours have been extended as far as our means would allow. The original station was only one island, that of Tahiti; and the knowledge of Christianity was conveyed to the islands where the American missionaries are, first, by means of native converts from the island of Tahiti, and so with respect to the islands where the Wesleyan missionaries are. Christianity was first conveyed to them by native missionaries from other islands. I think, without including the Friendly Islands or the American missionary stations, we must have 40 or 50 islands under our own instruction at the present time, by native agency, superintended by ourselves, except in our own immediate stations. 5665.

The same plan is in a measure pursued by the Church Missionary Society; and in New Zealand schools are established in the villages, under the direction of native youths, superintended by the missionaries, who visit them once a month.

We find that the South Sea Islands are becoming every year more important to our commerce. Mr. Yate was asked,

Do you how many British subjects there are in New Zealand?—Upon the whole island, from 1,800 to 2,000; and at times there are a great many more. I have known 1,000 at a time in the Bay of Islands, but that has been composed of the crews of several ships, with the residents.

Exclusive of the missionaries there are now about 12 or 14 families permanently settled there, who are for the most part respectable, and live in good understanding with the natives. It is also stated that the natives are very desirous of having Europeans to reside among them, from the advantages they derive from them in the way of traffic, and that they would now consider it a misfortune to lose our commerce, an additional reason for putting it under such regulations as may ensure its stability on terms conducive to the benefit of either party. 1714.

At the island of Tahiti, says Mr. Williams, there are now from 60 to 100 sail of shipping touch in the course of the year; they get provisions at very little expense; they can refit their vessels, and they can recruit their crews. This of course is of great importance to a commercial people such as we are; and I think also there is a great advantage accruing to our country by means of missionary labours, in a commercial point of view. A few years ago they knew nothing of European manufactures, and now there are hundreds and thousands of them wearing European clothing and using European articles, such as tools and various other things. Wherever Christianity is introduced, of course European clothing and European habits are induced. There is not a single person in any of our congregations but is dressed very respectably; they are not thoroughly clad as we are, but some of them wear a jacket and a shirt, and a native garment as a substitute for trousers. 5677.

The extent of this wide area for the spread of missionary operations and for the extension of our commerce appears from the following examination of Mr. Williams:

5602. In the groups of the Pacific Ocean what islands are Christianized; what have partially received the truths of the Gospel, and what remain in their original Pagan state?—The Tahitian and Society Islands are Christianized; the Austral Island Group, about 350 miles south of Tahiti; the Harvey Islands, about 700 miles west of Tahiti; the Vavou Islands, and the Hapai and the Sandwich Islands, where the American missionaries are labouring, and are 3,000 miles north of Tahiti, and the inhabitants also of the eastern Archipelago, about 500 or 600 miles east of Tahiti.

5603. What are the principal islands in the Archipelago?—An island called Chain Island; the group consists of a great number of small coralline islands. Chain Island is the largest, and perhaps there may be a thousand people upon that.

5604. Mr. *Hindley.*] What would you consider the population of all the islands you have mentioned?—Including the Sandwich Islands, I should think perhaps 200,000.

5605. All Christian?—Yes.

5606. *Chairman.*] Now will you state those that have partially received the Gospel?—The Navigators' Islands, Tongatabu and the Marquesas, are partially under the influence of the Gospel, where missionary labours have just been commenced.

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5607. Mr. *Baines.*] What is the population of those that are partially Christianized?—It is rather difficult to say, but I should suppose from 100,000 to 150,000.

5608. *Chairman.*] What are those that remain unchristianized?—The Feejees, the New Hebrides, Solomon's Archipelago, New Caledonia, New Britain, New Ireland, and New Guinea, with the adjacent islands. Those are the groups that remain still to be visited by missionaries.

5609. Can you make any estimate of the population of those?—No; but I should say by far a greater number. New Guinea is 1,200 miles in length, and 200 or more in breadth, and said to be inhabited by several millions of people. The Feejees is a group of 150 or more islands, one of which is 500 miles in circumference. The Hebrides is also a very populous group, but we can form no estimate of the population; they are very wild and savage, and it is dangerous to have any intercourse with them.

Thus, then, amidst these clusters of islands, containing a population known to exceed a million, and perhaps of several millions, a change (as we have seen) of unequalled importance, because affecting so large a mass of mankind, has been begun in our own time, and has been almost imperceptibly going forward.

The first attempt made for their conversion was in 1797; for 17 years the work appeared to make no progress, and in Europe no other notion was entertained of these people than that they were idolaters and cannibals, and their country a rude and barbarous wilderness, without arts, without commerce, without civilization, and without the rudiments of Christianity. Such was the estimate, not inaccurately formed, of their state 20 years ago. Within this brief space, under no other agency than the influence of Christian truth, they have conveyed a cargo of idols to the depôt of the Missionary Society in London; they have become factors to furnish our vessels with provisions, and merchants to deal with us in the agricultural growth of their own country. Their language has been reduced to writing, and they have gained the knowledge of letters. They have, many of them, emerged from the tyranny of the will of their chiefs into the protection of a written law, abounding with liberal and enlightened principles, and 200,000 of them are reported to have embraced Christianity.

SIERRA LEONE.

The settlement of Sierra Leone, on the coast of Western Africa, was founded and has been conducted on a different principle from all our other colonies; the object of it having been, not the gain of Englishmen, but the providing a place of refuge for the victims of the slave trade; its history, therefore, could not be expected to afford much illustration of the subject before us, the treatment of Aborigines on their own soil, and the evidence taken with regard to it has been brief; but an important fact has been here established, one which, however, we trust is now too universally acknowledged to need much further proof: it is that of the capacity of the negro race (which composes the mass of the Aborigines of Africa here congregated) for mental culture, and their good average intellect.

The means of bestowing instruction upon these liberated Africans have become very inadequate to their increasing numbers, (stated by H. W. Macauley, Esq., Commissary Judge at Sierra Leone, at about 32,000,) being as 320 to one European, but their desire to receive it is generally admitted.

The Rev. J. Weeks, of the Church Missionary Society, speaks of their great readiness to subscribe to the erection of churches and to the maintenance of the schools; and, with respect to their abilities, he gives the following instance:—

p. 519.

Eighteen months before I left the colony (April 13, 1835) the Governor sent me 100 liberated African boys, who had just been landed from a slave-ship, to be educated under my

my superintendence; they were in excellent condition, having been on board the slaver only a few days before they were captured and brought into Sierra Leone. I now thought a fair opportunity was afforded me of trying an experiment, and forming a tolerably correct judgment of what were the capacities of the Africans: not one of them as yet knew a single word of the English language, and when I left, 13 of them could read their Bibles, and 36 the parables, miracles, &c. of our Saviour, and other elementary works; and I trust two of them are by this received into the Christian institution, with a view to their becoming native teachers, and that several others will in due time prove useful assistants in the missionary work.

Mr. Macauley's evidence to the same point is worthy of citation; he states, that a large portion of these people have been brought to the "colony in a savage state," landed, as he has seen many thousands of them, in a diseased and wretched condition, yet that they speedily become civilized and useful members of society. He states, that these men form the militia; they serve as constables and attendants on the courts of justice, and that in every situation, in which they have been called upon to act, they have fulfilled their duties satisfactorily. He gives the following curious instance of the advancement of one individual:—

190. Have you seen any instances of these people who were originally, when first landed, in such a state of extreme debasement, who afterwards have, under the instruction they have received, risen into civilized men?—Many; in fact it is almost universally so. There are many such instances of liberated Africans; one in particular, which I recollect, where a man, who, not very long since was in the hold of a slave-ship, is acquiring at present an income of, I suppose, from 1,200*l.* to 1,500*l.* a year. He has the government contracts for the supply of beef to the army and navy, and has had them for many years past, and he has always fulfilled his contracts to the satisfaction of the Government. He is living in a very excellent house, has every comfort about him, and has educated two of his children in England. One is in England now, and one has been educated before and has returned to Sierra Leone. I also recollect a number of other instances, perhaps not to the same extent, but where people advanced wonderfully in point of civilization and of wealth.

Mr. Macauley also states that he has known them called upon to act as jurymen:—

195. Had you reason to believe they discharged their duties satisfactorily?—Always; I never knew an instance where a black jury has given a verdict which you could really find fault with. I have very frequently been in the court when questions have been before them, and they show as much attention, and almost as much acuteness, I think, as any English jury I have seen here.

196. Would you feel yourself aggrieved if a question affecting a large amount of your own property were to be disposed of by the verdict of a jury composed entirely of these liberated Africans who have been taken out of the holds of slave-ships?—Certainly not. I have had questions myself of large amount before the courts there, and I believe the people are perfectly satisfied to leave their cases to the decision of these men.

The above refers solely to the Africans liberated from the slave-ships. Mr. Macauley also says, "we have other parts of the black population, and other inhabitants filling all our municipal situations, mayor and aldermen, the police clerk, the officers of militia, and the different clerks employed in public offices, such as the secretary's office, and the liberated African departments." 203.

204. Do any of them act as magistrates?—Yes, as mayor and aldermen they are magistrates.

To a further question respecting the measures which have proved thus effectual in raising men from a state of extreme degradation, Mr. Macauley answers, that he thinks "it is owing to their being left to themselves," and that he considers it a great point to leave such persons unshackled by too many regulations. 201. 227.

At the same time he urgently states the need that exists of more moral and religious instruction, as the most effectual mode of promoting the work of civilization, and he says, that wherever this has been afforded the results

SIERRA LEONE.

231. 208. have been excellent. In the villages especially, where "correct teachers of the Gospel" have been employed, he has everywhere seen their influence powerfully exerted, and producing good fruits. In providing such instruction, however, he considers our Government to have been remiss, for while we have made a stipulation with Spain in the treaty on the subject of the slave trade, that she "shall secure honestly and faithfully to the emancipated negroes a knowledge of the tenets of the Christian religion, and their advancement in morality and civilization," we ourselves neglect the instruction of these persons, for whose redemption from slavery we take so much pains and incur such expense. We trust that this representation may excite our Government to greater exertions for the moral benefit of men who have shown themselves so capable of profiting by any means of improvement offered to them.

SOUTH AFRICA.

With respect to the native tribes of South Africa, the copious evidence taken by Your Committee, has related rather to their civil affairs than to their moral and religious condition. It is not now necessary to repeat the circumstances of oppression under which, till within a late period, the Hottentots laboured. They had fallen, as we have seen, into a state of bondage to the farmers, through a system of forced contracts of service, and of apprenticeship of their children; both of which are noticed with strong disapprobation by the Commissioners of Inquiry.*

HOTTENTOTS.

Mr. Bigge, one of the Commissioners, says, that the Cape farmers and the inhabitants generally regard the Hottentots as incapable of benefiting by instruction; and that, with the exception of a few individuals, "the inhabitants of the Cape may be considered to have been averse to their receiving moral

p. 9. or religious instruction of any kind;" and he also declares, "I am not aware

p. 22. of any attempt having been made, or sanctioned, by the Colonial Government to instruct the Hottentots, or to promote their improvement. Little indeed was done in any quarter for their benefit, except by missionaries; by whom, as Major Dundas remarked, "Unquestionably a great deal of good was done in bringing together and keeping together the wrecks of the Hottentot

1148. nation." The Hottentots themselves seem almost to attribute their existence to the missionaries, "who," as the witness of that nation said to your Committee,

4970. "picked up a few, and they are increasing now;" he also stated that the

4968. "other Europeans have done them evil, but have not done them the least good."

The Moravians appear to have been the first missionaries who laboured in South Africa, and their mission has been attended with much success.†

3005. Bishop Hallbeck states that they have now five establishments, besides superintending the leper institution, which was established by Government. In December 1835, 3,474 natives belonged to these six stations, and their conduct is acknowledged to be highly respectable. "We can," writes Mr. Hallbeck in 1823, and the same might still be said, "without fear appeal to the records of the courts of justice under whose jurisdictions our establishments are, for proof that comparatively very few, either civil or criminal cases, have occurred in which Hottentots of these places have been implicated."‡

The

* Report on Hot. Pop. Cape of Good Hope, 1830, p. 4.

† Report Commissioners, Cape of Good Hope, No. 584, p. 12.

‡ Papers, Native Inhabitants, Cape of Good Hope, No 50, part I, p. 26. *See* also Dundas, Q. 1151, Stockenstrom, Q. 2322.

The Moravians have always made a great point of teaching their converts to work, and of making them contribute by their labour to the support of their establishments; and here again we find that men noted for inculcating habits of industry, consider that the best method of introducing these is by giving a knowledge of religion. 3066 to 3069.

The London Missionary Society early took its share in protecting and instructing the Hottentots; and Vanderkemp, the great benefactor of that race, laboured under the patronage of this society.

Their improvement is thus noticed by the Rev. J. Read:—"The lands given to Bethelsdorf were barren; the missionaries had no choice, the place was given by General Jansen; yet the Hottentots began to improve rapidly, so that a storekeeper in the neighbourhood stated in 1815 that he received annually from the Hottentots of Bethelsdorf 20,000 rix dollars, or 1,500 *l.*, for clothing, &c.; this was besides what they spent elsewhere. After this, the Messrs. Kemp, who had a store upon the place, stated they received annually from the same people about the same sum. Cutting wood, burning lime, gathering aloes (about 40 tons were sent yearly to England), gathering salt, honey; mechanical trades, masons, smiths, carpenters, thatchers, tailors, shoemakers, bringing fire-wood to Port Elizabeth, and goods for Government and merchants at Graham's Town, were the means by which the Hottentots got their money. The Hottentots of Bethelsdorf proved loyal from the beginning, always ready to obey orders." 5235. p. 598.

Thus a small portion of the nation were in some measure relieved from the common degradation, yet all suffered under the pressure of disqualifications and disabilities, till the 50th Ordinance was granted, and operated as the removal of a weight which had kept down the spring of the people's energy.

At this time an experiment was made which proves what may be done for men by merely giving fair play to the motives which stimulate honest industry. It is thus detailed by the present Lieutenant-governor of the frontier:— 5415 to 5420. 5427-8, p. 642

1837.

The Government, wishing to give full effect to the provisions of the 50th Ordinance, and well aware that this law could never operate to its full extent in favour of the class in whose behalf it had been framed, without a fair field being opened for the exertions of its industry, determined on the experiment of allotting lands to a certain number of Hottentot families. This experiment was intended to be upon a small scale. Hottentots of good character, or possessing property, were invited to settle in the branches of the Kat River. They were to be located in the immediate vicinity of the Caffres, who were then in a state of great irritation against the colony. Some families of Hottentots soon made their appearance on the spot; few of these possessed property to any amount; they were poor, as might be expected, but were generally known to be steady men. It was soon, however, found to be impossible to draw a line of distinction. Hottentots flocked in from all quarters, many of them known to be indifferent characters; even some of those who till then had been vagabondizing came and begged to be tried. To exclude these became difficult; to refuse a man the opportunity of bettering his condition only because it was suspected that he would prove unworthy, appeared cruel. In the mean time the Caffres threatened the new settlements, and it became necessary to arm the new settlers, or to expose them to be massacred; ruin was anticipated from such a step. The Caffres with their assagais were thought less dangerous to the colony than a congregation of Hottentots armed with muskets, with little or nothing to eat. That these men would turn the weapons which we had put into their hands against ourselves as well as against the Caffres, and that the country would be deluged with blood, was confidently predicted. The clamour became loud, and the projectors themselves began to doubt whether they might not have acted too rashly; but the step, whether wise or rash, was taken; hundreds of able-bodied men, well armed and supplied with ammunition, but with little food, were within hail of each other; hungry men, so circumstanced, might (it was thought) make short work of the numberless flocks of the Caffres and colonists on both sides and all round them. Such were the predictions then expressed; but the conduct of the Hottentots soon gave them a practical contradiction. They were told "Show yourselves

selves worthy of freedom, and your farther improvement is in your own power." Instead of collecting in a mass, eating and sleeping until the little they then had should be consumed, and then carrying fire and destruction over the country, and allowing the Caffres to surprise them, cut all their throats, and with their muskets carry on a more equal warfare with the colony, as was anticipated, they set immediately to work, cut canals which, considering their tools and the rock and indurated soil through which they had to penetrate, would have been thought impracticable. They cultivated, by means of the most miserable implements, an extent of country which surprised everybody who visited the locations, including the governor. Those who had no food lived upon wild roots and by working for those who had something; these again were obliged to economize to support their families, until in a few months they had an abundance of pumpkins, Indian corn, peas, beans, &c. Instead of apathy or indifference about property, they become (now that they had property to contend for) as covetous and litigious about land and water as any other set of colonists. They display the utmost anxiety to have schools established among them. Several of these schools are in a flourishing state, and so eager are they for instruction, that if they find only one amongst them who can spell, where nothing better can be obtained, they get him to teach that little to the rest. They travel considerable distances to attend divine service regularly; their spiritual guides speak with delight of the fruits of their labours. Nowhere have temperance societies succeeded half so well as among this people, formerly so prone to intemperance. They have themselves petitioned the government that their grants may contain a prohibition against the establishment of canteens or brandy houses. They have repulsed the Caffres on every occasion on which they have been attacked, and are now on the best of terms with that nation. They have cost the government nothing beyond the salary of their minister, from 15 to 20 muds of Indian corn, and a few more of oats given them for seed the first year, 1829, and the loan of the muskets, together with a little ammunition given them for their own protection as well as that of the country in general. They pay every tax like the rest of the people; they have rendered the Kat River decidedly by far the safest part of the frontier; and the same plan, followed upon a more extensive scale, would soon enable Government to withdraw the troops altogether, and put an end to that desultory warfare which must retard the improvement both of the colony and its barbarous neighbours, whilst no excuse would be left for Hottentot vagrancy.

Petty misdemeanors we must suppose occur in this as in every community, but they have not hitherto cost the public a magistrate, and the nearest functionary of the kind is two long days' ride distant. I only recollect two cases tried before the civil courts in which settlers of the Kat River were the accused; one was a Bushman who had stolen some goats before he had joined the settlement, and was taken up after he had reached it, and the other was the case of two Hottentots who had stolen a Caffre cow, which was discovered by the vigilance of the head of the party to which they belonged, who arrested and sent them prisoners to Graham's Town, though the owner of the cow wished to make up the matter by receiving back another cow. In short, the most prejudiced men who have travelled through the locations admit that the Hottentots have done wonders; that as far as the land is arable they have made a garden of it from one end to the other; they have already supplied the military posts with forage and provisions to a considerable extent, and just as I was embarking the commissary-general handed to me a memorandum of some of their tenders which he had just accepted. The above statement may possibly by some be considered as too favourable, and individuals may be found who, jealous of the success of this experiment, in refutation of all their sinister predictions, may point out indolent and bad characters in the Kat River settlement, such of course existing there as well as in every other place where numbers of men are congregated. But to these objectors I would reply, that I never meant to represent the Hottentots as faultless or better than any other race of people in the aggregate. I have only wished to show that as soon as they were treated as reasonable beings they acted reasonably, and the facts now stated can be proved to the letter.

5426. The difficulties of the undertaking are further told. Dr. Philip says, speaking of the Kat River settlement, "I saw in one instance, in 1832, a Bushman location, and at that time they had been very recently established on that location, and they had nothing whatever when they were first located there. They borrowed a hatchet; they made a wooden plough without one iron nail in it, entirely of wood, and with this they cultivated their land. They received from the first crop enough to supply them through the winter, and something to sell. In the second year they cultivated to a greater extent; they had then a very excellent plough, which they made, themselves, with an iron coulter; they had also made a waggon for themselves; they had had no previous advantages whatever; they were literally in the situation which Captain Stockenstrom mentions, when they asked him what they were to do for means to cultivate their ground. 'If you are not able,' said he, 'to do it with your fingers, you need not go there.' But they had resources in their own minds, and those

those resources were brought into action, and with the most complete success."

The Rev. J. Read states, "They had to form dams across the river and water-courses, sometimes to the depth of 10, 12 and 14 feet, and that sometimes through solid rock, and with very sorry pickaxes, iron crows and spades, and few of them. These works have excited the admiration of visitors; they had to cut roads also on the sides of mountains of considerable height. An obstacle was raised, in the beginning, to the Hottentots residing alone; a mixture was recommended of Dutch and English. The Hottentots begged and prayed to be left alone for a few years, and Captain Stockenstrom entered into their feeling, and said to them, 'Then show to the world that you can work as well as others, and that without the shambok (the whip).'" 5235.

They did work, and as a proof that they did not relax in their industry, we may mention that, according to Colonel Wade, they had, in 1833, completed 55 canals for irrigation, of which 44 measured nearly 24 miles. They were not disheartened by common accidents, such as a drought and a sickness amongst the horses, and the settlement continued to prosper beyond the most sanguine expectations of Captain Stockenstrom, who planned, and the Government, who promoted the experiments; and as Colonel Wade remarks, the statement of its progress afforded the "best evidence that the Hottentots could be industrious, and were as capable of contending with ordinary difficulties as their fellow-men." p. 289. p. 289.

But there is another important fact to be noticed with regard to the Kat River settlement. It took at its very commencement a religious character, to which, as we believe, may be ascribed its subsequent well-doing. Many of the leaders and the men, who set the example of industry, had been educated at missionary establishments, and so impressed were they with the necessity of religious administrations, that they would not remain without a missionary, and sent for Mr. Read within a few months after their establishment. The Rev. W. Thompson was also appointed Dutch minister at the Kat River, and both have spoken with the greatest satisfaction of the people. Mr. Read says of them, 1137. p. 600.

"The people were moral; many had been addicted to drinking brandy, and that to excess; but when the temperance society was established, about 1,700 signed its rules, and when I left only four or five persons in three years had broken through the rules. Although wine is not included in the rule, yet most of the people refrain from taking any; they also sent a memorial to the governor, requesting that their grants for their lands might be given so as never to admit a canteen in the settlement. Religion flourished among them. I baptized about 260 adults during the four years and a half that I was with them, besides children, and the number of church members was about 400; the attendance on religious worship was great; on Sunday we were obliged to divide into two congregations, and the conduct of the people was most uniform. The older people were most zealous for instruction themselves, and very anxious to have their children educated, and for the latter object bore some of the expenses themselves. We had seven schools for the larger children and one school of industry, besides five infant schools, mostly carried on by native teachers, receiving a small salary from the Missionary Society, and generally supported in provisions by the people. There are connected with our congregation about three-fourths of the settlement.

In May 1834 Captain Bradford found that the Kat River people had subscribed to the amount of 499 *l.*, partly in money, partly in material, to build a new church, and had also prepared to lay the foundation of another. 1514.

Ir. Philip also speaks thus of their progress:—

5433. When you were there, was a large proportion of the children instructed in the schools?—There were 700 children in the schools at the Kat River, when I was there in 1834.

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5434. Out of a population of how many?—Out of a population of 4,000.

5435. That is one in every seven?—Yes; and in proportion to the population, that is equal to anything we have in any country in Europe.

5436. Did you examine the children instructed in the school?—I examined the children in 1834. Sir John Wilde, the Chief Justice, happened to be upon the circuit at Graham's Town; he wrote me a note, saying that he was coming to spend a few days at the Kat River, and I had a public examination upon that occasion; and after the examination was over, he said he had not examined any schools in the colony that had given him equal satisfaction to that which the examination of the Hottentot schools upon the Kat River had given him. He spoke in the highest terms of our normal school, conducted by Mr. Read, junior; he said he had met with nothing equal to it.

5437. Comparing that school with the schools established in this city, do you think they have carried education as far, and that the children answered as well as they do in England?—I can scarcely conceive that children with only the same advantages could, in an examination of the kind, have excelled those children.

5438. What were the subjects taught them?—English reading; the Dutch is the vernacular tongue; they read English exceedingly well, and were well acquainted with geography, and well acquainted with general history; they could write a very fair hand, and they could cypher; the whole system, indeed, was conducted in a manner, in my opinion, that scarcely could admit of improvement.

5439. Was there an infant school there?—There were several infant schools there, in admirable order.

5440. Do you conceive that those infant schools showed the same degree of proficiency that infant schools in this metropolis do?—Quite equal to anything I have seen in England. I have not seen infant schools superior to them, and it has been admitted by all visitors, both from India and England, that they had not seen anything superior to what they had seen in those schools.

5442. Was the attendance upon public worship considerable on the part of the adult population at the Kat River?—Considerable; I do not know that any person absented himself from public worship that was able to be present.

5443. Were the chapels as crowded, and was the behaviour of the attendants as decent and decorous as it is in this country?—I never saw, and I have heard many most respectable individuals say they never saw, so much seriousness, so much attention, such deep feelings of devotion, in any congregation in any part of the world as they have seen at the Kat River.

5444. Mr. *Baines.*] Are those congregations composed wholly, or nearly so, of native inhabitants?—Wholly so. You seldom see the eye of an individual diverted for a moment from the preacher; there is a kind of sympathy between them, that they seem breathless when a sentence is begun till the sentence is ended. What they hear is matter of prayer to them after the service is over, and a subject of conversation during the week.

5445. *Chairman.*] Were many shops open on the Sunday?—None at all.

5446. Do you consider that the establishment of the Kat River, and the advancement made by the natives in civilization, had some tendency to create a barrier and a protection to the colony against the inroads of savage tribes?—I do think so.

5447. Was that the opinion of the Government?—I believe that was the general opinion.

Had it indeed depended on the Hottentots, we believe the frontier would have been spared the outrages from which they, as well as others, have suffered. Their flourishing settlement was thrown into confusion by the Caffre invasion, and the predominance of martial law, and the missionaries were ordered from their stations. We are informed that the "Kat River local force" behaved steadily and bravely in the war,* and we hope that their loyalty may be speedily rewarded by a restoration of the privileges of which they were disposed to make so good an use. The native teachers are, we are told, carrying on the work of education to the best of their power; but they are extremely anxious for the return of their missionaries.

5107, 5063.

5107. 5069.

GRIQUAS.

The northern frontier of our colony, an extent of 300 miles, is bordered by the Griquas, a mixed race, "the offspring of colonists by Hottentot females, who finding themselves treated as inferior by their kinsmen of European blood, and prevented from acquiring the possession of land, or any fixed property, within the colony, about fifty years ago sought a refuge from contumely

* General Orders, 26 February; Papers, Caffre War, p. 7; also General Orders, 3 July and 7 August, p. 91.

tumely and oppression among the native tribes beyond its limits, where their numbers were gradually augmented by refugees of the same class from the colony, and by intermarriages with females of the Bushmen and Coranna tribes around them." In these people we find a striking instance of the benefit of missionary restraints; and they afford a remarkable contrast with the Caffres on the north-eastern frontier, whose unsettled state has not allowed them as yet to take the mould of their teachers.

p. 608.

The Griquas seem to have retained no trace of civilization from their European parentage. In 1800, when their first missionary, Mr. Anderson, went among them—

5327. p. 608.

They were a herd of wandering and naked savages, subsisting by plunder and the chase. Their bodies were daubed with red paint, their heads loaded with grease and shining powder, with no covering but the filthy caross over their shoulders. Without knowledge, without morals, or any traces of civilization, they were wholly abandoned to witchcraft, drunkenness, licentiousness, and all the consequences which arise from the unchecked growth of such vices. With his fellow-labourer, Mr. Kramer, Mr. A. wandered about with them five years and a half, exposed to all the dangers and privations inseparable from such a state of society, before they could induce them to locate where they are now settled.

When the labours of the missionaries began to produce their legitimate effects on the minds of the Griquas, polygamy was abandoned; and since that period every man has confined himself to one wife. This state of things, as it exists among savage tribes, is one of the greatest obstacles to the success of the missionaries; and when the Christian religion operates so powerfully upon their minds as to enable them to make the sacrifice which its abandonment requires, the missionaries are furnished with one of the most unquestionable evidences of the efficacy of their instructions, and have the best securities for the future triumph of their principles. As a corroboration of the preceding statement, the following extract of a letter from the Rev. William Anderson, formerly of Griqua Town, and now of Pacaltsdorp, dated 23d December 1825, will be perused with interest: "When I went among the Griquas, and for some time after, they were without the smallest marks of civilization. If I except one woman (who had, by some means, got a trifling article of colonial raiment), they had not one thread of European clothing among them; and their wretched appearance and habits were such as might have excited in our minds an aversion to them, had we not been actuated by principles which led us to pity them, and served to strengthen us in pursuing the object of our missionary work: they were, in many instances, little above the brutes. It is a fact, that we were among them at the hazard of our lives. This became evident to us from their own acknowledgments to us afterwards, they having confessed that they had frequently premeditated to take away our lives, and were prevented only from executing their purposes by what they now considered an Almighty power. When we went among them, and some time after, they lived in the habit of plundering one another; and they saw no moral evil in this, nor in any of their actions. Violent deaths were common; and, I recollect, many of the aged women told me their husbands had been killed in this way. Their usual manner of living was truly disgusting, and they were void of shame; however, after a series of hardships, which required much faith and patience, our instructions were attended with a blessing, which produced a great change. The people became honest in their dealings; they came to abhor those acts of plunder which had been so common amongst them; nor do I recollect a single instance, for several years prior to their late troubles, which could be considered as a stain upon their character. They entirely abandoned their former manner of life, and decency and modesty prevailed in their families. When we first settled among them, we had some Hottentots with us from the Zak River. With their assistance we began to cultivate the ground about Riet Fonteyn; but notwithstanding our exhortations, remonstrances and example, the Griquas manifested the greatest aversion to such work, and appeared determined to continue their wandering and predatory habits. At the end of six months, the Hottentots left us, and our prospects, as to the future cultivation of the ground, became very gloomy. We determined, however, to abide by them; and in wandering about with them, we constantly endeavoured to impress upon their minds the superior advantages they would derive from cultivating the ground, and having fixed habitations. After a considerable time had elapsed, we prevailed upon them to try the experiment, and a commencement was made. This event was preceded and followed by a great and visible improvement upon them as a body. It was soon after our location in this place that we were visited by Vandergraaf, landdrost of Tulbagh, Mr. Vanderbyl, and Professor Lichstenstein. On this occasion, the landdrost expressed himself thus: 'I find every thing different from the reports which have reached the ears of the governor, and I shall state to him the satisfaction I have felt on finding things so different as they have been represented, on my return.'

"Considering the circumstances of the people, much land was cultivated at this time, and in the following years the land under cultivation was much increased. I have seen the whole valley, from the Fountain to the Lion's Den, which must include nearly four

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square miles, covered with corn and barley. This refers to the Griqua Town alone, and the ground around the neighbouring fountains was in a similar state of improvement." Before the Griquas were induced to give up their nomadic life, and locate themselves in their present situation, such were the privations of the missionaries that they were often six months at a time without tasting bread. After they had got the people to give up their wandering life, and they began to have bread and garden stuffs, to use their own expression, "We seemed scarcely to have an earthly wish left that was not gratified." When, in addition to this improvement in their table, they got comfortable houses and clothing, and saw the people improving in their understandings, in piety and industry, they found their cup running over, and felt themselves repaid for all their sufferings and sacrifices.

Dr. Philip, p. 621, Q. 5327.

A fact mentioned by Dr. Philip marks the influence which the missionaries early acquired over the Griquas in leading them to acts of justice. They have been accused, and with much probability of truth, of having, whilst themselves in a savage state, treated the Bushmen with barbarity, and expelled them from the greater part of their country. This, however, was before the missionaries went to them. "I never understood that when the missionaries discovered the fountains, where Griqua Town now stands, there were any tribes or persons in occupation of the place. They found that part of the country empty, and they took possession of it. Shortly after, they discovered some springs of water at a place which was named Campbell. This place was about 40 miles distant from Griqua Town, and there was only one Bushman and his family upon it; and Adam Kok, late chief of Philippolis, paid him 150 dollars for the fountain he claimed as belonging to him. This transaction shows, that at a very early period, the Griquas had imbibed some principles of justice, towards the Bushmen from the missionaries. This fact was brought to my knowledge by the following circumstance. When Campbell was put under the jurisdiction of Waterboer by the treaty Sir Benjamin D'Urban entered into with that chief, Adam Kok, the chief of Philippolis, preferred his claim for the 150 dollars he had paid for that fountain, which claim, after an investigation of the circumstances, was allowed, and the money was paid to him."

p. 261.

Long after the settlement of the Griquas, they not only tolerated the Bushmen in the land, but in 1832, when, as we have seen, Dr. Philip did not see a single Bushman kraal in the Bushman country within the colony, he passed 11 kraals between Philippolis and the Yellow River, the inhabitants of all of which spoke of the Griquas as their benefactors, and the only people to whom they could look up for protection. The Griquas are said to have once held the Bushmen in slavery. "They now," says Mr. Moffat, "regard the practice with abhorrence." We regret to say that our farmers are less scrupulous, as is proved by the following fact mentioned by Mr. Moffat*:—"The Bushmen in general are attached to their children. Many applications for them have been rejected by the parents, though the price offered has been raised with a view to tempt them. One Bushman was induced to yield his consent to give up his child for a cow, and a Griqua farmer was applied to, to lend one for the purpose of effecting the bargain. The Griqua seemed to appeal to me for advice how to act, stating that his heart forbade him; and as I discouraged him, he refused to give the cow, and the bargain was consequently broken off. The Bushmen in question were living from choice with the Griquas, and perfectly free; and application was made to Berandt, one of the Griqua captains, to influence the Bushmen to sell their children, and he observed to me, that he could not do it; that it was slave-trade to barter for

* Papers, Cape of Good Hope, Part I, p. 127.

for children; and what was he to think of our people who could make such a proposal to him."

Having got the Griquas to settle, Mr. Anderson next induced them to adopt a more regular form of government, and also got the Colonial Government to confirm a chief of their electing.*

They do not, however, appear to have been willing to profess entire subjection to the Colonial Government, and their refusing to furnish recruits in 1814 gave great umbrage. It was with some difficulty that Dr. Philip obtained leave for the continuance of the mission among these people: the missionaries were, however, suffered to remain, and in 1819 the connexion with the colony was strengthened by the establishment of a fair at Beaufort for the mutual benefit of the colonists and the native tribes, of whom the Griquas were the principal dealers. "At the first fair the business done by that people amounted to 27,000 rix dollars; and on most of the goods sold to the Griquas by the colonists the latter had a profit of from 200 to 500 per cent. In 1820 a second fair was held, which terminated as successfully as the first. On that occasion about 200 people attended, with 27 waggons, loaded with elephants' teeth, salt, skins of all sorts, wheat, honey, and various curiosities, driving before them upwards of 700 oxen. This circumstance shows that missionaries have been the instruments of elevating considerably the character and condition of this people. I was informed by several respectable and intelligent individuals present, that the strangers not only vied with the colonists in preserving order, but that the praise of sobriety was so decidedly on their side, as on several occasions to induce the chief magistrate present to speak of their conduct with admiration, and point them out as examples to the colonists." p. 610.

In 1822 the Government appointed a political agent to reside among the Griquas to strengthen the authority of the chiefs or captains in preserving order; and in his instructions, it is expressly said, "It is fortunate for the inhabitants of Griqua Town that the London Missionary Society has established a resident missionary there, to communicate to them religious instruction. It will be a most essential part of your duty to encourage the attendance of the people to the instruction so charitably and zealously proffered to them; and you will be pleased to keep his Excellency apprised of the progress made in the introduction of Christianity among the Griquas and the adjoining tribes."†

Hitherto there had been two captains of the Griqua nation; but just before the agent, Mr. Melville's arrival, a third, a Hottentot, named Waterboer, had been chosen chief of Griqua Town, and approved by the Colonial Government.‡ A few of the Griquas, jealous of the colonial interference, (a jealousy, Mr. Melville says, "not to be wondered at,") removed from the district; and some others, finding that they did not derive the advantages they expected from their connexion with the colony, joined them. This band of disaffected persons retired to the mountains, (whence they acquired the name of Bergenaars), and lived by plunder. In keeping down these banditti, Waterboer did not meet with the support from the colony that he conceived he had a right to expect: still he was always well inclined to the British Government, to which, on various occasions, he proved himself useful. By his own abilities and the superior civilization of his Griquas, he made himself respected by the savage but powerful tribes to the northward, and kept them from destroying their 1893.

* Letter of Waterboer, Ev. p. 624. † Papers, Cape of Good Hope, Part I. p. 211.
‡ Cape Papers, Part I. p. 212.

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p. 630.
p. 625; also p. 120.

their weaker neighbours, and from pressing on our borders, exemplifying the importance to us of having belts of confederate nations who have made some progress in civilization, between the colonists and their uncivilized neighbours.*

It is not now necessary to disentangle the story of the northern frontier, since the movements and the broils of the neighbouring tribes have happily not resulted in injury to ourselves; but we may select a few instances of missionary influence in restraining and guiding these wild spirits, the best of whom had been but lately reclaimed from rude barbarism. Mr. Melville, the Government agent, writes in 1824:—

In the month of July last a report having reached Griqua Town, that five invading tribes had attacked a Borolong town, and destroyed a Wesleyan missionary's property during his absence from the place, and that they were approaching the Griqua territory, a commando was called out under the direction of Waterboer, assisted by the chief of Campbell. After they had proceeded six days to the north-east, it proved to be a contrivance of the Borolong chief to evade discovery, having himself made away with the property. In order to punish such atrocious conduct, and to obtain some compensation for the people who had lost the season for hunting elephants, and had been put to great expense for the commando, it was thought proper by the Griquas to demand 600 head of cattle from the Borolong chief, to which he consented, and they were divided among the Griquas and Coramas composing the commando; but the Griqua chiefs and their heemraden most disinterestedly declined receiving any for themselves. The Borolong chief was so struck at the lenient manner in which he was treated, that he said at parting, "If I had fallen into the hands of my own countrymen, I and all my family would have been killed." His uncle also expressed his surprise that the chief had escaped with his life; adding, "I now see what kind of people the Makooas are;" a word signifying civilized, and applied to the Griquas.

This affair being settled, the chiefs proceeded to reduce the Bergenaars, (in order, if possible, to remove the only obstacle that remained to the restoration of good order in the Griquas' country, and to put a stop to the system of depredation carried on against the tribes around them). Instead of showing any disposition to alter their conduct, they set the commando at defiance, and maintained that attitude till night came on with rain, when they made their escape, two of their party having been killed in the first onset. The chiefs returned to Griqua town with 4,000 head of cattle, followed by some hundreds of the plundered tribes, to whom a considerable part of the cattle belonged; and, contrary to the usual practice of savage tribes, a scene of justice took place that would have done credit to any civilized nation. The chiefs restored to the poor people all their cattle, without the least reservation of any for themselves, to which any of these people could establish a right.

Finding it necessary to visit Cape Town with the chiefs and some of the leading people, the Bergenaars came with the intention of attacking Griqua Town soon after our departure; and, having surrounded some houses in the vicinity, they killed two men and burnt a woman in one, to which they had set fire; after this, they proceeded to Griqua Town; but hearing there was a missionary residing there, they retired to a distance and sent for him, when he induced them to listen to terms of peace.

"In adverting to the danger to which the northern frontier is exposed, I must give it as my decided opinion," says the Government agent, Mr. Melville, "that it is missionary influence alone that has hitherto preserved peace between the colony and the tribes beyond it. In the instance of Griqua Town, already mentioned, when the Bergenaars came to attack it, the great respect attached to the character of missionary was most apparent. The spirit of war and revenge that raged against the inhabitants of that place was allayed, and peace established by the presence of missionaries. The peace now existing between the Bechuannas and Corannas round about the Griqua country (tribes that formerly maintained a constant warfare) has its origin and continuance in the mission of Griqua Town. The Namaqua chief, Africaner, was a noted murderer and plunderer, and was a terror to the colonists; but it is a well-known fact, that after a missionary went to reside with him he was so changed as to become a promoter of peace, not only with the colony, but with all the surrounding tribes, and received from the colonial government a most liberal gift of a waggon that cost 800 rix dollars, as a testimony of the Governor's good will towards him; which was an act of the best policy for securing the peace of the frontier. And similar instances can be produced, if necessary, in further proof of what I have advanced.

"I am

* I believe almost all the boors of the district are ready to acknowledge the integrity and talents of Waterboer, and the services he has rendered to the colony. The field-cornet, Jaubert, who is near the Philippolis district, remarked to a gentleman, from whom I had my information, "I never go to my bed one night without being thankful to God that we have the Griquas between us and danger."—*Mr. Philip's Letter to the Hon. Colonel Wade, 10th October 1833.*

"I am satisfied, from what has come under my own observation during a residence of two and a half years as Government agent at Griqua Town, that the only means of civilizing the savage tribes and preserving the peace of the frontier, is to encourage the missions beyond the colony. I have no doubt that, if those missions fail for want of a check upon the Bergenaars, the whole of that part of the country on the frontier will be infested with robbers and murderers. The missionaries have always allayed the spirit of irritation, and prevented contests between the colonists and the savage tribes; their presence preventing the former from dealing unjustly with the savages, and the latter from retaliating when ill treated by the colonists."*

That education is rapidly advancing among the Griquas, we have a casual illustration in a paper relating to the succession to one of the chieftainships, in which it is observed that a certain candidate "cannot write, and therefore will have no support among the people." Now the majority of the tribe, consisting of that portion to whom instruction has been afforded, are, as we are told, "well disposed, and anxious to live at peace with us;" and they afford a fresh instance of the natural connection of an appreciation of the advantages of education, with a friendly feeling towards Europeans. This is a fact which, whether we look at it in reference to the interests of religion and humanity, or to its effect on the security of property, or to its influence in procuring us at once the best and the cheapest defence against the inroads of the neighbouring tribes, deserves peculiar notice; and an instructive contrast may be drawn between the tranquillity of this large extent of our northern frontier, protected by tribes humanized by Christianity, and treated with some consideration by our Government, and the constant disturbances along the 80 miles of the north-eastern boundary, fortified, as it has been, by a large military establishment against the inroads of exasperated natives. "As it is," says Captain Stockenstrom, "you will find, by the statements of the military commandant himself of 1831, that then, after so many years of military coercion, the frontier was in as deplorable a condition as it ever had been. Would any man tell you that it is because there are not troops enough? Let him then say how many it would take to protect a frontier of 800 miles, if 1,000 cannot do so with 80 miles."—"If the present system be persevered in, we may require the troops to be increased tenfold, for every cottage and every flock may require a guard; and, by an opposite course, we may hope to see them dispensed with altogether." With regard more especially to the influence of missionaries upon the Griquas, and the difference between those who were by them kept under subordination, and the rebels to their authority, Captain Stockenstrom thus strongly expresses himself:—

p. 620.

p. 118.

p. 122.

There is another set of missionaries belonging to the London Missionary Society, and in 1832, I believe it was, that there was an inroad of a marauding horde of Corannas, Hottentots and others, who were considered outlaws, and independent of the Griqua tribes. They slaughtered indiscriminately several families, and plundered to a great extent: a strong expedition was sent against those people, but was unsuccessful. It was apparent to every man acquainted with the northern frontier, that if it had not been for the influence which the London missionaries had gained over the Griquas, we should have had the whole nation down upon us. It was only the state of feeling produced by that influence which prevented the Griquas from taking advantage of the exposed condition of the country, and the panic then existing, to give vent to their old animosities against the colony, and overrun the northern half of it. Had they been without that helm, that influence, I say, of these missionaries, we should have had a strong tribe instead of a gang of robbers to contend with. We had no force to arrest them if they had; and I have been informed that, since I left the colony, the government has been able to enter into a sort of treaty with the chief Waterboer, of a most beneficial nature to the Corannas and the Griquas themselves, as well as to the safety of the northern frontier. Now, that those people are in that state to enable us to treat with them, I attribute altogether to the domesticated state to which they have been brought by the labours and the

* No. 50. Papers, Cape of Good Hope, Part I., 215, 216, 217, 218.

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the confidence which they have in the advice of the missionaries, whose interest it is to preach peace.

GRIQUAS.

We concur in regarding with much satisfaction the treaty alluded to, which, in December 1834, Sir B. D'Urban concluded with the chief Waterboer,* and from which the Governor anticipates essential benefit in protecting our northern frontier from the incursions of banditti. We are well satisfied also to observe, that the chief is to be allowed a small salary to defray a part of his expenses in the service of the colony. If Waterboer continues to rule his people with the firmness and equity that he has hitherto manifested, we have little fear of disappointment resulting from this arrangement, and we think that a lesson may be learnt from the principles of government laid down for his own guidance, by one who claims no higher ancestry than that of the Hottentot and the Bushman.†

I feel that I am bound to govern my people by Christian principles. The world knows by experience, and I know in my small way, and I know also from my Bible, that the government which is not founded on the principles of the Bible must come to nothing. When governments lose sight of the principles of the Bible, partiality, injustice, oppression and cruelty prevail, and then suspicion, want of confidence, jealousy, hatred, revolt and destruction succeed. Therefore I hope it will ever be my study, that the Bible should form the foundation of every principle of my government; then I and my people will have a standard to which we can appeal, which is clear, and comprehensive, and satisfactory, and by which we shall all be tried, and have our condition determined in the day of judgment. The relation in which I stand to my people as their chief, as their leader, binds me, by all that is sacred and dear, to seek their welfare and promote their happiness; and by what means shall I be able to do this? This I shall best be able to do by alluding to the principles of the Bible. Would governors and goverments act upon the simple principle by which we are bound to act as individuals, that is, to do as we would be done by, all would be well. I hope, by the principles of the gospel, the morals of my people will continue to improve; and it shall be my endeavour, in humble dependence on the Divine blessing, that those principles shall lose none of their force by my example. Sound education I know will civilize them, make them wise, useful, powerful and secure amongst their neighbours; and the better they are educated, the more clearly will they see that the principles of the Bible are the best principles for the government of individuals, of families, of tribes and nations.

This treaty met with the cordial approval of the Secretary of State for the Colonies, the Earl of Aberdeen, whose sentiments on the subject, and also on the general course to be pursued with the border tribes, well deserve to be quoted:—

COPY of a DESPATCH from Lord *Aberdeen* to Sir *B. D'Urban.*

Sir, Downing-street, 11 April 1835.

I HAVE to acknowledge the receipt of your despatch of the 26th December last, enclosing a "Treaty of Agreement," which you have concluded with Andries Waterboer, chief of the Griquas, a tribe of natives who are settled on the northern frontier of the colony.

I not only approve in the fullest manner of the object and the terms of this agreement, but I am desirous of expressing the high satisfaction which it has afforded to His Majesty's Government to learn that you have, even in one instance, succeeded so completely to realize the view which the King's Government entertain of the only policy which it becomes this country to observe and stedfastly to pursue in regard to the native tribes, by which the colony under your government is in a great measure encompassed.

I am, &c.

(signed) *Aberdeen.*‡

CAFFRES.

We have yet another example to bring of the benefit we have derived from missionary influence upon bordering nations; and it shall be taken from the quarter to which we have of late been especially led to look with apprehension. So great has been the effect of missionaries upon the Caffre race, that Captain Stockenstrom

* Paper, Cape of Good Hope, Part II. 115.

† Papers, Cape of Good Hope, Part II., p. 115; Part I., p. 127.

‡ Cape Papers, 1835, No. 252, p. 117.

Stockenstrom (as we however think erroneously) would even estimate their political beyond their religious usefulness. He says, "Their influence is really wonderful; but it is more of a political than a religious nature. Look at what Mr. Shaw's influence has done with one set of Caffres in the midst of all this last war; that decidedly is political; and if we look at the number of real converts which they have made in a religious point of view, I should think they would be found few in proportion to those who have been kept out of harm's way in other respects."

1557. p. 184.

We are aware that Mr. Shaw had left Caffraria some time before the commencement of the war, but we also ascribe it to the influence which he had gained over the tribes of Pato, Kama and Congo, amounting to nearly 10,000 persons, and which his colleagues continued to exert, that these chiefs held firm to the colony during the late war. Before the establishment of the Wesleyan mission among them, these people had been notorious for their predatory habits, bearing, it seems, deep resentment against the colony, on account of the unauthorized cession of their lands made by Gaika;* and so dangerous were they reputed, that Mr. Shaw's going among them was considered to be at the risk of his life, and numbers of his friends tried to dissuade him from so hazardous a step. The reception they gave him was, however, kind and cordial:—

643.

634, p. 53.

> They were extremely glad (he says) to see me, and received me with loud huzzas, as if I had been making a triumphal entry, when I took up my residence among them. I speedily discovered that the chiefs were dissatisfied with the loss of their lands, and I therefore promised, if they would stop all marauding in the colony by their people, that I would represent their case to the colonial government. They did so, and I kept my promise; and ultimately the colonial government, with the sanction of Earl Bathurst, allowed them to re-occupy about one-half of their lands in the neutral territory, only, however, upon the precarious tenure of their good behaviour. Your Lordship will, doubtless, be desirous of knowing the result of this measure; and I have great satisfaction in stating that a good understanding was thus obtained with these chiefs, that they have prohibited their people from plundering in the colony for nearly 10 years past, that I possess and can produce documentary evidence, which proves that they have frequently recaptured and returned to the colony cattle stolen by other tribes, and that during the late irruption they have manifested a strong disinclination to join the aggressive tribes.†

679, p. 59.

No proof can be stronger than this, that Caffres can be managed without patroles; of which another missionary to Pato's tribe, the Rev. S. Young, affirms they had none sent against them for the last 10 or 12 years. Under these favourable circumstances, Christianity gradually took hold of the people's minds. They disputed every inch of ground with us; they were willing to go into inquiry, but we found them very different in that respect to the Hottentots in the colony, who always receive with implicit credit what is stated to them by their teachers. The Caffres exhibited considerable powers of mind, and were not willing to receive any dogma until it was proved to their satisfaction. At length, however, "the truths of the Christian religion made a deep impression on many of them; the chiefs regularly attended divine worship; some of their own children learned to read and write. Kama and his wife, a daughter of the late Gaika, embraced the Christian faith, and were baptized; and my successors," writes Mr. Shaw, "have favourably reported since of the continued progress of Christianity amongst them."‡ The Sabbath has been recognized by proclamation of the chiefs; and it is stated that the "effect of the Gospel in promoting public morals and humanizing the people is

5542, also p. 497.

694.

* Mr. Shaw's Letter to Earl of Aberdeen, Papers, Cape of Good Hope, Part II. p. 139.
† Mr. Shaw's Letter, p. 141.
‡ Mr. Shaw's Letter, p. 140.

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is observable by all who visit that tribe."* Whilst inculcating the doctrines of Christianity, Mr. Shaw neglected not the civilization of the people; and he succeeded in raising them from purely nomadic to agricultural habits. He taught them the use of the plough, an implement difficult for them to purchase, but seeing the advantage of it, they managed to acquire ploughs, and also waggons with teams of oxen. They have built a beautiful village at Wesleyville, with houses much in the same style as those of European settlers.

673, p. 58. Many of the tribe adopted an European dress; and such was their demand for British manufactures, that Mr. Shaw applied to the Government to found a

p. 535. shop or store for the sale of British goods. The Wesleyan missionaries have published a grammar of the Caffre language, and have translated and printed nearly the whole of the New Testament and a portion of the Old; and the school children (who are described as being very intelligent) can read the Scriptures in their own language. Many barbarous customs have given way before the light and knowledge introduced by missionaries. "Their heathenish cruelties," says Mr. Kay, "have been materially checked. On every mission station the various superstitious ceremonies to which the people have been accustomed from time immemorial, are almost wholly laid aside. Some of these were of the most inhuman character, inflicting torture and excruciating pain, by means of stinging insects; of branding with hot stones; of roasting

548. or of burning, until nearly dead. Their sorcerers or rain-makers, also, a class of impostors, and the universal ringleaders in all this kind of cruelty, with whom every missionary has had more or less to contend, have been put to flight; being, confessedly, unable to dwell where the light of the Gospel shines. I very much question, therefore, whether one of these men could now be found within a circle of many miles round about any of the stations. This circumstance will appear the more important when I state that the living stand in constant dread of them; their property, and even life itself, being placed in jeopardy the moment they begin to call an assembly; and all being kept in perfect suspense, as to the object of vengeance, until they announce their verdict, which is uniformly based upon some supposed witchcraft." On the first appearance of hostilities Pato, Kama, and Cobus sent messengers to every part of Caffreland, with the hope of stopping them. They afforded refuge to all the British traders who fled to them, patrolled their boundary to stop marauders, and reinforced a post under the command of a British officer.†

In the feeling of the Christian chiefs that to destroy the bonds of union with Christian and civilized men, is to replunge their people into barbarism, and to annul the advantages that they have learnt to prize, lies, we are convinced, the main security we have for peace and quietness on our borders.

To bring barbarians, however, to this opinion, must require a certain continuance of equable and temperate policy towards them; and the experiment of subduing their fierceness, by the mild influence of civilization, remains to be tried on those tribes who have most distinguished themselves in the late lamentable hostilities. We fear that Macomo has had too much reason to allege to Dr. Philip, who was urging him to have his children sent to school, "All that you have said is very good; but I am shot at every day; my huts are set fire to, and I can only sleep with one eye open, and the other eye shut;

4650. See also 5186. I do not know where my place is, and how can I get my children to be instructed?"

Tzatzoe,

* Shepton's Letter, Cape Papers, Part II. p. 142.

† Beecham's Evidence, p. 535.

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Tzatzoe, who is himself a Christian, and who has himself laboured for the conversion of his countrymen, says that the "word of God had once made a deep impression upon the Caffres;" but the commando of Colonel Frazer put a stop to the labours of the missionaries, and that since that time commandos have continued, and the people have not been able to learn. The Caffres say, "We might learn if we were not teazed every day;" and Tzatzoe adds, "Whenever the missionaries preach to the Caffres, or whenever I myself preach or speak to my countrymen, they say, 'Why do not the missionaries first go and preach to the people on the other side; why do not they preach to their own countrymen, and convert them first.'" 4672. 4677. 4680.

Some progress was made in the instruction of these turbulent, irritated spirits, when affairs came unhappily to the crisis, which put a stop to all attempts of the kind. Tzatzoe himself had at his place a missionary, Mr. Brownlee, and a church, capable of containing 300 persons, generally filled on the Sunday; together with schools; and though these incipient improvements have, we fear, been crushed by the events of the war, and the occupation of the station by the British troops, it is yet satisfactory to find him expressing his opinion, that "If peaceable relations and a good understanding between the Caffres and the colony were established, and if a state of tranquillity were restored to the Caffre nation, they would yet gladly receive missionaries, and attend to instruction." 4681.

Something has already been gained in the desire excited among them for education. Mr. James Read says, "The Caffres begin to see that they have not the same intelligence (I mean as far as regards books and knowledge) as the Hottentots, and they have often wished to have missionaries, like the Hottentots, to instruct them and their children." 5188.

They look upon the missionaries as their friends and protectors: "our bush," as they call them; and their care to send them uninjured from the scene of conflict proved the reality of their regard. 386. 387.

"The hostile chiefs themselves," says the Rev. S. Kay, "at the very commencement of the war, gave special charge to their warriors concerning all missionaries, not one of them was to be hurt on any account whatever;" and he mentions another circumstance as tending to illustrate the humanizing effect of a certain degree of religious knowledge, "even where true Christian principle has not yet gained the ascendancy. It is quite notorious that in all former wars the Caffres massacred men, women and children indiscriminately; but during the last, it is well known that many instances occurred of European females and children falling into the hands of the enemy, who protected and finally restored them to their relatives in safety." 458.

In reviewing the general case before us, we have endeavoured to fix our attention rather on the requirements of justice and morality than on the motives of interest. It may not, however, be irrelevant to observe, that the latter are in close alliance with the former, and that we cannot infringe on these without sacrificing true economy. We again beg to be distinctly understood, that we are making no charge against the body of English settlers: we believe them to have been great losers by a course of mistaken policy: and we commiserate the misfortunes which this has brought upon great numbers who have taken no active part in abetting a system of irritation. In the matter of commerce alone they have been losers; for we have abundant evidence to show that the Caffres were acquiring an increasing desire for British manufactures, and that this unhappy war interrupted a trade which, 4181, 4182. 4183.

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though of late growth, had amounted to at least 30,000 *l.* per annum in the purchase of European commodities.*

This fact, coupled with the knowledge of the profit we already derive from other nations in an incipient state of civilization, proves the utility to ourselves of cultivating with them the relations of peace and of mutual good understanding; and we repeat our conviction, that the most effectual mode of making such nations desirable neighbours, is the giving them Christian instruction, and allowing them, through the equity and the moderation of our political conduct, a fair opportunity to profit by the instruction afforded.

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YOUR Committee cannot recapitulate the evils which have been the result of the intercourse between civilized and barbarous nations more truly, than in the summary contained in the interrogation and responses of the secretaries of the three Missionary societies most conversant with the subject, and to which we have already referred.

4329. To Mr. *Coates.*] Is it your opinion that Europeans coming into contact with native inhabitants of our settlements tends (with the exception of cases in which missions are established) to deteriorate the morals of the natives; to introduce European vices; to spread among them new and dangerous diseases; to accustom them to the use of ardent spirits; to the use of European arms and instruments of destruction; to the seduction of native females; to the decrease of the native population; and to prevent the spread of civilization, education, commerce and Christianity: and that the effect of European intercourse has been, upon the whole, a calamity on the heathen and savage nations. In the first place, is it your opinion that European contact with native inhabitants, always excepting the cases in which missions have been established, tends to deteriorate the morals of the natives?—Yes.

4330. To Mr. *Beecham.*] Do you concur in that opinion?—Yes.

4331. To Mr. *Ellis.*] Do you concur in that opinion?—Certainly.

4332. Does it tend to introduce European vices?—Mr. *Coates.*] Yes.—Mr. *Beecham.*] Yes.—Mr. *Ellis.*] Yes.

4333. Does it tend to spread among them new and dangerous diseases?—Mr. *Coates.*] Yes.—Mr. *Beecham.*] Yes.—Mr. *Ellis.*] Yes.

4334. Does it tend to accustom them to the use of ardent spirits?—Mr. *Coates.*] Yes.—Mr. *Beecham.*] Yes.—Mr. *Ellis.*] Yes.

4335. And to the use of European arms and instruments of destruction?—Mr. *Coates.*] Yes; but might I add a word which would go rather to express a doubt whether the ultimate result of that be injurious to the savage nations? but that it has the tendency suggested in the question, I have no doubt.—Mr. *Beecham.*] Yes.—Mr. *Ellis.*] Yes.

4336. To the seduction of native females?—Mr. *Coates.*] Yes.—Mr. *Beecham.*] Yes.—Mr. *Ellis.*] Yes.

4337. To the decrease of population?—Mr. *Coates.*] Yes.—Mr. *Beecham.*] Yes.—Mr. *Ellis.*] Yes.

4338. Does it tend to impede that civilization which, if Europeans properly conducted themselves, might be introduced?—Mr. *Coates.*] Certainly.—Mr. *Beecham.*] Yes.—Mr. *Ellis.*] I have no doubt that it does.

4339. The same as to education?—Mr. *Coates.*] Certainly.—Mr. *Beecham.*] Yes.—Mr. *Ellis.*] Certainly.

4340. The same as to commerce?—Mr. *Coates.*] Certainly.—Mr. *Beecham.*] Yes.—Mr. *Ellis.*] Yes.

4341. Is it your opinion that it tends to prevent the spread of the Christian Gospel?—Mr. *Coates.*] Most assuredly.—Mr. *Beecham.*] Yes.—Mr. *Ellis.*] Yes.

4342. Is it generally your opinion that the effect of European intercourse, saving where missions have been established, has been, upon the whole, hitherto a calamity upon the native and savage nations whom we have visited?—Mr. *Coates.*] That I have no doubt about.—Mr. *Beecham.*] Yes generally.—Mr. *Ellis.*] Generally, I should think it has.

4343. As far as you know, in instances of contention between Europeans and natives, has it generally happened that the Europeans were in fault?—Mr. *Coates.*] Universally, so far as I have information upon the subject.—Mr. *Beecham.*] Yes.—Mr. *Ellis.*] I have not

* Lord Glenelg's Despatch to Sir B. D'Urban, 26 December 1834, p. 64. The Rev. S. Kay states, that not a trader was travelling in Caffraria at the time the missionaries commenced their labours: when the war broke out 200 traders were in that country.

not met with an instance in which, when investigated, it has not been found that the aggression was upon the part of the Europeans.

These allegations have, we conceive, been clearly proved in the evidence of which we have given an abstract; and we have also seen the effects of conciliatory conduct, and of Christian instruction. One of the two systems we must have to preserve our own security, and the peace of our colonial borders; either an overwhelming military force with all its attendant expenses, or a line of temperate conduct and of justice towards our neighbours.

"The main point which I would have in view," said a witness before your Committee, "would be trade, commerce, peace and civilization. The other alternative is extermination; for you can stop nowhere; you must go on; you may have a short respite when you have driven panic into the people, but you must come back to the same thing until you have shot the last man." From all the bulky evidence before us, we can come to no other conclusion; and considering the power, and the mighty resources of the British nation, we must believe that the choice rests with ourselves. 2204

Great Britain has, in former times, countenanced evils of great magnitude,—slavery and the slave-trade; but for these she has made some atonement; for the latter, by abandoning the traffic; for the former, by the sacrifice of 20 millions of money. But for these offences there was this apology; they were evils of an ancient date, a kind of prescription might be pleaded for them, and great interests were entwined with them.

An evil remains very similar in character, and not altogether unfit to be compared with them in the amount of misery it produces. The oppression of the natives of barbarous countries is a practice which pleads no claim to indulgence; it is an evil of comparatively recent origin, imperceptible and unallowed in its growth; it never has had even the colour of sanction from the legislature of this country; no vested rights are associated with it, and we have not the poor excuse that it contributes to any interest of the state. On the contrary, in point of economy, of security, of commerce, of reputation, it is a short-sighted and disastrous policy. As far as it has prevailed, it has been a burthen on the empire. It has thrown impediments in the way of successful colonization; it has engendered wars, in which great expenses were necessarily incurred, and no reputation could be won; and it has banished from our confines, or exterminated, the natives, who might have been profitable workmen, good customers, and good neighbours. These unhappy results have not flowed from any determination on the part of the government of this country to deal hardly with those who are in a less advanced state of society; but they seem to have arisen from ignorance, from the difficulty which distance interposes in checking the cupidity and punishing the crimes of that adventurous class of Europeans who lead the way in penetrating the territory of uncivilized man, and from the system of dealing with the rights of the natives. Many reasons unite for apprehending that the evils which we have described will increase if the duty of coming to a solemn determination as to the policy we shall adopt towards ruder nations be now neglected; the chief of these reasons is, the national necessity of finding some outlet for the superabundant population of Great Britain and Ireland. It is to be feared that, in the pursuit of this benevolent and laudable object, the rights of those who have not the means of advocating their interests or exciting sympathy for their sufferings, may be disregarded.

This, then, appears to be the moment for the nation to declare, that with all its desire to give encouragement to emigration, and to find a soil to which our

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surplus population may retreat, it will tolerate no scheme which implies violence or fraud in taking possession of such a territory; that it will no longer subject itself to the guilt of conniving at oppression, and that it will take upon itself the task of defending those who are too weak and too ignorant to defend themselves.

Your Committee have hitherto relied chiefly on arguments, showing that no national interest, even in its narrowest sense, is subserved by encroachments on the territory or disregard of the rights of the aboriginal inhabitants of barbarous countries; but they feel it their duty to add, that there is a class of motives of a higher order which conduce to the same conclusion.

The British empire has been signally blessed by Providence, and her eminence, her strength, her wealth, her prosperity, her intellectual, her moral and her religious advantages, are so many reasons for peculiar obedience to the laws of Him who guides the destinies of nations. These were given for some higher purpose than commercial prosperity and military renown. "It is not to be doubted that this country has been invested with wealth and power, with arts and knowledge, with the sway of distant lands, and the mastery of the restless waters, for some great and important purpose in the government of the world. Can we suppose otherwise than that it is our office to carry civilization and humanity, peace and good government, and, above all, the knowledge of the true God, to the uttermost ends of the earth?"* He who has made Great Britain what she is, will inquire at our hands how we have employed the influence He has lent to us in our dealings with the untutored and defenceless savage; whether it has been engaged in seizing their lands, warring upon their people, and transplanting unknown disease, and deeper degradation, through the remote regions of the earth; or whether we have, as far as we have been able, informed their ignorance, and invited and afforded them the opportunity of becoming partakers of that civilization, that innocent commerce, that knowledge and that faith with which it has pleased a gracious Providence to bless our own country.

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HAVING thus adverted to some of the more remarkable of those incidents by which the intercourse between the British Colonies and the Aborigines in their vicinity has been characterized, it remains to consider how the recurrence of similar calamities can be most effectually averted.

It is obviously difficult to combine in one code rules to govern our intercourse with nations standing in different relationships towards us. Some are independent communities; others are, by the nature of treaties, or the force of circumstances, under the protection of Great Britain, and yet retain their own laws and usages; some are our subjects, and have no laws but such as we impose.

To this variety in their circumstances must be added a variety as great in their moral and physical condition. They are found in all the grades of advancement, from utter barbarism to semi-civilization.

To propose regulations which shall apply to our own subjects and to independent tribes, to those emerging from barbarism, and to those in the rudest state

* Rev. Mr. Whewell's Sermon before the Trinity Board.

state of nature, is a task from which Your Committee would shrink, were it not that all the witnesses, differing as they do upon almost every other topic, unite in ascribing much of the evil which has arisen to the uncertainty and vacillation of our policy. Your Committee cannot too forcibly recommend that no exertion should be spared, and no time lost, in distinctly settling and declaring the principles which shall henceforth guide and govern our intercourse with those vast multitudes of uncivilized men, who may suffer in the greatest degree, or in the greatest degree be benefited, by that intercourse.

The regulations which we would suggest for that purpose are either general or special; that is, they either extend to all parts of the globe in which we are brought into contact with uncivilized tribes, or they apply only to the particular case of some one settlement. In the first place, therefore, we will advert to those general regulations which we have to suggest, and which may be reduced under nine separate heads.

I.—*Protection of Natives to devolve on the Executive.*

Protection of Natives to devolve on the Executive.

The protection of the Aborigines should be considered as a duty peculiarly belonging and appropriate to the Executive Government, as administered either in this country or by the Governors of the respective Colonies. This is not a trust which could conveniently be confided to the local Legislatures. In proportion as those bodies are qualified for the right discharge of their proper functions, they will be unfit for the performance of this office. For a local Legislature, if properly constituted, should partake largely in the interests, and represent the feelings or the settled opinions of the great mass of the people for whom they act. But the settlers in almost every Colony, having either disputes to adjust with the native tribes, or claims to urge against them, the representative body is virtually a party, and therefore ought not to be the judge in such controversies. Or if the members of the Colonial Legislature are not chosen by the people, but selected by the Government, there is still a similar objection to their interference with regard to the Aborigines. Possessing an invidious elevation, in which they are supported by no other title than that of the preference of the Crown, they will endeavour to abate the ill-will which follows on such superiority, by ministering to all popular prejudices which do not directly invade the power and the rights of the Government they serve. Whatever may be the legislative system of any Colony, we therefore advise that, as far as possible, the Aborigines be withdrawn from its control. In the formation of any new colonial constitution, or in the amendment of any which now exist, we think that the initiative of all enactments affecting the Aborigines should be vested in the officer administering the Government; that no such law should take effect until it had been expressly sanctioned by the Queen, except in cases of evident and extreme emergency; that copies of all such laws should be communicated to both Houses of Parliament with all convenient dispatch; and that the Governor of each Colony should be invested by Her Majesty, so far as the Royal Prerogative should be adequate to the purpose, with authority for the decision of all questions affecting the interests of the native tribes. If the creation of such powers by the Crown shall not appear practicable, then we conceive that they should be created by Legislative authority.

Copies of Laws to be communicated to Parliament without delay.

Your Committee would take occasion to observe, that so far as regards that portion of the Aborigines who may inhabit the country beyond our colonial frontiers respectively, the Provincial Legislatures have no authority to make

 enactments;

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enactments; and thus far, therefore, there will be less difficulty in retaining the government of our relations with the Aborigines in more impartial hands.

II.—*Contracts for Service to be limited.*

Contracts for Service to be limited.

No vagrancy laws or other regulations should be allowed, the effect of which might be to cripple the energies of the natives, by preventing them selling their labour at the best price, and at the market most convenient for themselves. All contracts for service into which any of the Aborigines may enter with any of the colonists should be expressly limited in their duration to a period which should, in no case, exceed 12 months. At the expiration of that time, the servant should be, in the fullest sense of the term, free to abandon or to continue the service at his discretion; and the master shall not have any claim upon the servant, on the ground of advances alleged to have been made by him. But every contract for service should be made in the presence of an officer specially appointed for that purpose, in whom should be vested a summary jurisdiction to enforce the payment of the stipulated wages. To the neglect of regulations of this kind is to be ascribed the growth of a servile relation, differing little from slavery, properly so called, into which the natives were formerly brought in some of our foreign possessions.

III.—*Sale of ardent Spirits to be prevented.*

Sale of ardent Spirits to be prevented.

The prohibition of the sale of ardent spirits, or the delivery of them to the natives in barter, is an object of the deepest interest, which it is, therefore, impossible to pass over in silence; at the same time, it is vain to deny the extreme difficulty of rendering any such prohibitory rule effectual, such are the temptations, and such the facilities, to disobedience. It is useless, therefore, to advance further than to recommend this subject to the diligent attention of all the local governments, who will remember, that for the extermination of men who are exempt from the restraints both of Christianity and of civilization, there is no weapon so deadly or so certain as the produce of the distilleries.

IV.—*Regulations as to Lands within British Dominions.*

Regulations as to Lands within British Dominions.

So far as the lands of the Aborigines are within any territories over which the dominion of the Crown extends, the acquisition of them by Her Majesty's subjects, upon any title of purchase, grant or otherwise, from their present proprietors, should be declared illegal and void. This prohibition might also be extended to lands situate within territories which, though not forming a part of the Queen's dominions, are yet in immediate contiguity to them. But it must be admitted, that we have not the power to prevent transactions of this nature in the countries which are neither within the Queen's allegiance, nor affected by any of those intimate relations which grow out of immediate neighbourhood. In such cases it may be impracticable to prevent the acquisition of lands by British subjects; but it should be distinctly understood, that all persons who embark in such undertakings must do so at their own peril, and have no claim on Her Majesty for support in vindicating the titles which they may so acquire, or for protecting them against any injury to which they may be exposed in the prosecution of any such undertakings.

V.—*New Territories not to be acquired without Sanction of Home Government.*

New Territories not to be acquired without sanction of Home Government.

Your Committee recommend that it should be made known to all governors of Her Majesty's Colonies, that they are forbidden by Her Majesty to acquire in

in her name any accession of territory, either in sovereignty or in property, without the previous sanction of an Act of Parliament. If, however, at any time, under special circumstances, such accession of territory shall have been made upon the responsibility of the Colonial Executive, then it ought to be distinctly announced to those who may avail themselves of it, that they acquire no valid title to any part of such lands, nor a claim to be defended by the Crown in their occupancy, until the formal authority of the Legislature shall have thus been obtained. This and the preceding rule, of course, does not apply to the settlement of vacant lands comprised within any of the existing British Colonies, the extent of which, both in North and South America, in Australia, and in Southern Africa, is certainly sufficient to absorb whatever labour or capital could be profitably devoted to colonization.

VI.—*Religious Instruction and Education to be provided.*

Religious Instruction and Education to be provided.

The revenue of each Colony should be considered as subject to a charge for such sums as may be necessary to provide for the religious instruction and for the protection of the survivors of the tribes to which the lands comprised in that Colony formerly belonged; and the same rule should apply to the tribes inhabiting those territories which are now in progress of settlement by Her Majesty's subjects. The specific appropriation of such funds to their immediate object must be referred to the Governors of the various Colonies, subject to such instructions as they may receive from Her Majesty's Government in this country. Although it be true that the land in our Colonies has derived the greater part of its exchangeable value from the capital and the labour employed in the cultivation of it, yet, even in its most rude and wild state, that land is demonstrably worth a very large amount of money. Thus, Parliament has fixed a minimum price of 12*s.* per acre for the lands of South Australia, at which rate they appear to have been sold in London to the amount of some hundred thousand pounds sterling, before a single European had landed on the spot; yet for this important acquisition the ancient occupiers of the soil have not received so much as a nominal equivalent. In North and South America, and in Southern Africa, the ancient lords of the wilderness have been dispossessed with little, if any, more ceremony; yet, on the banks of Lake Huron, and of the River Essequibo, wild lands are now bought and sold at prices not seldom exceeding even that which is obtained in Southern Australia. It requires no argument to show that we thus owe to the natives a debt, which will be but imperfectly paid by charging the Land Revenue of each of these Provinces with whatever expenditure is necessary for the instruction of the adults, the education of their youth, and the protection of them all.

VII.—*Punishment of Crimes.*

Punishment of Crimes.

Provision has already been made by law for the punishment of crimes committed by Her Majesty's subjects on the North American continent, beyond the northern and western limits of the Canadas; in Southern Africa, beyond the limits of the Cape of Good Hope; and in the islands of the South Sea, beyond the jurisdiction of the Australian Colonies. But the provision thus made for the redress of wrongs is defective and unsatisfactory. Beyond the frontier justice is feebly administered, and within it ignorant savages are often made amenable to a code of which they are absolutely ignorant, and the whole spirit and principles of which are foreign to their modes of thought and action.

SUGGESTIONS. It would be vain to expect the establishment of any other than a most imperfect system of justice amongst persons placed in such circumstances; but for the improvement of the present system some suggestions may be offered. Thus, when the British law is violated by the Aborigines within the British dominions, it seems right that the utmost indulgence compatible with a due regard for the lives and properties of others, should be shown for their ignorance and prejudices. Actions which they have been taught to regard as praiseworthy we consider as meriting the punishment of death. It is of course impossible to adopt or sanction the barbarous notions which have urged the criminal to the commission of the offence, but neither is it just to exclude them from our view in awarding the punishment of his crime.

Again: in the case of offences committed beyond the borders, British subjects are amenable to colonial courts—the Aborigines are not. From this distinction arises, not merely a failure of justice, but, as far as our own people are concerned, an appearance at least of partiality and wrong, of which they are the victims. British subjects exposed to outrages in a country where there is no established form of civil government, and attacked by persons who are not amenable to our own courts, must be expected to resort to other means of self-defence, and not seldom to urge those means beyond the strict bounds of necessity or justice. It would, therefore, on every account, be desirable to induce the tribes in our vicinity to concur in devising some simple and effectual method of bringing to justice such of their own people as might be guilty of offences against the Queen's subjects. For that purpose, treaties might be made with the chiefs of the independent tribes, defining, with all practicable simplicity, what acts should be considered as penal, by what penalties they should be visited, and in what form of procedure those penalties should be enforced.

VIII.—*Treaties with Natives inexpedient.*

Treaties with Natives inexpedient.

As a general rule, however, it is inexpedient that treaties should be frequently entered into between the local Governments and the tribes in their vicinity. Compacts between parties negotiating on terms of such entire disparity are rather the preparatives and the apology for disputes than securities for peace: as often as the resentment or the cupidity of the more powerful body may be excited, a ready pretext for complaint will be found in the ambiguity of the language in which their agreements must be drawn up, and in the superior sagacity which the European will exercise in framing, in interpreting, and in evading them. The safety and welfare of an uncivilized race require that their relations with their more cultivated neighbours should be diminished rather than multiplied.

IX.—*Missionaries to be encouraged.*

Missionaries to be encouraged.

To the preceding statement an exception is to be made so far as respects the pastoral relation formed between Christian missionaries and the Aborigines.

To protect, assist and countenance these gratuitous and invaluable agents is amongst the most urgent duties of the Governors of our Colonies. On the other hand, those by whom the missionaries are selected and employed cannot be too deeply impressed with a sense of the responsibility under which that choice is made. Without deviating into discussions scarcely within the proper province of a Parliamentary Committee, it may be observed, that piety and zeal, though the most essential qualifications of a missionary to the Aborigines, are

not

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not the only endowments indispensable to the faithful discharge of his office: in such situations it is necessary that with plans of moral and religious improvement should be combined well-matured schemes for advancing the social and political improvement of the tribes, and for the prevention of any sudden changes which might be injurious to the health and physical constitution of the new converts.

Passing from these general suggestions, we proceed to offer such remarks as have occurred to us, in reference to each of the Colonies in which British subjects are brought into contact with the Aborigines, commencing with the

CAPE OF GOOD HOPE.

CAPE OF GOOD HOPE.

It is with sincere gratification that Your Committee record their entire concurrence in the instructions conveyed by Lord Glenelg to Sir B. D'Urban in his Lordship's despatch of the 26th December 1835 and the 5th of February 1836, written after the close of the recent hostilities with the Caffre nation. They appear, indeed, to have been drawn up under some uncertainty whether the explanations required from the Governor might not disprove the necessity of abandoning his conquest of the new province called Adelaide. Up to the present time, the Committee are not in possession of the expected Report, nor are they in possession of any statement of the proceedings of the Lieutenant-governor in administering the affairs of the Eastern Provinces. It may, however, be concluded that the territory called Adelaide has in fact been surrendered to the Caffres, and that Lieutenant-governor Stockenstrom is proceeding to execute Lord Glenelg's instructions; Your Committee will therefore transcribe them in this place. They are as follows:—

The following is a statement of the principal rules which it is intended to prescribe to the lieutenant-governor and civil commissioner, for the guidance of their conduct.

1. A treaty, fixing the boundaries of the colony, must be made in writing, in English and in the Caffre language, and, being explained to each border chief, must be signed or attested by each. Copies of this treaty must be delivered to each of the contracting chiefs.

2. A separate treaty must be made, in the English and in the native languages, with the chief of every tribe to which a portion of territory is assigned within the British dominions; defining the limits of his allocation, the degree of his responsibility, and the nature of his relations with the British Government, and all other particulars admitting of specification. A copy of this treaty in the native tongue must be preserved by the chief.

3. A separate treaty must be made in the native and English languages with the chief of every tribe in alliance with us, or in any degree under our protection; defining also in each case all that can be specified in such an instrument. A copy of the treaty must be preserved by each chief.

4. The rules of mutual restitution, and those which relate to the prevention of inroads, and the redress of the injury occasioned by them, must be particularized in each of the above treaties.

5. The responsibility of particular kraals, or villages, for the acts of individual Caffres, must no longer be enforced. But

6. The chiefs must be called upon to bind themselves to make restitution for plundered cattle, on sufficient proof of the reality of the theft. They must be left to detect the offenders, or to indemnify themselves at the expense of the tribe collectively for such losses as they may sustain by being required to make these compensations. In other words, we must look to the chiefs, and to them alone, and must no longer take upon ourselves to make reprisals upon the people. The chiefs to enter into securities, or pledges, of such a nature as may be deemed sufficient, and not inconvenient for the due fulfilment of these stipulations.

7. Fairs for the interchange of commodities should be re-established at convenient places on the frontier.

8. The wounding or killing a Caffre, or otherwise injuring his person or property, will be made liable to the same punishment as if the sufferer were one of His Majesty's subjects. This of course would not apply to times of actual war, nor prevent the compulsory removal back into their own territory of any Caffres who might reappear within the boundaries with purposes apparently hostile or fraudulent, or in opposition to any existing laws. No violence must, however, be used in effecting their removal, which is not

SUGGESTIONS.

strictly required by the necessity of the case, and for the effective execution of the service.

9. No European or Hottentot, or any others but Caffres, to be located or allowed to settle east of the Great Fish River. Those Hottentots who were placed in the Ceded Territory prior to the late war, and all Christian teachers, are exempted from this rule. I may observe here, that in the above rules, under the general name of Caffres, I include the Fingoes.

In aid of these general rules, it is proposed to submit, for the approbation of Parliament, a law to enable our colonial tribunals to take cognizance of and to punish offences committed by British subjects within the Caffre territory, in the same manner as if they had been perpetrated within the limits of the colony itself.

Your Committee would strongly impress upon His Majesty's Government the propriety of a strict adherence to these regulations. So far as the authority of Parliament was required to render them effectual, it has already been exerted by the enactment of the Statute 6 & 7 Will. 4, c. 57, which provides for the punishment of offences committed by British subjects within the Caffre territory. It may, however, be justly feared, that unless some well-organized force for the apprehension of offenders shall be established in Caffraria, the law will be to a great extent inoperative. The most recent intelligence from the Cape of Good Hope states that large bodies of the colonists have migrated across the border, with the intention of establishing themselves on the lands of the natives by no other title, as it should seem, than that of superior force. There is reason to suppose that these persons have concluded, that beyond the precincts of the Colony they would not be amenable to its laws. It seems important to disabuse them of this error, and to apprize them, that while retiring beyond the protection of the British Government, they have not ceased to be responsible to its authority.

PORT NATAL.

PORT NATAL.

At a greater distance from the Eastern frontier another body of British subjects have, it appears, settled themselves at Port Natal, influenced by the wish to diffuse religious knowledge and principles amongst the natives. It is impossible to contemplate without serious distrust the attempt to combine European colonization with plans for the conversion of the natives to Christianity. The allurements to deviate to the pursuit of secular and selfish ends are many and powerful; and although they may be counteracted at first by the principles and character of the settlers, yet no permanent and effective restraint of their cupidity appears to have been devised. It will be the duty of Government at the Cape of Good Hope to maintain, as opportunity offers, a vigilant superintendence over the growing settlement at Port Natal, so that any injuries done to the tribes may be arrested and punished before they assume the form of actual hostility.

AUSTRALIAN COLONIES.

AUSTRALIAN COLONIES.

Passing to the case of Australian Colonies, it appears that on the eastern, western and southern shores of New Holland the British settlements are brought into contact with Aboriginal tribes, forming probably the least-instructed portion of the human race in all the arts of social life. Such, indeed, is the barbarous state of these people, and so entirely destitute are they even of the rudest forms of civil polity, that their claims, whether as sovereigns or proprietors of the soil, have been utterly disregarded. The land has been taken from them without the assertion of any other title than that of superior force, and

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and by the commissions under which the Australian Colonies are governed Her Majesty's sovereignty over the whole of New Holland is asserted without reserve. It follows, therefore, that the Aborigines of the whole territory must be considered as within the allegiance of the Queen, and as entitled to her protection. Whatever may have been the injustice of this encroachment, there is no reason to suppose that either justice or humanity would now be consulted by receding from it. On the contrary, it would appear eminently desirable to impress upon the Australian Government, and upon the inhabitants of those Colonies, the consequences of the principles upon which they have been thus founded. If the whole of New Holland be part of the British Empire, then every inhabitant of that vast island is under the defence of British law as often as his life or property may be attacked; and the appeal to arms for adjusting controversies with any part of the primitive race, exposes those by whom blood may be shed to the same responsibility, and to the same penalties, as if the sufferers were white persons. Yet the most recent intelligence from New South Wales and from Western Australia records conflicts between the Europeans and the Aborigines, in which the former acted avowedly upon the principle of enforcing belligerent rights against a public enemy.

When it is remembered that unsettled land has been sold by the Government of New South Wales, yielding in a single year returns to the local Treasury exceeding 100,000*l.*, and that in the recollection of many living men every part of this territory was the undisputed property of the Aborigines, it is demanding little indeed on their behalf to require that no expenditure should be withheld which can be incurred judiciously for the maintenance of missionaries, who should be employed to instruct the tribes, and of protectors, whose duty it should be to defend them. With regard to the duties of missionaries, your Committee have no other suggestion to make than that the choice of them, and the direction of their labours, should be confided to the missionary societies in this kingdom. But with regard to the office of Protector, there is greater room for specific suggestions.

Duties of Protector of Natives.

Duties of Protector of Natives.

The duties of the Protectors of the Aborigines in New Holland should consist, first, in cultivating a personal knowledge of the natives, and a personal intercourse with them; and with that view these officers should be expected to acquire an adequate familiarity with the native language. To facilitate the growth of confidence, the Protectors should be furnished with some means of making to the tribes occasional presents of articles either of use or ornament, of course abstaining from the gift of liquors. The Protectors should ascertain what is that species of industry which is least foreign to the habits and disposition of the objects of their care, and should be provided with all the necessary means of supplying them with such employment. Especially they should claim for the maintenance of the Aborigines such lands as may be necessary for their support. So long as agriculture shall be distasteful to them, they should be provided with the means of pursuing the chase without molestation. The education of the young will of course be amongst the foremost of the cares of the missionaries; and the Protectors should render every assistance in their power in advancing this all-important part of any general scheme of improvement.

In the event of a native being slain, it should be the duty of the Protector to perform, as far as the nature of the case will admit, the office of coroner.

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To require from the ignorant hordes of savages living in Eastern or Western Australia the observance of our laws would be absurd, and to punish their non-observance of them by severe penalties would be palpably unjust. On the other hand, if they are placed beyond the pale of the law as a rule of their conduct to others, they will infallibly lose the advantage of it, considered as a rule of conduct of others towards them. To determine under what special regulations they should be placed, is a task to be performed only by those who can study the question with the aid of the most minute and close local observation. It should therefore be one branch of the duty of the Protectors to suggest to the local Government, and through it to the local Legislature, such short and simple rules as may form a temporary and provisional code for the regulation of the Aborigines, until advancing knowledge and civilization shall have superseded the necessity for any such special laws.

The practice of employing the Aborigines as a species of police to detect and counteract the thefts practised by the convicts in the remoter districts of the Colony should be prevented or discouraged by the Protectors. It is not difficult thus to enlist the instinct and passions of uncivilized men in defence of order; but they invariably become the victims of their own zeal in this service. The deadly antipathy which was excited between the Aborigines and the Bushrangers of Van Diemen's Land provoked a series of outrages which would have terminated in the utter extermination of the whole race, if the local Government had not interposed to remove the last remnant of them from the island; an act of real mercy, though of apparent severity. The Aborigines of New Holland have enough to undergo and to fear from their contact with a convict population, without aggravating the evil by fostering a bitter personal antipathy between them.

Each Protector of Aborigines should be invested with the character of a magistrate, and should be required to promote the prosecution of all crimes committed against their persons or their property; while in the event of any of them being charged with the commission of such offences, the Protector should, either in person or through the agency of some practitioner of the law, to be employed and instructed by him, undertake and superintend the defence of the accused party.

Finally, the Protector should be required to make periodical reports to the local Government of all his proceedings in the execution of the duties of his office, with every suggestion which increasing experience might enable him to offer for advancing the interests and maintaining the security of the objects of his care. The local Government should, in its turn, be required to transmit those reports to this kingdom, with a report of the proceedings taken or contemplated in furtherance of the recommendations of the Protector. The collection of accurate statistical information should be one of the principal objects of these periodical reports. It is probable that the depopulation and decay of many tribes which, in different parts of the world, have sunk under European encroachments, would have been arrested in its course, if the progress of the calamity had from time to time been brought distinctly under the notice of any authority competent to redress the wrong. In many cases, the first distinct apprehension of the reality and magnitude of the evil has not been acquired until it was ascertained that some uncivilized nation had ceased to exist.

SOUTH SEA ISLANDS.

SUGGESTIONS.

SOUTH SEA ISLANDS.

The fertile and populous islands of the Pacific Ocean have, as has been seen already, undergone the most disastrous calamities from their intercourse with the natives of Europe. Hitherto the various governments of Christendom have respected the rights of the native chieftains; and no attempt has been made to subject the islanders to the dominion of any European state. It is impossible not to approve this forbearance. Great Britain will not, it may be hoped, ever exert her power to destroy the political rights of these comparatively feeble and defenceless people; yet it cannot be denied that their national independence cannot be consulted without some immediate injury to their social welfare. British merchants, seamen, and runaway convicts from our Australian Colonies, are enabled to commit crimes with impunity in the South Sea Islands, because we regard them as foreign states; while yet they are destitute of the resources by which other independent powers defend themselves and their people against outrage and wrong. Without police, or a regular armed force, or judicial tribunals, the natives have none of the methods of preventing or punishing crime which are in use in the civilized world; and, at the same time, are unable to invoke the aid of those institutions as established in the British dominions in Australia. True it is, that the statute defining the constitution of those Colonies has rendered British subjects amenable to their courts for offences committed in the South Sea Islands; but though it be the recognition of an important principle, it is yet no real provision against the evil. A crime committed by an Englishman at New Zealand may be tried at Sydney; but the criminal will not choose, and cannot be compelled, to repair to Sydney for the purpose. The witnesses for or against him are as reluctant to attend as himself; and there is no provision for defraying the expenses of such proceedings, even if all parties should be disposed to prefer them. Unless some method of trial on the spot can be devised, the South Sea Islands must be delivered over to the most degrading and intolerable of all forms of tyranny, that, namely, of brigands triumphing, by mere audacity, over every restraint of morality and law. The ultimate consequences are readily foreseen. A new race of buccaneers will appear in the Southern Ocean, under whose oppressions the natives will sink, while they will make war on the commerce of mankind at large.

Consular Agents.

Consular Agents.

To arrest the progress of this evil, Your Committee would suggest that Consular Agents should be appointed in each of the principal islands; that they should be armed with powers similar to those of British Consuls in the Barbary States; that is, with a judicial authority to arrest, commit for trial, and try all British subjects committing offences within the limits of the Consul's commission; that in aid of this jurisdiction, the island should be periodically visited by some of His Majesty's ships of war; that the officers of any ships should, when required by the Consular Agent, act as assessors or jurors for the trial with him of any criminals subject to his jurisdiction; that, within a certain limit, a Consular Agent should be authorized to proceed to the immediate infliction of the punishment, and especially of the punishment of removal from the island, for which purpose a ship of war might be employed to carry the sentence of banishment into effect; that, in graver cases, a record should be made of the accusation, of the defence, of the evidence, and of the judgment,

SUGGESTIONS.

and that the prisoner should be forthwith removed to the first part of the British dominions which the ship of war might reach, in which any criminal court should be established; that the judges of that court should thereupon review the whole proceedings, and decide whether the crime imputed to the prisoner had been sufficiently established by the evidence, and what punishment, according to that evidence, would have attached to the offence, if committed within the realm of England. To that punishment the offender should then be adjudged, or if the court should be of opinion that no offence had been established by the evidence, he should be discharged, and provided at the public expense with a passage to England.

With a full perception of the defects of this system, Your Committee are yet of opinion, that it is incomparably better than the entire impunity which at present prevails, nor do they doubt that when carefully elaborated by persons competent to the task from professional knowledge, it would be found susceptible of such modifications as, without impairing the general basis of the plan, would obviate many of the particular objections to which, at the first view, it may appear to be liable.

Your Committee deprecate any further interference with the internal affairs of the South Sea Islands, except as they would authorize the Consular Agents to frame, and the King in Council to establish, all such special rules as may be necessary for maintaining peace and order amongst British subjects resident in or resorting to the island.

Various schemes for colonizing New Zealand and other parts of Polynesia have at different times been suggested, and one such project is at present understood to be on foot. On these schemes Your Committee think it enough for the present to state, that regarding them with great jealousy, they conceive that the Executive Government should not countenance, still less engage in any of them, until an opportunity shall have been offered to both Houses of Parliament of laying before Her Majesty their humble advice as to the policy of such an enlargement of Her Majesty's dominions, or of such an extension of British settlements abroad, even though unaccompanied by any distinct and immediate assertion of sovereignty.

NORTH AMERICA.

NORTH AMERICA.

On the subject of the relations between the British colonies in North America and the Aborigines on that continent, Your Committee abstain from offering any specific suggestions, because they understand that Her Majesty's Government have for some time past been engaged in correspondence respecting it with the Lieutenant-governor of Upper Canada, and that the case, although as yet immature for decision, will probably engage the attention of Parliament whenever the estimates for the expenses of what is called the Indian department shall be brought under the consideration of the House of Commons. Your Committee are unwilling to embarrass the Government by suggestions, which, being offered during the pendency of the discussions on the subject, might proceed upon imperfect grounds and point to erroneous conclusions.

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BRITISH GUIANA.

BRITISH GUIANA.

Respecting the Aborigines on the continent of South America, adjacent to British Guiana, Your Committee are of opinion that the suggestions made with reference to the Australian settlements are, with little or no variation, applicable to this case; observing that British policy has hitherto cherished between the negroes and the Indians of Guiana an antipathy which is the precise counterpart of that which has been encouraged between the convicts and the Aborigines of New Holland.

WEST AFRICA.

WEST AFRICA.

In this general survey, the last region to which attention is to be drawn is the western coast of Africa; but the policy to be observed towards the natives on the Gambia, at Sierra Leone, and on the Gold Coast, is a branch of a different and very important subject. Nor do Your Committee think it desirable to combine with a discussion of the case of the Aborigines an inquiry into the means by which the British settlements on the coast of Africa should be made subservient to the suppression of the slave trade and to the civilization of the African continent.

26 *June* 1837.

PROCEEDINGS OF THE COMMITTEE.

Veneris, 24° *die Februarii*, 1837.

MR. FOWELL BUXTON, IN THE CHAIR.

Mr. Wilson.
Mr. Bagshaw.
Mr. Hindley.
Mr. Plumptre.
Mr. C. Lushington.
Colonel Thompson.
Mr. A. Johnston.
Mr. Pease.
Mr. Gladstone.

Martis, 14° *die Martii*, 1837.

MR. FOWELL BUXTON, IN THE CHAIR.

Mr. C. Lushington.
Mr. Holland.
Mr. Hindley.

Mercurii, 15° *die Martii*, 1837.

MR. FOWELL BUXTON, IN THE CHAIR.

Mr. A. Johnston.
Mr. Lushington.
Mr. Wilson.
Mr. Holland.

Lunæ, 20° *die Martii*, 1837.

MR. FOWELL BUXTON, IN THE CHAIR.

Mr. Lushington.
Mr. Baines.
Mr. A. Johnston.
Mr. Wilson.
Mr. Bagshaw.
Mr. Hindley.

Motion made and question put—"That a letter be written to Mr. Baring, requesting him to furnish the Committee with the accounts and particulars of Expenses incurred by the British Government in the late Caffre war."

Committee divided.

Ayes 3.
Mr. Lushington.
Mr. Johnston.
Mr. Wilson.

Noes 1.
Mr. Bagshaw.

Veneris, 19° *die Maii*, 1837.

MR. C. LUSHINGTON, IN THE CHAIR.

Mr. A. Johnston.
Mr. Baines.
Mr. Gladstone.
Mr. Bagshaw.
Mr. Wilson.
Mr. Hindley.

Motion made and question put—"That Dr. Philip be further examined by this Committee with regard to a Letter of Captain J. E. Alexander, produced by Mr. Bagshaw, dated 11th February 1836, addressed to the Editor of the Graham's Town Journal; further, as to certain assertions made by the said Dr. Philip at a missionary meeting held in August 1836 at Exeter Hall."

Question put.—Committee divided.

Ayes 1.
Mr. Bagshaw.

Noes 3.
Mr. A. Johnston.
Mr. Baines.
Mr. Wilson.

Motion made, and question put—"That the Question 1380 in the printed Evidence be expunged from the Minutes of Committee."

Committee divided.

Ayes 3.	Noes 1.
Mr. Bagshaw.	Mr. A. Johnston.
Mr. Wilson.	
Mr. Gladstone.	

Martis, 6° die Junii, 1837.

MR. FOWELL BUXTON, IN THE CHAIR.

Mr. A. Johnston.	Mr. C. Lushington.
Mr. Hindley.	Mr. Pease.
Mr. Baines.	Mr. Wilson.
Mr. Plumptre.	Mr. Bagshaw.

Mercurii, 7° die Junii, 1837.

MR. FOWELL BUXTON, IN THE CHAIR.

Mr. Plumptre.	Mr. A. Johnston.
Mr. Wilson.	Mr. Gladstone.
Mr. Bagshaw.	Sir Geo. Grey.
Mr. Pease.	Mr. Baines.
Mr. Lushington.	Mr. Hindley.

Committee proceeded with the consideration of the Draft Report, as regards South Africa.

Motion made (Mr. *Bagshaw*) that the following paragraph be inserted in the Report:—

"In regard to South Africa your Committee have examined much Evidence, as will be seen on reference to the Minutes before the House; but it being of a very contradictory character, your Committee recommend, from the very great importance of the transactions, as well to the cause of the Aborigines, the various Governments that have ruled in that country, and to the Colonists themselves, that a Royal Commission should be appointed to inquire into the conduct of the Settlers towards the Aborigines on the spot."

Question put.—Committee divided.

Ayes 1.	Noes 8.
Mr. Bagshaw.	Mr. Plumptre.
	Mr. Wilson.
	Mr. Pease.
	Mr. Lushington.
	Mr. Johnston.
	Sir Geo. Grey.
	Mr. Baines.
	Mr. Hindley.

Motion made (Mr. *Gladstone*) to insert the following paragraph in the Report:—

"Your Committee are inclined to believe, that if, in order to the due regulation of our future frontier policy in Southern Africa it be necessary to pronounce a decision upon its past character, and the conduct of the colonists with regard to the Aborigines, the information necessary for such a purpose would be best procured by a Royal Commission issued for the purpose, and instituting investigations on the spot."

Question put.

Ayes 2.	Noes 8.
Mr. Gladstone.	Sir Geo. Grey.
Mr. Bagshaw.	Mr. Hindley.
	Mr. Pease.
	Mr. Plumptre.
	Mr. Johnston.
	Mr. Lushington.
	Mr. Baines.
	Mr. Wilson.

Veneris, 9° die Junii, 1837.

MR. FOWELL BUXTON, IN THE CHAIR.

Mr. Baines.
Mr. C. Lushington.
Mr. Plumptre.
Mr. Pease.
Mr. Wilson.
Mr. A. Johnston.
Mr. Holland.

Sabbati, 24° die Junii, 1837.

MR. FOWELL BUXTON, IN THE CHAIR.

Mr. A. Johnston.
Mr. Holland.
Mr. Hindley.
Mr. Wilson.
Mr. W. Gladstone.
Mr. C. Lushington.
Mr. Baines.
Mr. Plumptre.

Motion made (Mr. *Hindley*) that to the first paragraph, page 20, of the Report, be added the following words:—

"It appears to your Committee that these evils might have been avoided if further efforts for negociation had been made in the first instance."

Ayes 4.	Noes 3.
Mr. Baines.	Mr. Lushington.
Mr. Hindley.	Mr. Holland.
Mr. Johnston.	Mr. Wilson.

The Chairman gave his casting vote for the Ayes.

Motion made and question put—"That the paragraph as amended stand part of the Report."

Committee divided.

Ayes 1.	Noes 6.
Mr. Gladstone.	Mr. Baines.
	Mr. C. Lushington.
	Mr. Holland.
	Mr. Wilson.
	Mr. Hindley.
	Mr. A. Johnston.

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

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The Rev. Dr. Philip, D.D. - - - - - - - - p. 108.

MINUTES OF EVIDENCE.

Lunæ, 27° die Februarii, 1837.

MEMBERS PRESENT.

Mr. Bagshaw.	Mr. Charles Lushington.
Mr. Thomas F. Buxton.	Mr. Plumptre.
Mr. William Gladstone.	Mr. Wilson.
Mr. Andrew Johnston.	

THOMAS FOWELL BUXTON, Esq., IN THE CHAIR.

Mr. *George Greig*, called in; and Examined.

Mr. *George Greig.*

27 February 1837.

1. *Chairman.*] IS there anything in the evidence which you think in any way bears upon your character, or any impression conveyed in the evidence which you wish to remove?—I am not aware of what there is in the evidence; I have had no opportunity of reading it. I was not aware till within these few days that the evidence was accessible to the public. Having been absent some years, I was not aware that the proceedings of the Committee were now published.

2. Then you are not aware that there is anything in the evidence that reflected upon you?—I cannot doubt that there is nothing that reflects upon me personally.

3. Is there anything that reflects upon any person whose representative you consider yourself fairly entitled to be?—Do you mean personally or as a colonist?

4. Personally?—Certainly not; there is no person whose representative I can assume to be. I have stated to some gentlemen connected with the Committee from time to time, as far as my information of the nature of the evidence goes, that statements have been made that bear too harshly upon the character of the colonists on the eastern frontier of the Cape of Good Hope.

5. Mr. *W. Gladstone.*] Do you consider yourself one of the body whose character is thus affected by the evidence given before this Committee?—I am a British subject, and they are British subjects.

6. How are you connected with the Cape of Good Hope?—I am a colonist, and they are colonists.

7. You consider yourself to be a member of the community?—Precisely.

8. Do you feel that you yourself are personally implicated, as one of that community, in the charges advanced against the colonists generally?—Not personally, I should say, as I resided so far from them; but being a merchant connected with the colony, and having resided there many years, I think that every man is bound to feel jealous of the character of the community to which he is attached.

9. Is the period during which you have resided in the colony, or any portion of it, embraced, so far as you are aware, by the inquiries of this Committee?—Certainly.

10. So far then as that period is concerned, do you not feel yourself to a certain extent personally implicated, at least so far as any individual is affected by charges against a community in general?—I can hardly draw the distinction at this moment between being personally interested, and generally interested, except in the answer I have already given.

Mr. *George Greig.*

27 February 1837.

11. Mr. *C. Lushington.*] Though you have not had access to the printed evidence, were not you occasionally present when that evidence was orally given?—I was.

12. Did any portion of that evidence strike you as reflecting unjustly upon any of the colonists?—It did upon the colonists as a body.

13. Did it make such an impression upon your mind as to render it desirable in your judgment that you should have access to the printed evidence, for the purpose of bringing forward specific instances in which you think the colonists have been unjustly mentioned?—The impression conveyed to my mind by what I heard here, and have heard of the evidence, was this: that the charges were far too general, that the colonists were, as a body, implicated in charges of which they were perfectly blameless, and that anybody who was aware of that fact, was bound to urge a vindication.

14. Mr. *W. Gladstone.*] How long have you resided at the Cape of Good Hope?—With slight intervals, since the beginning of the year 1823.

15. Up to what time?—Up to the beginning of April 1836.

16. In what part of the colony did you reside?—Cape Town.

17. What was your occupation?—I should say generally as a merchant; but I have been also connected with the press of the colony as a printer, and the conductor of a newspaper.

18. Have you left the colony permanently, or do you mean to return to it?—I mean to return instanter.

19. Do you return to it temporarily, or as a fixed residence?—As a fixed residence.

20. *Chairman.*] When did you arrive in England?—The early part of June in 1836.

21. You have stated that you attended this Committee last year, and that from what you heard in the Committee, and partly also from what you have heard out of doors of the questions that were asked, and the answers that were given, you think that a fair representation of the case of the colonists has not been made?—Yes.

22. Be good enough, then, to state to the Committee what were the questions or answers which you yourself heard, of which you think there is reason to complain.—I have reason to say that; but not having had access to the printed evidence, I am not able to go into particulars.

23. Mr. *A. Johnstone.*] You stated you had been connected with the press at the Cape of Good Hope; what was the name of the newspaper you were connected with?—The "Commercial Advertizer."

24. How long were you connected with it?—From its commencement, I was the person that originated that paper, till the middle of 1835; I think in May or June 1835.

25. What was the nature of your connexion with the paper?—I was its immediate chief proprietor, and I was engaged immediately in the business of conducting it.

26. Mr. *W. Gladstone.*] Has the connexion ceased?—Yes.

27. Mr. *A. Johnstone.*] Were you also the publisher?—Yes.

28. Did you in June 1835 cease to have any connexion with the paper, either as proprietor or publisher?—Yes.

29. Mr. *C. Lushington.*] Have you resided for any length of time on the eastern frontier?—I never resided there; I was there a considerable period in the latter end of 1835, and the early part of 1836.

30. That is, only as an occasional visitor?—Yes; I never resided there permanently.

31. *Chairman.*] When you heard what you conceive to be improper questions or answers in this Committee, or at least such as conveyed erroneous information, did you communicate to any Member of the Committee your desire to be examined?—I did not.

[*The Witness withdrew.*

It was moved and seconded,

"That the witness be referred to the printed evidence formerly taken; and that he shall then be allowed to give evidence in so far as it may be exculpatory or defensive as regards himself."

Upon

Upon which the following amendment was moved and seconded: Mr. George Greig.
"That Mr. Greig be referred to the printed evidence, and in particular to that passage of the Report prefixed which states under what circumstances the Committee will be prepared to receive additional testimony." 27 February 1837.

For the original Resolution:

Ayes.	*Noes.*
Mr. A. Johnston.	Mr. C. Lushington.
Mr. Plumptre.	Mr. Bagshaw.
	Mr. W. Gladstone.
	Mr. Wilson.

For the Amendment:

Ayes.	*Noes.*
Mr. C. Lushington.	Mr. A. Johnston.
Mr. Bagshaw.	Mr. Plumptre.
Mr. W. Gladstone.	
Mr. Wilson.	

The witness was again called in, and informed of the Resolution of the Committee.

Lunæ, 6° *die Martii*, 1837.

MEMBERS PRESENT.

Mr. Bagshaw.	Mr. A. Johnston.
Mr. Thomas F. Buxton.	Mr. Charles Lushington.
Mr. William Gladstone.	Mr. Pease.
Mr. Hindley.	Mr. Plumptre.
Mr. Holland.	Mr. Wilson.

THOMAS FOWELL BUXTON, Esq., IN THE CHAIR.

Mr. *George Greig*, called in; and Examined.

32. *Chairman.*] WHEN did you first go to the Cape?—I arrived in the early part of 1823. Mr. George Greig. 6 March 1837.

33. Did you go out there as a settler?—Not in the character of what is commonly called a settler; I went alone.

34. Whereabouts has your residence been at the Cape?—In Cape Town.

35. Have you ever been beyond Cape Town?—Yes.

36. Have you been to the frontier?—I have.

37. How many times?—Only once.

38. What time did you remain on the frontier?—I think between six and seven weeks; nearly two months.

39. At what period was that?—The latter end of 1835 and the beginning of 1836.

40. Are there any passages in the evidence given before this Committee which appear to you to cast reflections either upon individuals or bodies of individuals, or to involve charges which you think you are capable of refuting?—I have almost the same answer to give that I had when I was here before; that my private affairs pressing, my time being very short, I have had very little time to look into the Report of the Evidence; that I only received the summons to attend the Committee on Saturday evening, and it was my intention, rather than to have gone into any detailed examination, to have written a statement of my opinions before I left the country, and to have placed it in the hands of one of the members of this Committee.

41. Will you be good enough to state to the Committee what passages there are in the evidence which appear to you to cast unjust reflections upon individuals or bodies of individuals?—I can speak but cursorily; at present I remember the case of Erasmus, spoken to by Captain Stockenstrom. I was present at Graham's Town when the examination of witnesses went on respecting the truth of that case, and I remember that the greater part of the allegations before this Committee were disproved.

42. What allegations do you consider were disproved?—As nearly as I can recollect, the whole of the circumstances connected with the death of Seko.

Mr. *George Greig.*
6 March 1837.

43. Do you recollect upon what evidence those allegations affecting the death of Seko were disproved?—Upon the evidence of the persons said at that time to have been present upon the commando.

44. Were you present when that evidence was given?—During a part of the time.

45. Whose evidence did you hear?—I scarcely recollect the names of the witnesses, but several of the men who were present upon the commando.

46. Are you in a condition, from examination of the evidence, to state to the Committee in what particular you consider that the evidence given with regard to Erasmus' affair was erroneous?—From the evidence that I heard in Graham's Town, the impression on my mind was that it was altogether at variance with that which had been given here—directly contradictory of it.

47. Will you state the particulars in which you conceive it was contradictory of the evidence that was given here?—I am not able to do so at this moment.

48. Is there any other transaction on which you are capable at this moment of giving evidence which would go to refute the evidence which has already been given before this Committee?—I beg to add, that from conversations with justices of the peace and others at the Cape, who were either taking the evidence or were present at it, my impression was that all the material parts of the case respecting the death of Seko were disproved.

49. Are you prepared at this moment to enter into the particulars in which you think erroneous evidence has been given before this Committee?—I am not.

50. Will you be prepared at a future day?—I will endeavour to be prepared by this day week. I beg to add, that the difficulty with me is, that being long resident on the spot, and having professionally, as well as privately, taken a more than ordinary interest in the transactions respecting the frontier, I am not prepared to give direct or specific evidence as to particular transactions; but I have general opinions with respect to them, and that kind of knowledge which one derives from correspondence and intercourse with persons on the spot: I mean conversations with official men, and things of that sort, which have left impressions on my mind, and I thought it my duty to communicate the result of those impressions to some hon. members of this Committee. In conversations with them, I have stated some things affecting the evidence given before this Committee, with respect to the Cape, and I have stated in general terms that I thought it important that some persons from the Cape should be called to explain it.

Martis, 14° die Martii, 1837.

MEMBERS PRESENT.

Mr. T. F. Buxton.	Mr. A. Johnston.
Mr. Hindley.	Mr. Charles Lushington.
Mr. Holland.	

THOMAS FOWELL BUXTON, Esq., IN THE CHAIR.

4 March 1837.

The *Chairman* reported to the Committee that since the last meeting he had received the following letter from Mr. Greig:

"Sir, "No. 4, Mornington Crescent, 11 March 1837.

"Since I have attended the Committee on Aborigines on Monday last, I have learned that the vessel in which I am to embark for the Cape will leave London on Wednesday or Thursday next. The many indispensable engagements incident to my near departure having prevented me from reading with care the voluminous Report to which the Committee directed my attention, I am not now in a condition to furnish them with any satisfactory evidence; and I trust that they will excuse my attendance on Tuesday next.

"I should regret this more, were I not led to believe, from recent Cape papers, that the state and prospects of the eastern frontier of the colony will soon be brought under the notice of Parliament, when I do not doubt that the inhabitants will be vindicated from the suspicion of having (as a body) sanctioned or approved the

the mischievous system of frontier policy which has been so often, so loudly, and so justly denounced by the friends of justice and humanity in all parts of that settlement.

" I have the honour to be, sir, your very obedient servant,
" *George Greig.*"

And also the following letter from Mr. W. G. Atherstone:

" Sir, " 38 Kensington-square.

" Pursuant to your summons to attend the Aborigines Committee, I left Ireland 10 days ago; but being taken very ill at Bath, I only was able to reach London last night, in so weak a state as will preclude my attendance before the Committee this day. I have therefore to request you will be good enough to appoint another day for my attendance; and if I might be permitted to name one, I with some confidence say I should be well enough by Friday next."

" I have the honour to be, sir, your obedient servant,
" *W. G. Atherstone.*"

Saxe Bannister, Esq., called in; and Examined.

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51. I BELIEVE you were attorney-general at New South Wales?—Yes.

52. How long and in what years did you reside in New South Wales?—About two years; from the beginning of 1824 to the end of 1826; and I then had occasion officially to examine the relations of the natives of New Holland, as well as those of New Zealanders and other inhabitants of the South Sea Islands, with us. I also stayed at the Cape of Good Hope in 1827, 1828 and 1829, when I was professionally engaged in cases concerning Hottentots, in contracts and in criminal cases. I then visited Caffre-land, and I saw something of the Bushmen, both among the Caffres and in the colony.

53. Are you capable of affording the Committee any information as to the attempts that have been made to civilize the Indians of North America?—Yes; I have had occasion to consider the subject at considerable length for several years.

54. Will you state what your means of knowledge have been, and upon what your opinions are founded?—I have had occasion to make inquiries, professionally and otherwise, relative to the Indians of North America, and in the year 1823 it was proposed I should go out as commissioner to Canada, in reference to the Indian department.

55. Will you state to the Committee what are your views upon the subject?—I have drawn up a paper upon the various attempts made to civilize the Indians of North America before and since 1776, with notices of the causes of the failure of those attempts, which I beg to read as my answer to the question. It refers to various documents, one of which I have had from the minister of the United States to this country, and to other documents, which are very voluminous, and which Mr. Stephenson lent to me, but which I could not ask to bring here.

[*The following Paper was then read by the Witness, and handed in:*]

" Experience in British North America, under one government, before 1776, and since that year in the United States and the Canadas, under two governments, affords valuable illustrations upon the question how to civilize barbarous tribes. In both cases, many efforts to solve that question have failed, more or less, after obtaining partial success; and they have been made on so large a scale, as well as under so great a variety of circumstances, that their specific character, with the causes and degree of failure, deserve careful examination, as a step towards forming a better system. It may perhaps be discovered that some deficiencies, common to all former attempts, can be supplied by legislative measures; and when such deficiencies shall be supplied, the results may be powerful enough to counteract the evil principles and the mischievous practices, as well as the intrinsic difficulties, which have so long defied the most ardent philanthropists and the sincerest statesmen. It is probable that the consideration of past failures will suggest means by which civilized society can put forth all its more kindly energies, duly organized, wisely directed, and with unbroken efforts, so as to control the cupidity without crippling the fair enterprise of individuals who, unchecked, make civilization itself hateful, because it is dangerous, to the savage and the barbarian. The inquiry will be the more satisfactory as it may produce a general conviction that ultimate success

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depends on ourselves. In the United States, as well as in this country, the subject daily engages more attention; and no more honourable rivalry can be imagined than that of the British Parliament with the American Congress in the difficult task of elevating the ignorant and protecting the weak. Although the Indian has been unable to resist civilized men, or to adopt their laws with lasting advantage, he has given proof enough of his social capacity to render the civilization of the whole race possible. To attain this end, however, American experience shows that something more must be done, to give the natural qualities of the Indians due scope, than has yet been effected. The opposition to this progress which many white men make, in order to get their lands, must be put down, as crime is sought to be suppressed, not only by penal law, but by exerting many other means of social improvement. It is unquestionable, that so far from the Indians being naturally averse to our customs, they have extensively, from their first knowledge of us, readily adopted many of them. But instead of the white people fostering such efforts, an unjust view of colonial interest has too often raised direct opposition to their progress. Conclusive proof exists of this. When it was seen, for example, that Penn's benevolent plans produced great changes in the manners of the Indians, it was held to be 'no bad policy to give them guns, hatchets and kettles, and to mend them gratis, as that prevented them from applying themselves to handicraft operations.' In the same spirit, a secretary of state, Carteret Lord Granville, opposed civilizing the Indians, lest they should become dangerous to the plantations.

"Against the general feelings of society which permitted such views, there was necessarily little encouragement, 1st, for good civil principles, 2d, for religious exertions, 3d, for philanthropic endeavours, or, 4th, for extensive public establishments, in favour of the Indians; all of which have been equally ineffectual.

"Thus the admirable instructions to the Privy Council* in 1670, concerning the Indians, and the principles acted upon with decided effect by Penn, in all his dealings with them, as far as his power permitted,† produced no lasting benefits. So religious success, as in the cases of Eliot and his friends, in 1646–1660; of Brainerd, in 1738; of the Moravians afterwards; and that of the efforts of the Society for the Propagation of the Gospel in Foreign Parts, with the products of upwards a hundred annual sermons by the ablest members of the Church, were either transient in point of time, or of comparatively slight extent in point of example or direct effect. So also the philanthropic views of Berkeley,‡ in 1725, although supported by Parliament; those of Oglethorpe, in 1729; those of Franklin, in 1764; those of Hanbury, Pownall and their friends, in 1770, were also made in vain.

"The failure has been as signal in the public establishments originating under Lord Chatham's administration in the last century,§ and in the Indian departments of the Canadas, and of the United States, both of which grew out of those establishments, and from suggestions made by Washington in 1754–7. ‖

"These various exertions ultimately failed, partly because made on a scale inadequate to the occasion; partly for reasons specified hereafter; and partly because, in

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* British Museum, Harleian MSS., No. 6,394.

† In 1700, Penn proposed to his colonial assembly a bill for the trial and punishment of negroes; another for regulating them in their morals and marriages; and a third for preventing abuses upon Indians. The first, which aimed at securing the labour of the negroes for the colonists, they passed, but they negatived the other two, which were to protect and civilize the abused people.—Clarkson's Life of Penn, vol. ii. p. 225.

‡ In 1724, Dr. Berkeley, afterwards Bishop of Cloyne, formed his scheme for converting the savage Americans to Christianity, by a college in the Bermuda Isles. He succeeded in procuring a royal charter, which was followed up by an Address from the House of Commons, praying the King, that out of certain lands in St. Christopher's, such grant might be made for the college as his Majesty should think proper. The King replied that he would readily concur in the undertaking.—Commons Journals, vol. xx. p. 697-700. The sum of 10,000 *l.* was promised by Sir Robert Walpole, and several private subscriptions were raised for the object. Dr. Berkeley went to America to execute his design, but the produce of the lands in St. Christopher's, 90,000 *l.*, was otherwise disposed of in his absence. The princess royal had 80,000 *l.* of it for a marriage portion; and General Oglethorpe the rest, for his colony in Georgia, (Journals, 10 May 1733); and at length Sir Robert Walpole told the Bishop of London that, as a friend, he advised Dr. Berkeley to give up his expectation of having the 10,000 *l.* He accordingly returned to Europe, and his plan was abandoned. (Life of Berkeley, 1776, pp. 16—24; and his works, vol. ii. p. 422; 1784.)

§ Thackray's Life of Chatham, vol. i. p. 323; ii. pp. 432. 423. 436. Graham's History of the United States, vol. iv. p. 149. Howard Hinton's History of the United States.

‖ Washington's Writings, 1834, vol. a.

in the place of being directed upon the principle of all the different plans co-operating, they have always been isolated, and sometimes violently opposed to each other; and so they have all given way before the Indians' common enemies. Each plan succeeded in its own sphere; but, wanting combination, it was sooner or later lost; and, down to the American war, nothing effectual was done to save the Indians from the oppression and consequent destruction usually attending their communication with civilized men.

"After 1776, our own Government conducted the old Indian department on the same plans which had previously regulated it.

"At the same period, the new government of the United States admitted its duty to be to civilize the Indians, and entered with considerable vigour, although with little effect, upon the performance of that duty. The usual difficulties arose; and, in 1789, General Knox, secretary of war, in a report on Indian affairs, addressed to the president, Washington, stated the case fairly between the frontier white people and the Indians, appealing to the laws of nature on behalf of the latter, and declaring that 'the time had arrived when it was highly expedient that a liberal system of justice should be adopted for the Indian tribes within the limits of the United States. The principle of the Indians' right to the lands they possessed being conceded, the dignity and interest of the nation,' said he, 'would be advanced by making it the basis of the future administration of justice towards them; and,' continued he, 'if it is highly probable that a conciliatory system of managing them may cost 15,000 dollars annually, coercion and oppression would probably cost a much greater sum of money; and the blood and injustice which would stain the character of the nation would be beyond all pecuniary calculation.'* In another report, of the same year, this minister framed a good and cautious plan for carrying his views into effect, combining missionary efforts with other means of protecting and improving the tribes; and he maintained, that the opinion of the impracticability of civilizing them, which was possessed by some persons then, as now, was more convenient than just. (15, p. 54.)

"Washington approved of the reports of the secretary of war; but they were not fully acted upon, moderate as they were in cost, and although in 1792 an American envoy was instructed to impress upon the western tribes 'that the United States were highly desirous of imparting to them all the blessings of civilization, as the only means of perpetuating them on earth.' (16, p. 235.) The advancement of the Cherokee, ultimately so important an event in Indian history, was begun under the authority of Washington, whilst various well-meant measures were also tried to promote fair trading,† and to secure the Indian from fraud. But a succession of wars and other difficulties, on a disputed frontier, embarrassed the American government, which never enforced the just views its chiefs proclaimed. Nor was it found possible to establish a good system of equivalents for lands continually obtained from the Aborigines. In 1801, however, the President stated to Congress that the efforts made had not been without some success. (15, p. 646.) Subsequently, a great variety of events have occurred, in war and in peace, in which the interests of the Indians have been generally sacrificed; pending which, various plans for their civilization have been tried. Those plans may be briefly characterized thus: they consisted of great trading establishments, more or less guarded against frauds, and of means of instruction in religion, in literature, and in the arts and occupations of civilized life; good in design, but utterly inadequate in extent, either to improve or to protect the Indians.

"Cost has not been spared in the two cases of the Canadians' and the United States' Indian departments. The resources of the United States, from the resale of their Indian lands, are almost unlimited. M. de Tocqueville quotes an assertion of Mr. Everett, the present governor of Massachusets, that the United States had obtained 230 millions of acres, by purchase from the Indians. This amount seems to be exaggerated; but no doubt exists of the enormous excess in the value of the quantity bought, over the worth of the 70 millions of acres recently appropriated by the government for a great experiment now under trial. The fund in hand is admitted to be exceedingly beyond any mode of expenditure yet devised; and if the experiment fail, it will not be for want of money to carry it

* American State Papers, Indians, 1832, folio, vol. i., p. 13.

† So early as the year 1756, Washington urged the importance of establishing just trading principles among the Indians, as Penn had before attempted this, by forming open markets.—Washington's Writings, 1834, p. 525, vol. 2.

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it to a good issue. It is not then surprising that in their Indian department there should have been expended 13½ millions of dollars between 1789 and 1832, of which a portion only was appropriated to purposes of war; and in 1834 alone upwards of 2 millions of dollars in the execution of a new plan, involving the payment of large annuities, and the employment of various means of civilizing the tribes. In 1836 the estimate stood at 1½ millions of dollars for the civil expenditure of the Indian department, besides 5½ millions for Indian wars, and 6½ millions for Indian treaties, and a distinct sum granted to private societies engaged in the work of civilization.*

"The Indian department of Canada has in some years cost 150,000*l.* per annum.† In 1829 it was allowed 25,732*l.* (16, p. 47.)

"In addition to this, large sums of money are expended, both in the United States and in Canada, by voluntary religious societies, for the improvement of the Indians." (Reports of 1836, of the British and American Missionary Societies; briefly set forth below.)

"In 1834 the American congress began the consolidation of the new course of proceeding, which is, the removal of all the Indians within the Union, estimated at 103,538 in number, to the recently acquired country on the Mississippi, and beyond the boundaries of any settled state; a territory inhabited by 150,300 more Indians. Of the emigrants, above one-half are already settled in the west, in furtherance of this vast project, which has long been under consideration. And in order to illustrate the whole Indian question, the American government has published, in 1832–4, a collection of documents on all its branches. This collection already amounts to upwards of 1,700 closely printed pages in folio, embracing the following heads: 1. Treaties with Indians. 2. Propositions to make Treaties with distant Tribes. 3. Condition of the Indians. 4. Encroachments of the Whites upon the Indians. 5. Voluntary Cessions of Land by Indians. 6. Exchange of Land with Indians. 7. Extinguishment of Indian Titles to Land. 8. Trade and Intercourse with Indians. 9. The Fur Trade. 10. Operation of the Factory Trading System. 11. Abolition of Indian Trading Houses. 12. Progress made in civilizing the Indians. 13. Names and Pay of Persons in the Indian Departments. 14. Expenditure of the Indian Department. 15. Claims of the Indians. 16. Indian Annuities. 17. Account of Superintendent of Indian Affairs. 18. Expenditure for civilizing the Indians. 19. Plans of Civilization. 20. Application for Aid in civilizing Indians. 21. Propagation of the Gospel among the Indians. 22. Removal of the Indians to the west of the Mississippi. 23. System desired. These heads are contained in the following documents, recommended as particularly deserving of notice in the two folio volumes of American State Papers on Indian affairs:

Vol. I. p. 12–14.—Report from the Secretary of War, 1789.
— 32–54.—
— 234–6.—Instructions to General Patman, 1792.
— 543–4.—Report from the Secretary of War, 1794.
— 644–8.—Indian Expenses, Estimates, and Appendix Nos. 1 and 2, and Nos. 91 and 92.
— 649.—Instructions.
— 658–663.—The No. 96.
— 684.—President Washington's Message.
— 763–67.—The Osage Indians.

Vol. II. p. 26–8.—Secretary of War's Report on Trade and Intercourse with the Indians.
— 62–66.—On the Necessity of One consistent System.
— 200–6.—Secretary of War's Reports in 1820, and on Trade
— 260–4.— - - - - - - 1821, - -
— 271–83.—On the Civilization of the Indians.
— 408–10.—On the Florida Indians.
— 457–9.—Report of a Committee of the House of Representatives on Indian Affairs.
— 558–9.—Address from the Choctaws.
— 589–90.—Treaty with the Kanzas.
— 646.—Secretary of War's Report to Congress, 1826.
— 661.—Fur-trade Regulations.
— 671.—Report to Congress.
— 699–702.—Removal of the Indians to the West.
(74 folio pages in all.)

"The

* American Almanack for 1837, p. 138–9. † House of Commons Papers, 1834, No. 617, p. 49.

"The documents are the more valuable as it appears, from the last message of the President to Congress, (7 December 1836,) that the United States government is aware of the necessity of farther steps. In that message General Jackson calls on Congress to 'provide a well-digested and comprehensive system for the protection, supervision and improvement of the Indian tribes in the new country;' and it is by this documentary evidence that the defects of the past have been fully exposed.

"But the better system thus invoked must come soon, in order to be effectual. Removals of civilized and semi-civilized Indians from within the settled states have taken place before, under guarantees quite as strong as those given now for their future safety and improvement. They have been followed, however, to their new homes more rapidly by the overwhelming tide of white intruders than by the establishment of measures calculated to save the unhappy emigrants from a fresh ruin. Able men have approved and laboured to perfect this vast plan of removing the Indians to the westward; but its efficacy as well as its justice are denied by other able men*.

"The Indians are but slowly, and with little cordiality, agreeing to the measure of removal westward, which the white men's most imperfect civilization has forced upon them; nor has the manner of this removal tended to alleviate its severity. To complete it safely to the white as well as to the red men, the statesman of America must obey the President's call without delay, and devise the system which alone can save their country from one of the heaviest and just reproaches ever cast upon a wise and powerful people.

"The debates in the present Congress show that this duty is felt by the ablest men of all parties; but it still remains to infuse a better spirit on the subject into the great mass of American people. The fact that nearly half the large sum of 3,000,000*l.* sterling, voted in 1836 for Indian purposes, was required to carry on a war against various tribes, proves how much a great change is needed; and the rumours of fresh disturbances in the Indian country are still strong; the secretary of war says from 5,000 to 7,000 soldiers are wanted to keep quiet there, instead of 3,000 (Report of 1836) employed hitherto; he insists strongly on the necessity of a great body of troops, in order to protect the emigrants during this gigantic experiment, both from designing white people and from various tribes of Indians themselves; and there is no doubt that the same defects in the law of evidence, and the same impunity of intruders and criminals, which has ever encouraged increasing outrages upon the Indians in the old states, and led to their present misery, which is one principal ground for removing them, are again causing bitter dissensions. The want of common justice in trifling cases excites irritation, and drives men to take unmeasured vengeance for themselves, as the same want in great cases urges men to despair; and the existing system sins in both respects alike.

"But extensive changes are taking place both in opinions and in measures. More than half of the above-mentioned sum of money is expended now, for the most part, in peaceful and civilizing purposes; whereas, in former days, and those not very distant, the proportions in the two expenditures were very different; millions went for war, a few thousands only for civilization.

"Since 1834 the civil establishment of the Indian department has been as follows, on a highly creditable footing:—A commissioner resident in Washington, with a salary of 3,000 dollars a-year, and a clerk with 1,000 dollars; a superintendent resident at St. Louis, west of the Mississippi, with 1,500 dollars, and a clerk with 1,000 dollars; nine agents, with 1,500 dollars a-year each; 13 sub-agents, with 750 dollars a-year each; and 27 interpreters, at 300 dollars a-year each; with so many farmers, blacksmiths, carpenters and other mechanics, to teach their trades to the Indians, as the President shall direct.

"In addition to this civil machinery, that which is established for religious and general education may be inferred from the following account of the

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* Useful details on this subject may be found in the work of the Rev. C. Colton; and on the Indians, in that of M. de Tocqueville, on Democracy in America.

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INDIAN SCHOOLS:

The annual donation to the Baptist General Convention, is 2,000 dollars; to the American Board of Foreign Missions, 2,200 dollars; to the Roman-catholic Church, 1,300 dollars; to the Methodist Episcopal Church, 400 dollars. Other donations are made, upon representations entitled to favourable consideration.

The number of Indian children receiving instruction at the different schools is 1,800. Exclusively of these, there are 156 Indian scholars at the Choctaw academy in Kentucky, the expense of whose education is defrayed from funds appropriated by the Indians themselves, under treaty provisions with different tribes for this particular object. The flourishing condition of this academy furnishes the best evidence of the sound views and philanthropic motives of those with whom it originated, and leaves the question of Indian improvement in letters and morals, upon the social basis, no longer doubtful.

STATEMENT, showing the Number of Indian Schools, where established, by whom, the Number of Teachers and Pupils, and the Amount allowed by the Government.

NAMES OF TRIBES.	BY WHOM ESTABLISHED.	Number of Teachers.	Number of Pupils.	Amount allowed.
Mohegan, Connecticut - -	- - - - -	1	22	500
*Senecas, New York - -	Baptist General Convention	4	140	200
Tuscaroras, ditto - - -	Ditto - - ditto - -	2	71	—
*Ottawas, Michigan Territory -	Ditto - - ditto - -	3	40	450
Chippewas - - ditto - -	Ditto - - ditto - -	3	48	—
*Cherokees, North Carolina -	Ditto - - ditto - -	2	21	600
Menomonies, Michigan - -	Protestant Episcopal Church	5	66	500
Winnebagoes - ditto - -	Catholic Church - -	3	150	1,000
Menomonies - ditto - -				
Ottawas - - ditto - -				
Shawanees, west of Mississippi -	Methodist Episcopal Church	3	27	
Delawares - - ditto - -	Ditto - - ditto - -	2	23	
Peorias - - - ditto - -	Ditto - - ditto - -	2	18	
Kickapoos - - ditto - -	Ditto - - ditto - -	2	70	
Cherokees - - ditto - -	Baptist General Convention	2	25	
†Creeks - - ditto - -	Ditto - - ditto - -	4	—	
		38	721	

* The Convention also support one district school among the Ottawas and Cherokees, and three among the Senecas.

† Two of these teachers are natives.

STATEMENT showing the Amount and Disposition of the Funds provided by Treaties for the purposes of Education.

TRIBES.	Date of Treaty.	Amount.	Disposition of the Funds.
Miamies - - - -	Oct. 23, 1826 -	2,000 00	Choctaw Academy.
Pottawatamies - - - -	Oct. 16, 1826 -	2,000 00	- - ditto.
Ditto - - - - -	Sept. 20, 1828 -	1,000 00	- - ditto.
Ditto - - - - -	Oct. 27, 1832 -	2,000 00	- - ditto.
Winnebagoes - - - -	Sept. 15, 1832 -	3,000 00	School, Prairie du Chien.
Chippewas - - - -	Sept. 24, 1819 -	1,000 00	Baptist General Convention.
Chippewas, Menomonies, &c. -	Aug. 11, 1827 -	1,500 00	Protestant Episcopal Church.
Menomonies - - - -	Feb. 8, 1831 -	500 00	- - ditto.
Sacs, Foxes and others - -	July 15, 1830 -	3,000 00	Choctaw Academy.
Kickapoos - - - -	Oct. 24, 1832 -	500 00	School in the nation.
Shawanees and Delawares -	Oct. 26, 1832 -	500 00	- - ditto.
Choctaws - - - -	Sept. 27, 1830 -	12,500 00	- - ditto.
Creeks, east - - - -	Mar. 24, 1832 -	3,000 00	Choctaw Academy.
Cherokees, west - - -	May 6, 1828	2,000 00	School in the nation.
Floridas - - - -	Sept. 18, 1823 -	1,000 00	Choctaw Academy.
Creeks - - - - -	Feb. 14, 1833 -	1,000 00	- - ditto.
Quapaws - - - -	May 13, 1833 -	1,000 00	Not disposed of.
Otoes and Missourias - -	Sept. 21, 1833 -	500 00	- - ditto.
Pawnees - - - -	Oct. 9, 1833 -	1,000 00	- - ditto.
Chickasaws - - - -	May 24, 1834 -	3,000 00	Choctaw Academy.

These tables exhibit the number of teachers and pupils at the schools, of the condition of which reports have been received.

In all of them instruction is imparted in reading, writing, arithmetic and geography. At many of them the boys are initiated in branches of the mechanic arts, and cultivate the soil. At the Tuscarora station, in New York, tuition is imparted on the plan adopted for infant schools, and with marked success. The temperance society contains 80 members, the sabbath school 30 pupils, and 50 are united to the church. The children at the Mohegan school, in Connecticut, are employed on farms cultivated by natives; others of the youth of this band enter on board the ships in the whale fishery; and, as an indication of a spirit of enterprise and industry, the wish of some to cultivate the mulberry-tree, with a view to the establishment of a silk manufactory, may be cited.

The American Board of Foreign Missions propose to print, at the Union station in the Cheroke country west of the Mississippi, books in the languages of the Cherokees, Creeks, Choctaws and Osages; and the Rev. Mr. M'Coy, under the auspices of the Baptist General Convention, has issued proposals for publishing a semi-monthly periodical at the Shawanee mission, 300 miles west of St. Louis. Several books have been printed at this press in the languages of the different tribes. The object of Mr. M'Coy and his associates is to furnish historical sketches of past, and notices of present occurrences, including the transactions of the general government and of societies.

The Choctaw academy, in Kentucky, contains 156 pupils; this number will be increased by 15 Chickasaws, as the chiefs of that tribe have recently requested their education-money might be expended at this institution. The inspectors, in their last report, represent the academy to be in a highly prosperous condition; the buildings erected to be upon a plan convenient and economical; the provision made for the comfort and health of the scholars to be liberal; and the care taken to promote their moral and intellectual advancement, kind and parental. The buildings and school apparatus are valued at 8,000 dollars. The cost of winter clothing for each scholar is estimated at 46 dollars and 22 cents; of the of the summer clothing, at 31 dollars and 86 cents. This academy, conducted judiciously, will, at no distant day, send forth scholars competent to teach others, and thus accomplish the object of Congress indicated by its legislation at the last session.

Upon the recommendation of two members of Congress, aid has been rendered to Morris B. Pierce, a Seneca, who is now at Thetford academy, Vermont, fitting himself to enter Dartmouth college, in New Hampshire.

"Many of these establishments are in the old states; the rest are in the Indian country, which extends from latitude 40 N. to the frontier of British North America, and from above 98 to 110 west longitude.

"Another circumstance strongly indicates the improving spirit in which Indian affairs are considered in the United States. Imputations were last year cast upon the conduct of their negotiators in certain treaties entered into lately with the tribes; and the President, in the message already quoted, announces to Congress that a special commission is appointed to inquire into the truth of the charges, men of all parties agreeing that common honesty has been outraged by public agents. Heretofore injuries have been inflicted on the Indians, but redress was never thought of.

"A full account of the way in which one important treaty was obtained, may be seen in the recent travels of Mr. Latrobe, an impartial witness, highly esteemed by the American public; and his testimony is no less positive than disgraceful to the white negotiators; and in February last the House of Representatives entered into the subject at great length.*

"It is a further favourable sign, that the United States government has resolved to send political agents to distant tribes, to form treaties of amity and commerce with them, and thus anticipate many of the violences which occur when the first approaches of the races to each other are begun only by the lawless pioneers from the white settlements; and there is still a possibility, not only that the emigrant Indians may really stand their ground under these new circumstances, but, as several years must elapse before the entire removal can take place, the reaction going on in the public mind on the subject may also be complete. Whilst the distant tribes prosper, and form a federal union with the states, the Indian schools, that are so successful in Kentucky and elsewhere, may be preserved in the spots where the students have the benefit of civilization around them; and some of the remnants of tribes may even be invited to remain, as useful links between the old states and the new Indian territories, which are to belong to the great republic on terms of equality.

"A slight change is begun, too, in our administration of Indian affairs in Canada;

* National Intelligencer, Washington, 9th February 1837.

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Canada; and certainly the time is come for a radical improvement of that administration. If rumour be not more false than usual, an inquiry, like that of the Americans, is needed, into the management of another treaty, by which they have obtained extensive lands on Lake Huron. The governor of Upper Canada, in his last speech to the legislature, expatiates on the advantages gained to the colony 'by the Indians having, from feelings highly creditable to their race, cheerfully relinquished a rich tract for the public good.' There is great suspicion attaching to this affair; and as, for the first time in our colonial history, the minister has lately advised the King to restore an unjust conquest, it may be hoped that this act also will be reversed.

"In the Canadas, however, generally, a little progress is making. In 1830 the Secretary of State for the Colonies correctly described even the best part of the old system in the following terms: 'It appears to me,' said he, 'that the course which has hitherto been taken in dealing with these people has had reference to the advantages which might be derived from their friendship in times of war, rather than to any settled purpose of gradually reclaiming them from a state of barbarism, and of introducing amongst them the industrious and peaceful habits of civilized life.'*

"Accordingly he concludes, that instead of that bad system, 'so enlarged a view of the nature of our connexions with the Indian tribes should be taken as may lead to the adoption of proper measures for their future preservation and improvement.' (16.)

"The Papers printed by order of the House of Commons 1835, No. 617, show, in considerable detail, what has been doing in Canada in conformity with these improved views. But evidence before this Committee proves how much more is wanted to be done; and without an extensive improvement of the whole trading system in the Canadas, and under the Hudson's Bay Company, as well as other changes respecting the Indians, the fate of that people is sealed in those regions.

"In 1823, a reform of the Indian department in Canada was determined upon; and the writer of this paper was required to lay a plan for it before the Secretary of State for the Colonies. The present bishop of Quebec, Dr. Stuart, approved that plan; but it does not seem to have been acted on.

"The faults committed by both governments have arisen from their insufficient knowledge, and not unfrequently from their false political and legal maxims; so that the general desire of the white people to get possession of the land of the Indians has ever prevailed over better considerations; and frauds in trading, with oppressions in the ordinary intercourse of the strong with the weak, have never been duly provided against. The absurd common law of the United States, as to admitting evidence only on oath, (identical, in this respect, with our own law,) has rendered the dispensing of justice to the Indians in the courts impossible; whilst no effectual arrangements have ever been made to protect their inexperience by the aid of a public defender of their rights. Murders and robberies, and all other crimes, have accordingly been committed on the Indians, unpunished by law; nor have proper means been taken to understand their language and their usages, nor any step whatever for publishing their affairs to the world, so that public opinion, well informed, might correct itself, and protect them. In the United States, much is published in the newspapers on Indian affairs; but it is chiefly on one side of the question. Nor have proper steps been taken, heretofore, to unite the Indians with the Whites. A grand error also, and one most difficult to be corrected, into which both governments have fallen, seems to be the system of annuities and presents by which the Indians have been compensated, in Canada and in the United States, for their lands and their services. Instead of tending to their civilization, as less sums of money spent in methods proper to that end would have done, these fixed payments have unquestionably retarded it, by enabling the native people to indulge their old uncivilized habits. Great hardship attended recent attempts in Canada to reduce the amount of the payments, from motives of economy.† In the United States, the more improved Indians have often stipulated that large portions of such payments should be appropriated by the government for them, in salaries for schoolmasters, and similar means of instruction in the arts of civilized life. This is the way in which, for the sake of justice, the most part of the money devoted to Indians should

* House of Commons Papers, 1835, No. 617, p. 88. † Ib. 1834, No. p.

should be agreed at the first to be spent. These are some of the points to which the promised system must be directed; and although the terms used by the American President, and by our own minister for the colonies, are only general, the foregoing authoritative declarations by both of them, that something new is wanted, are important. Setting out from these admissions, it will not be very difficult to form a satisfactory estimate,

"1st. What the new thing must be in itself.

"2d. Of the indispensable extent of its operation.

"Hints as to both points are not wanting in the past experience, to which reference has been made. For example, Penn sought to have legislative measures established to carry out those just and considerate views respecting the Indians which have immortalized him. He would have put down unjust trading by punishing the unjust trader by penal laws. But the Colonial Assembly in his day refused to pass the law he asked for. Brainerd, too, remarks, that improvement of the laws is necessary to the safety of the Indians. At a later period, Governor Pownall insisted strongly on the importance of doing justice to the tribes, by modifying the law so as to adapt it to their condition. Governor Pownall's book on the colonies contains these views, and is well known. The following letter, published lately in Washington's writings, vol. 2, Appendix, is in the same spirit:

"'Mr. *T. Pownall* to Sir *W. Johnson.*

"'From our peculiar situation as a frontier province, some peculiar additional department is wanting in our form of government; and that is an Indian department, for negotiations in matters of police, for a just and regular intercourse in trade, so connected with the military part as to become a principal post in time of war. On the subject of this department, and its several officers, I most earnestly beg you to give me your plan and explanatory sentiments, such as will establish a proper federate connexion between us and the Indians, founded on justice and true policy towards the Indians, and creative of the only security which such a province ought to confide in.'

"In the United States, the Indian agents, men of practical experience, have long stated the want of new legislative measures to enforce justice between man and man in the Indian country.* In 1825, the secretary of war, Mr. Calhoun justified the measure of removal, solely on the ground of benefiting the Indians:

I cannot, however, conclude without remarking, that no arrangement ought to be made which does not regard the interest of the Indians, as well as our own, and that, to protect the interest of the former, decisive measures ought to be adopted to prevent the hostility which must almost necessarily take place, if left to themselves, among tribes hastily brought together, of discordant character; and many of which are actuated by feelings far from being friendly towards each other. But the preservation of peace between them will not alone be sufficient to render their condition as eligible in their new situation as it is in their present. Almost all of the tribes proposed to be affected by the arrangement are more or less advanced in the arts of civilized life, and there is scarcely one of them which have not the establishment of schools in the nation, affording at once the means of moral, religious and intellectual improvement. These schools have been established for the most part by religious societies, with the countenance and aid of the government, and on every principle of humanity the continuance of similar advantages of education ought to be extended to them in their new residence. There is another point which appears to be indispensable to be guarded, in order to render the condition of this race less afflicting. One of the greatest evils to which they are subject, is that incessant pressure of our population which forces them from seat to seat, without allowing time for that moral and intellectual improvement for which they appear to be naturally eminently susceptible. To guard against this evil, so fatal to the race, there ought to be the strongest and the most solemn assurance, that the country given them should be theirs, as a permanent home for themselves and their posterity, without being disturbed by the encroachments of our citizens. To such assurance, if there should be added a system by which the government, without destroying their independence, would gradually unite the several tribes under a simple but enlightened system of government and laws, formed on the principles of our own, and to which, as their own people would partake in it, they would, under the influence of the contemplated improvement, at no distant day become prepared, the arrangements which have been proposed would prove to the Indians and their posterity a permanent blessing. It is believed that, if they could be assured that peace and friendship would be maintained among the several tribes, that the advantages of education which they now enjoy would be extended to them, that they should have a permanent and solemn guarantee for their possessions, and receive the countenance and aid of the government for

* American State Papers, Indians; folio; vol. i. p. 648.

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for the gradual extension of its privileges to them, there would be among all the tribes a disposition to accord with the views of the government. There are now in most of the tribes well educated, sober, and reflecting individuals, who are afflicted at the present condition of the Indians, and despondent at their future prospects. Under the operation of existing causes, they behold the certain degradation, misery, and even the final annihilation of their race, and no doubt would gladly embrace any arrangement which would promise to elevate them in the scale of civilization, and arrest the destruction which now awaits them. It is conceived that one of the most cheap, certain, and desirable modes of effecting the object in view, would be for Congress to establish fixed principles, such as have been suggested as the basis of the proposed arrangement, and to authorize the President to convene, at some suitable point, all of the well-informed, intelligent, and influential individuals of the tribes to be affected by it, in order to explain to them the views of the government, and to pledge the faith of the nation to the arrangements that might be adopted.

"So, in 1826, the succeeding secretary of war, Mr. Barbour, in a very remarkable document drawn up for the House of Representatives, in reference to the plan of removal, proposed that a special government should be organized in the new territory, composed extensively of Indian functionaries, with such changes in legislation as the nature of the case requires. Steps are now taking towards that end, with a federal connexion with the United States in view. Accordingly, by a law of 1832, the Cherokees were to have a delegate in Congress, whenever special provisions should be made for his admission. The fulfilment of this solemn engagement is now earnestly called for, whilst the secretary of war, in his last report, declares the Cherokees are sufficiently advanced to send another delegate to Congress. In December last, the President referred Congress to certain suggestions submitted by the commissioner of Indian affairs, and enforced by the present secretary of war at Washington, in the report just quoted. That report calls attention to defects in the law relative to the Indians. 'To leave them to the barbarism of their own institutions, with the inadequate assistance of an agent, and the slight control of the general superintendent,' says the secretary of war, 'would be imprudent as regards ourselves, and unjust towards them.'*

"This plan is soon to be discussed in Congress, in connexion with a bill which the committee of the House of Representatives has presented, in accordance with the views of the executive government.

"In fact, the friends of a better course of proceeding are in some measure gradually prevailing in the struggle so long pending between the declared friends of the Indians and those whose opinions and actions are equally adverse to their advancement and civilization.

"But the proper amount of exertions needed to insure that advancement has not yet been even discussed by men in authority, either in England or in the United States. The ablest friends of the Indians, content with doing some good, have not yet calculated the whole of the means at the disposal of civilized society, in order to bring them within its own extending circle, nor duly considered all the objects to which such means should be directed, in order to attain that end. The natural result has therefore been, that the good effected partially has been wasted by the influence of evils left undisturbed; although those evils would have been defeated, if all the better efforts that might be made had been unceasingly put forth on the scale demanded by the circumstances of the case.

"It now, consequently, remains in North America, as in every other part of the world where the civilized and uncivilized are in contact, thoroughly to organize and perseveringly to execute the complete system which alone can meet the difficulties of the problem, how to bring the uncivilized man happily under the influence of civilized society."

56. Now, in your opinion, what would be the best system of administration to be adopted in regard to the uncivilized natives in and near the British colonies?—I have drawn up a paper with reference to that object, which I beg leave to read to the Committee.

[*The Witness then read the following Paper, which was handed in:*]

"Sketch of a new System of Administration in regard to the Uncivilized Natives in and near the British Colonies.

"A main principle, as to any new system that can be shown to be capable of protecting and civilizing the aborigines in and near the colonies, ought to be, that

* The Globe, Washington paper, 19 December 1836.

that the amount of expense, in every well-regulated establishment required to execute it, be not a point of consideration; and this for three reasons:

"1st. The value of the lands acquired by us in treaties or otherwise from the aborigines, is far greater than what the most extravagantly arranged and the most carelessly administered establishment will demand.

"2d. The present system costs incomparably more money, not to mention loss of life and the sufferings it causes, than a better system will require.

"3d. The civilization of the tribes to be promoted by a wise system will repay its greatest probable cost, by diminished wars and by increased markets.

"A second principle of great importance is, that the new system should reach all the points in which the native tribes or individuals among them are affected by intercourse of any kind with the white man, as it will increase the benefits of that intercourse where beneficial, and lessen its evils where it is evil.

"A third principle is, that no change of our law, national or international, must be shrunk from, so far as it concerns the aborigines, if their safety and improvement require it.

"Again, natives should be employed in all proper cases.

"Again, no one thing in favour of the natives should have the priority of the rest, but all should be set in motion simultaneously, and be kept in activity without relaxation, so far as is possible. In proportion to the rapid advances of the white settler upon the uncivilized man, the exertions which tend to equalize their conditions should be steady and extensive, and the power of law must be pushed ahead of the power of destruction.

"As at present great good is done in the cases of the aborigines, on the part of the Government, only upon the explosion of some great evil, like the late Caffre war, the object to be aimed at is the establishment of a system which shall render such explosions in a high degree improbable, and tend to elevate the aborigines generally, as well as to protect them and the white people effectually.

"These points admitted, the way is fairly open to the recommendation of many measures that will advance the native tribes the most effectually towards a state of self-dependence, encourage their natural faculties, and the most steadily restrain the individuals who would harm them.

"The following seem to be such measures:

"1st. To appoint a new superintending body, composed of protectors of aborigines, in the colonies; 2d. Political agents among the neighbouring tribes; 3d. An agent in London for all coloured people in and near the colonies; and 4th. Commissioners of inquiry:

"This body of officers should form one great establishment for all the colonies and their vicinity, and be a branch of the Foreign Office, although subject to make reports when called upon to the Secretary of State for the Colonies, and to be amenable to the colonial and home courts of law.

"It should be a branch of the Foreign Office, not of the colonial department, because it is in all respects a check upon the colonial department, and upon governors and other functionaries nominated by the advice of the Secretary of State for the Colonies, which several officers shall be checks upon, not the controllers or protectors of, this great body. The interests of the natives are totally distinct from the interests of the colonists and colonial officers. To place the former under the Colonial Office in Downing-street is, in principle, to sacrifice them to the latter, as has been done in practice. The vindication of justice in the late Caffre case is an accident attributable to peculiar circumstances. The expense of the colonial department should be reduced in proportion to the labour it is relieved from.

"In all possible cases, coloured people should be appointed to this body; and promotion of the home agency should be held out as the reward of intelligence and ability in the discharge of the inferior protectorships and political agencies.

"The protectors should be established on the principle of those appointed in the South Australian charter, and of the Cape protecting magistracy, the clerks of the peace, and of colonial Crown officers. They should attend the schools, prisons and courts of justice, the markets, and instruct the natives in the usual price of all commodities. They should also keep registers of native contracts. Instructions for such officers have long existed in Essequibo. Political agencies for the interior, beyond the colonial frontiers, as were recommended several years ago by Commissioner Bigge and his colleagues for South Africa, are of the most urgent necessity. At the Cape of Good Hope, in a direction quite distinct from Caffreland,

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land, robberies of the natives' cattle, intrusion upon their land, kidnapping their children for slaves, and murdering the people by the boors, are going on now, as these things have been going on for many years, unchecked. The crimes committed there on the natives are very numerous, and excite sanguinary revenge on the part of the native tribes. The facts have been communicated to the Colonial Office in Downing-street in vain. Similar evils are now occurring in other colonies. Political agencies will correct much of this. To these agencies should be attached a medical department, calculated to form a medical school for the natives, and a department for teaching the arts of life, with improvements in agriculture and gardening. Missionaries from the voluntary societies, properly augmented in resources, will not be wanting. A consular jurisdiction, with a sufficient force to insure respect, should be given to the agents on account of the traders and other English, who will frequent the posts in increasing numbers. The houses of the agency should be of a simple kind, and not beyond the means of the natives to imitate. An agency in London for the affairs of all aborigines in and near the colonies is an essential part of this plan.* The colonists have always found agents in London for their own affairs indispensable: they sometimes have two; viz., one named by the King, although paid by themselves; the other named as well as paid by themselves. The experience of 140 years has proved the usefulness of the institution.

"The aborigines of all the colonies have greater need of this than the colonists. One agent should therefore be appointed for the aborigines; and, as occasion may require it, either his assistants might be increased, or special agents might be named for various colonies. The duties of such agents would be as follows: 1. To superintend the execution of the law where the aborigines are concerned, and to watch the protectors and political agents. 2. To prepare new laws and regulations for the sanction of the Secretary of State for Foreign Affairs, and to urge aboriginal claims. 3. To prepare a colonial gazette, published in London, as hereafter suggested. 4. To make requisitions for new instructions to be addressed to colonial governors through the Secretary of State for the Colonies. 5. To propose and advance plans of civilization and friendly intercourse with the aborigines. 6. To watch the proceedings of great companies, such as the Hudson's Bay Company, the North-West Company, the Australian Company, and the Missionary Societies; to report their good and their bad acts to the Secretary of State for Foreign Affairs. 7. To receive all aborigines who visit England, and to correspond with aborigines abroad. 8. To correspond with the colonial protectors and political agents, and to lay before the Colonial Office copies of all letters to them, and of all reports and letters from them, when required. 9. To collect the laws of the aborigines. 10. To visit the college hereafter mentioned.

"In case of war, the governors of the colonies engaged should have direct control over all the members of this body connected with their respective governments. In peace, the control of the governors should be exercised only through the courts of law. Commissioners should be sent periodically from England to all the colonies to make special inquiry into the conduct of the protectors and political agents, and into all matters concerning the aborigines. The exact time of this circuit should be uncertain. The commission should proceed entirely from the Secretary of State for the Colonies.

"The influence of this body would be felt by all the tribes and coloured people in and beyond colonies, not as hostile to colonial governors, but as disinterested arbitrators in all matters concerning both the colonists and the aborigines. To the home government and to Parliament it would be a sure means of safe intelligence and good government; and unless the home branch be vigorously organized, the colonial branches will soon commit abuses.

"2. To make provision for the study of the native languages; for interpreters; colonial native schools; and classes of aborigines in the common colonial schools; and for a college for aborigines at home:

"Without in any manner promoting the separation of the coloured people in their early studies from the whites, either at home or in the colonies, extensive establishments for education must be founded for the aborigines, and classes for the native languages must be introduced into the colonial schools. It is in this way only

* Dr. Hodgkin's Evidence before the Committee, No. 5352.

only that proper provision can be made for a complete amalgamation of the races in habits and feelings, and for both white and coloured interpreters, who are wanted in a degree that will be appreciated when our extraordinary mistakes in peace and war are reflected on. In all parts of the colonial world friends have been often killed for enemies, and needless enmities have been excited, solely for want of good interpreters.

"The first thing to be done in settling in a new country being to hold friendly communication with the inhabitants, it is quite incredible that the public administration in almost all colonies should be unprovided with means of ready and correct conversation with all its neighbours or native people. In 1824 not a white man was to be found who could speak the language of the New Hollander, and at present there is probably but one such person. The faithlessness and ignorance of colonial interpreters have long been subjects of complaint.

"To meet this evil and others connected with it, white and coloured children must be taught together, and good salaries must be paid to the white or coloured people who apply themselves the most successfully to the study of the native languages. Public documents should be printed in them. Infant schools and all other places of education should be increased in and near the colonies, and natives should be brought forward as much as possible as teachers. Lands should be given early to good teachers. Some of the more promising native boys * should be offered facilities for visiting England, to be placed both in a college to be appropriated to them, and in other colleges and schools, as their connexions may arrange or circumstances render convenient; some English boys also should be admitted into the aboriginal college. Medical instruction, and instruction in the practical arts and in the useful sciences, should be imparted to numerous native pupils as well in the several colonies as in England. All modern and the ancient languages should be taught there.

"The natives of warm climates, who might suffer in health from an English winter, should have means of passing it in the south of Europe, where they would also learn the culture suited to their own countries.

"If the college and other establishments where coloured students shall be placed be governed with ordinary care, and their English friends, with whose countenance they have come to England, as the missionary bodies for example, afford them proper protection, they will return home improved in intelligence and character; and from the colonies and home schools would speedily come forth a body of native youth capable of any public offices, and able to fill respectably any private stations. Above all, the civil administration and the courts would not be left as they now are, to our discredit and injury, without suitable means of discovering truth in questions of justice, and without the possibility of distinguishing between what is hurtful and what is good in policy.

"Especially would such a school at home elevate the character of the native and other colonial schools and institutions, by increasing useful communications with England, and stimulate the colonial schoolmasters to exertion, as well as check abuses. It would promote the great object of raising the natives to equality in feeling and in mental character with us, and science would be rapidly advanced by its affording enlightened native members of every expedition, now so often at a loss even for common interpreters, the want of which has been the cause of great evils. The establishment would soon become a great school of all the modern languages, and men of all colours and religions would then learn to respect and be attached to each other; enterprising adults would often come with the youths as delegates or attendants, and should be received in the college; and there should be attached to it large unfurnished apartments, where, as in an eastern caravansera, sailors and other transient visitors of the poorer classes might be sheltered till their departure; a hospital should be annexed also for destitute natives in proper cases; and in others labour might often be required from the inmates; moderate payments should be arranged for those and others.

"3. The publication of a weekly gazette in London, for official reports of all public proceedings concerning the aborigines, whether contained in despatches to and from the colonies or framed from other sources: Ignorance of facts, on the part

* Evidence of Dr. Hodgkin before the Committee, No. 5340–2.

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part of the public, is a fatal obstacle to the improvement of the aborigines, and to their getting justice; for on the state of public opinion mainly depends the views of Government, the character of Parliamentary measures, and the conduct of public officers in affairs which concern the native tribes. But at present, as information is commonly wanting on the whole subject, public opinion cannot possibly be more than vague conjecture, and, except in extraordinary cases, it is not exerted at all. This may gradually be corrected by the public being regularly supplied with materials, such as reports of all transactions, legislative, executive, and judicial, on which opinions may be correctly formed. Among these materials it is of great importance that statements proceeding from any of the aborigines should be made fully known.

"Indirect advantages of no small value, to be expected from the publication of intelligence of this kind in a London colonial gazette, would be the restraint it would impose on ill conduct, and the encouragement it would afford to good conduct, where the natives were concerned, in every part of the colonial world. This alone will repay the cost of the gazette, by preventing wars.

"Provision should also be made for the publication in each colony of the full reports on its own affairs, and of such matters concerning all the others as may be useful to each. By this means the gazette will be made to tell the truth; and the results of experience, good or bad, will be most rapidly and effectually spread. The best way to do this will be to pay for the insertion of the intelligence in all the colonial newspapers of all parties.

"Extracts from the logs of ships, so far as concerns natives, should be inserted in this gazette.

"This gazette should also contain abstracts of the population, and other registers and statistical tables of all kinds concerning the aborigines, and remarkable passages on them from colonial publications and newspapers; and above all, notes upon the peculiar laws and usages of the aborigines, with notices of the appointments, removals, and retirements of all the agency officers, the motives of these appointments and retirements, and the causes of the removals.

"4. Treaties and transactions with the aborigines; union of the native tribes and families with the several colonies:

"The political agents would most usefully aid the governors of colonies in forming treaties and carrying on all transactions with the native tribes. Those treaties and transactions should always be reduced to writing, and, whenever possible, be printed in English and in the native languages, under the directions of the agents.

"A system of federal union of the tribes with the respective colonies should be arranged. For example, in South Africa, the Griquas would at this moment be most useful federal connexions of the Cape colony in all respects, and especially in repressing the violences of the emigrating boors. These Griquas, in particular, would form a most important link of civilization for the interior of South Africa.

"5. Reforming the instructions to governors:

"There should be a careful review made of the instructions to governors concerning the aborigines, now in force, which ought to be formed into a digest and be printed. Those which enjoin the killing of the natives without form of law, and all other illegal instructions, ought to be solemnly recalled. The former sort have done great evil in New South Wales. Express instructions also ought to be issued to prohibit governors exciting enmities between different tribes, in order to weaken them for our benefit, and to prohibit wars being made without minute manifestoes of the cause.

"The governors should also be enjoined to invite the neighbouring chieftains to visit them, and to hold personal conference with the colonial councils on solemn occasions, and to let native soldiers serve indiscriminately with the white troops, and have equal promotion.

"The governors should also cause collections of the native laws to be made, in concert with the political agents; they should establish public markets, at all convenient spots, in concert with the tribes. When judgments cannot be executed against oppressors of the natives, the governors should indemnify the oppressed; and all judgments against white men, for injuring the natives, should be executed as those judgments are which condemn natives for injuring white people. In 1826, the Governor of New South Wales spared the most atrocious murderers of natives, after the courts condemned them.

"6. As

"6. As to courts of justice; law of evidence; collections of native laws to be cited; circuits beyond the colonial frontiers; appeal to the Privy Council; equality of the natives:

"Independently of placing natives on the bench as judges, so soon as fit candidates appear, the chiefs should be invited to attend as assessors and visitors, and facilities should be given for the admission of all the native people, as spectators, into the courts.

"Juries *de medietate* should be had when possible, and perfect equality of rights should be declared by law and enforced in the courts for the natives.

"Interpreters should be provided for the courts of justice.

"Evidence should be taken without oath in all cases in which the natives have not the use of oaths in their own courts. If we do not accommodate our laws to the natives, they must remain averse to our whole system; and, without this change, it is impossible to do justice.

"The laws and usages of the natives should be referred to in the colonial courts, either from the collections made by us or from the testimony of competent witnesses, native or white.

"The Crown officers should hold briefs *ex officio* from the protectors and political agents in the cases of natives and in the criminal prosecutions of white people who have wronged them.

"No judgment of death, of banishment, nor of any corporal punishment should be passed on the natives, but penitentiaries and prisons be established in their stead.

"Circuits of judges to the political agencies should be arranged with the chiefs.

"The appeal to the King in Council under the last statute is insufficient for justice. In all cases concerning the conduct of public officers or public affairs, it depends on the will of the King whether the party complaining shall be heard or not. This discretion, on the King's part, however, is only the discretion of the Secretary of State for the Colonies, whose nominees in the colonies are the parties complained against. The appeal should be of right; and when the natives require it, the home agent, as well as political agents and colonial protectors, should manage the appeal.

"7. Grants of money to missionary and other bodies, and for scientific expeditions:

"Such grants have already been made usefully by Government,* and they should be gradually extended. The amount of the grants should be proportioned between the several bodies according to the proportion of the present expenditure of the several bodies, to the wants of the aborigines, and to the fields which science has not explored.

"8. Land and agricultural schools:

"The right of the natives to their own land should be protected, not only by the ordinary legal remedies, but also by a fairer valuation of what they cede in treaties, and by a vigorous armed pursuit of squatters and intruders, so as to ensure their expulsion and punishment.

"In all cases where the Crown still possesses lands within the old boundaries of colonies, as, for example, at the Cape of Good Hope and in Jamaica, such lands should be reserved for coloured people, and be disposed of so as best to reward good conduct, and to promote the amalgamation of the races. It has been stated to a Committee of the House of Commons recently that no Crown land remained at the Cape of Good Hope; the last papers, however, complain of large tracts being lately given away.

"Agricultural schools should be established for the natives; boundaries must be carefully run everywhere.

"9. A naval governor to be stationed in the South Seas:

"In

* In the United States of North America, this mode of promoting civilization has been tried during many years, with very good effect. The able Wesleyan Missionary, the Rev. William Shaw, offers this suggestion to the Committee; No. 664. art. 9. In 1828 I discussed the point with Mr. Shaw, in Caffreland.

S. Bamnister, Esq.

14 March 1837.

" In the South Seas, as formerly in Newfoundland during the fishing season, a naval captain should hold à governor's commission over the British people in New Zealand, in the South Sea Islands, and in all whalers and other ships. A judicial commission should be given to a portion of his officers, and some of the resident and merchant officers, or his other officers, should be jurors or assessors in this court, along with natives, where suitable.

" The officers of such a ship should be numerous; the men few and well selected: young natives, chiefs as well as others, should be invited to enter it as officers and sailors.

" There should be attached a legal adviser to the ship.

" Special visits should be made by this ship to all whalers and other ships, to inspect the logs, and to inquire into whatever circumstances concerning native people the inspection might suggest to be proper, and to hear all cases concerning such native people which might arise during the voyage.

" This governor afloat should enter into treaties of amity and commerce with the native people and their chiefs, and form federal unions with England over the whole South Seas, if possible.

" The political agents in the different ports should treat this governor with the same respect and stand in the same relation to him as take place between other political agents among the tribes and their respective nearest governors; and practice in the United States proves how much crime and disorder may be checked by periodical accounts being taken of roving people. In the American State Papers (Indians, vol. ii. p. 647), under the heading, 'Precautions to prevent the Commission of Crimes,' in aid of the exertions of the chiefs, it is stated as follows: 'In the autumn, every hunting party in going out report themselves to the head men of the town, and one of them is appointed the chief, to be answerable for the conduct of his companions. In all practicable cases, the chief applies to the agent, states the intention of the party, and receives a certificate of the fact, recommending him to the friendly attention of such white people as he may meet with; and on the return of the party in the spring, a report is made to the agent by all those chiefs in person, or by some of their companions, or by some of their townspeople, stating where they have been, what they have seen, and what they have done. This is a very important regulation: it gives a correct view of occurrences throughout the extended range of the hunters, and enables him, with inconceivable speed, to prevent or correct crimes and abuses.'

" The logs or journals of ships' captains afford a similar preventive police, and the system of both logs and examination might be introduced with great advantage among the interior traders of South Africa and elsewhere.

" 10. Transportation of convicts to be stopped immediately, and the convict population of the penal colonies to be reformed by the immediate adoption of measures proper for that purpose:

" All experience proves that the evils of convict transportation exceed the amount of its advantages to any class of people.

" But the evils it inflicts upon the native families and tribes are incomparably greater than any others, and utterly uncompensated by any advantages to such natives.

" The evidence before the Committee on this head is frightful, and yet it is short of the truth.

" Further transportation should therefore be stopped; and the following measures may render the present white population of New South Wales less fatally dangerous to the aborigines than that of Van Diemen's Land has proved to be to those of that island:

" (A.) Missionary establishments should be forthwith placed in the interior, at the extremity of every settlement, in all directions from Sydney.

" (B.) The wives and families of all the political convicts should be immediately sent out to them at the public expense.

" (C.) The wives and families of all other convicts should be sent to them according as their conduct is ordinarily good.

" (D.) In cases of convicts without wives, the best means possible should be taken to encourage their marriage.

" These three measures are indispensable, inasmuch as a great amount of the evil inflicted on the natives of New South Wales arises from the inequality of the sexes and the absence of domestic ties.

" (E.) Capital

"(E.) Capital and corporal punishments should be abolished, and be replaced by penitentiary discipline, and mild discipline should be enjoined in the place of severity.

"(F.) Rewards in lands should be granted steadily for good conduct.

"11. The licence-trading in the interior of South Africa and the North American fur-trading require careful revision, so as to prevent the oppressions now inflicted by the traders, and the frequent frauds which they commit on the aborigines.

"In South Africa, the Government should establish a steam navigation from the Cape of Good Hope to Natal and Madagascar. The necessity for frequent communication on the south-eastern coast is very great, and the trade will not yet support the expense of a steam vessel, although it would go far to defray it in the cargoes backward and forward. This would be a great benefit to the Cape traders, facilitate the change now in progress in opinion respecting the natives, and greatly promote the civilization of the south-eastern tribes, and their federal union with England.

"12. Discountenancing and punishing inefficient and delinquent public officers, on the specific ground of negligent or oppressive conduct respecting the aborigines:

"At this very moment frightful scenes are taking place in South Africa, which are but the continuation and complement of the crimes denounced to the Cape Governor and to the Secretary of State for the Colonies for years past. The responsibility rests upon those who have long known the truth, and neglected the warning. The Commissioners of Inquiry recommended measures which would have checked these scenes, and the parties to the neglect ought not to go unpunished.

"Blame has been cast on frontier inferior functionaries, and the governors have been excused.* The inferior functionaries often enough deserve blame, but the governors and the secretaries of state are incomparably more to be blamed; they have more power and more knowledge, or at least better means of obtaining advice. Upon them, therefore, as upon every party to the atrocities that have long been done, and are still doing, in obscure and remote parts of the empire, the reproach and just punishment ought to fall.

"In New South Wales, in 1826, cold-blooded murder was committed under the influence of the governor's illegal orders; and he excused himself by referring to the instructions of the Secretary of State. The natural consequence is, that the governor, when accused at home of oppressive conduct, is sheltered by the Colonial Office.

"But the natives are peculiarly helpless when in conflict with powerful men, and ought to be protected, most especially against the highest oppressors.

"13. Encouraging and being just to efficient, discreet and honest public officers:

"If, among public officers, delinquents of every degree ought to be punished, so it is of the greatest importance that those who are zealous friends to the natives, and, at the same time, efficient, discreet and honest in their official duties, be supported.

"The best way of ensuring justice to such men is to place the Privy Council on its proper footing, and let the complainants be heard of right."

* House of Commons Papers for 1836; No. 279, p. 117. The Caffre war and death of Hintza.

Veneris, 17° *die Martii*, 1837.

MEMBERS PRESENT.

Mr. T. Fowell Buxton.	Mr. Holland.
Mr. A. Johnston.	Mr. Bagshaw.
Mr. Charles Lushington.	

THOMAS FOWELL BUXTON, Esq., IN THE CHAIR.

Mr. *William Guyton Atherstone*, called in; and Examined.

Mr. *V. G. Atherstone.*

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57. *Chairman.*] YOU were resident at the Cape, I believe, for some time?—Yes.

58. In what part of the Cape?—In Cape Town, and Albany also; I was eight years in Albany.

59. Were you ever on the frontier?—For the last eight years I was.

60. You have desired to come before the Committee in order to give some explanation as to some supposed misrepresentations which have been given in the preceding evidence; what are the points upon which you wish to give explanation?—Two affidavits which I made in Graham's Town have been contradicted by one of the witnesses before the Committee, and I think it fair that I should offer some explanation about it.

61. Mr. *Bagshaw.*] As you have had an opportunity of reading this report, will you state the numbers of the question or questions in the answers to which you think the misrepresentation has been made regarding your affidavits?—It is in the evidence of John Tzatzoe; I do not know the particular questions.

62. Will you turn to page 392, which contains the affidavit you made on the 1st January 1836; [*The witness referred to it.*] Is that affidavit correct in every particular?—It is, in every particular.

63. Have you seen any reason, since that period, to change your opinion in any respect?—None whatever.

64. When you were in this town on the last occasion, were you at all in company with John Tzatzoe, the Caffre chief?—Yes; on my arrival here, I heard his evidence went to contradict what I stated in this affidavit, and I called on him for the purpose of having some explanation.

65. Did he at all deny the correctness of your affidavit at that period?—The only point in which he differed from me was as to the fact of his having translated to me what the Caffre alluded to said in the kloof; he denied that; he said that I told him what the interpreter Majeico had said to me, but he did not give me any interpretation whatever of what the Caffre had said.

66. So that, in fact, that did not much alter the substance of your statement; even admitting the correctness of the Caffre chief's version of the matter, it did not virtually alter the statement, except that the interpretation was given by Majeico to you, instead of by Tzatzoe to you?—It only altered it so far, that he did not give me the interpretation; whereas, I believe, I certified that he did.

67. Is that correct?—Yes, that is perfectly correct.

68. *Chairman.*] Do you feel yourself aggrieved by any statement which either John Tzatzoe or any other person has made before the Committee?—Decidedly.

69. State in what particulars?—Here I make a positive affidavit to a certain fact, which is distinctly denied by John Tzatzoe in his evidence before the Committee.

70. And you come here, therefore, to maintain that your own statement is correct, and that it is a misrepresentation on the part of John Tzatzoe in stating what he has done before the Committee?—I do.

71. Do you feel aggrieved in any other particular?—There is another part of the Chief's evidence which contradicts another affidavit of mine, with respect to certain letters which appeared in the Cape papers under his signature.

72. Will you be good enough to state what part that is?—My affidavit appears in page 417, which is contradicted by John Tzatzoe in page 574, Q. 4730.

73. Is this the question and answer of which you complain; "Did Mr. Atherstone ask you whether Mr. Brownley, the missionary, wrote the letters which appeared in your name? I said, 'No, Mr. Brownley did not.'"?—Yes.

74. Have

74. Have you any statement to make upon that subject?—In my affidavit I stated, and I have no reason to alter my opinion, it was my firm belief at that time, and it is at this moment, that John Tzatzoe told me they were written by Mr. Brownley; not that they were composed by Mr. Brownley, but that Mr. Brownley had something to do with putting them into better language; that is what I understood him to say.

75. Do you mean to say that Mr. Brownley not only translated the letters, but he was part composer of those letters?—I do not mean to say anything of the sort; I mean to say that John Tzatzoe, in his conversation with me, induced me to believe so.

76. That Tzatzoe, in his conversation with you, induced you to believe that Mr. Brownley not only translated the letters, but he part composed them?—Put them into better language.

77. You do not mean to say that John Tzatzoe told you that Mr. Brownley had in any respect altered the meaning, but that he had altered the phraseology?—That is all; that was the impression on my mind.

78. Is there any point of the evidence by which you feel you have been in any way aggrieved or misrepresented?—Merely as to the denial of these two affidavits of mine.

79. Mr. *Bagshaw.*] These are the only parts of the evidence in which you feel you have been personally implicated?—Yes.

80. And your object in coming here was to afford the Committee an opportunity of cross-examining you, if necessary, upon these two points?—Yes.

81. *Chairman.*] How long was the time that had elapsed between the events to which you have referred in your affidavits, and the period at which you made these affidavits?—Eight months.

82. The discrepancy between you and John Tzatzoe, as to the letters, is very small. You agree that Tzatzoe put on paper the meaning, and you agree that Mr. Brownley translated it; the point of difference therefore only is, that you think Mr. Brownley improved the phraseology?—I have no opinion on the subject at all, except merely what I heard from Tzatzoe; he stated to me certain facts in conversation, and these facts, when called upon, I gave upon affidavit.

83. The discrepancy between you and Tzatzoe is as to one point, namely, whether Mr. Brownley did or did not improve the language?—Yes, that is the only discrepancy, I believe.

84. And you say your impression was, that Tzatzoe told you that Mr. Brownley had improved the language?—Yes, that was my impression at that time.

85. Do you not think it possible, seeing that such a considerable period of time had elapsed as eight months, that you might have an erroneous impression as to what Tzatzoe had told you?—No; because I had conversations on the subject, immediately before the time I made the affidavit, with other people.

86. And your memory was refreshed by their recollections?—Yes, by conversing with them on the same subject.

87. Who were these persons?—One was Mr. Mitford Bowker, justice of the peace, with whom I conversed several times, and also his brother.

88. Was Mr. Mitford Bowker, or his brother, present at the conversations which took place between you and Tzatzoe?—No, to the best of my recollection, nobody was present; we were riding together on horseback.

89. Then how could Mr. Bowker or his brother assist your recollection, seeing they could know nothing of the real state of the case?—They merely assisted my recollection by recalling the conversation I had with Tzatzoe to my mind again. You think eight months, perhaps, would have made me forget the exact points of conversation; but I say I mentioned it not two months afterwards to Mr. Bowker.

90. You say that you mentioned it to Mr. Bowker two months after it took place, and Mr. Bowker afterwards told you what you had said at that time?—Yes.

91. Then, in point of fact, you do not mean to say that it was merely your own unassisted recollection; but that your recollection was assisted by that of Mr. Bowker, by recalling to your mind what you had said at an earlier period?—Yes; but my recollection was sufficiently strong, because I was rather interested in the composition of those letters.

92. Who induced you to make these affidavits?—One was made perfectly by accident, eight months afterwards; the other was made in consequence of my conversation with Mr. Bowker.

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93. When you say that one was made by accident, what are we to understand by that?—I was called upon to make an affidavit on the subject of those letters.

94. By whom?—By Captain Campbell, the civil commissioner. He had heard, somehow or other, that I had had that conversation with Tzatzoe, and he sent for me. I then made an affidavit on the subject of those letters. In trying to recollect the precise day on which this conversation took place between Tzatzoe and myself, I happened to mention it was two days before the parley we had in the kloof with a certain Caffre, in which Mr. Reid's name was mentioned. Captain Campbell immediately asked what that was; I then related to him those circumstances. He asked, "Have you any objection to give me an affidavit of that fact;" I said, "Not at all;" and consequently I gave the two affidavits, on the same day, at the same hour; and I did not know, half an hour before, that I should be called upon to give an affidavit on the subject; so that it was purely accidental.

95. But you knew, with reference to one of them, that you would be called upon to give an affidavit, and, therefore, upon that point you were prepared?—Upon that point I was prepared.

96. Who informed you that you would be called upon to make an affidavit?—Mr. Bowker; he asked me if I had any objection to make an affidavit; and I said, none whatever.

97. And he talked over the subject with you?—He merely asked me if I had any objection to give him an affidavit on the subject I had talked over with him so many times; and I said, of course, I had no objection.

98. Do you understand the Dutch language?—Tolerably well.

99. So as to be able to converse in it?—Yes.

100. Were you applied to, on the part of any other persons besides Mr. Bowker and Captain Campbell, to make affidavits?—No, not that I am aware of.

101. Not by any other persons?—No.

102. Are you quite sure that Tzatzoe told you that it was Mr. Brownley who had translated these letters, and that it was not Mr. Reid, junior?—I said nothing about his translating them into English, I said about bettering the phraseology. He mentioned nothing to me about Mr. Reid.

103. Mr. *Bagshaw.*] I will merely ask you this, when people were smarting under the effects of the Caffre war, whether conversations were not naturally enough continually taking place with regard to it, and whether what persons stated was not considered as public property?—I should think so.

104. *Chairman.*] Were you present at the death of Hintza?—

The question was objected to, as not coming within the Resolution of 6th March. It was, consequently, withdrawn.

Lieutenant-Colonel *Colebrooke*, called in; and Examined.

Lieut.-Col. *Colebrooke.*

105. *Chairman.*] YOU are at present, I believe, governor of Antigua and the Leeward Islands?—I am.

106. Where have you served?—I served for 16 years in India, and various countries to the east of the Cape of Good Hope, the Eastern Archipelago, including Java, and on my return to England, in 1831, I was soon after appointed a commissioner of eastern inquiry at the Cape, Mauritius and Ceylon. I was out eight years, and I have since administered the government of the Bahamas.

107. During the whole of your service, have you had opportunities of observing the state of society among various aboriginal tribes?—I have, particularly amongst several of the unsettled tribes in various parts of India, in the Eastern Archipelago, among the Malayan tribes, in Ceylon, Africa, and among the Arabs in the Persian Gulf.

108. Have you much reflected upon and digested your views of the forms of of society, which appear to be the best calculated to provide for the security, the happiness and advancement of the natives?—I certainly have much reflected upon those subjects, and have been led to observe, particularly and practically, the condition of the tribes so situated, with the object of ascertaining what would be the best means of promoting their welfare, in relation to the British Government.

109. Did you make a circuit of the colony of Southern Africa, and have any communication with the Caffres?—In concert with my colleague, Mr. Bigg, I made a circuit of the Cape colony in 1824, and did enter into a communication with some of the Caffres on the eastern frontier.

110. Will

Lieut.-Col. *Colebrooke.*

17 March 1837.

110. Will you now state to the Committee the principles upon which, in your opinion, a settlement of aboriginal tribes should be regulated by the British Government?—I will take this opportunity of explaining, that in the year 1824 I was called upon by the then Secretary of State for the Colonies, Mr. Spring Rice, to make a selection of papers relating to this subject, for his information, from the results of our inquiries and researches during our employment as commissioners of inquiry in Southern Africa; and in laying those papers before Mr. Rice, I accompanied them with a short letter, explanatory of my general views on this subject, in which I stated that I considered it would be most desirable to recognise and establish some principles of municipal organization in our relations with those tribes; but being about to embark for the Bahamas, I could not at that time enter into any details with respect to those views.

111. In what years was it that you were in South Africa?—From 1823 to 1826.

112. Will you now explain what details of municipal organization appear to you to be likely to conduce to the security, happiness and advancement of aboriginal tribes?—That question will necessarily involve some general explanation. In my experience of various tribes of this description in different parts of the world, among the Arabs, the Malays, the Indians and the Africans, I have had occasion to observe that some rude form of municipal organization has generally subsisted among them all; and it is only by an investigation of the nature of the principles of the compact subsisting amongst particular tribes, that we can arrive at a conclusion as to the particular form which may be applicable to each. What is called the village system in India, which prevails amongst the Arabian tribes and the Malayan tribes, is a form of municipal organization more or less perfect; and although, in the progress of conquest, the primitive form has been more or less lost sight of, it has generally been suitable in many respects to the conditions of the people. There are traces of this municipal system wherever the Arabs have extended their conquests in Africa; and in my conversations with Lander, who was formerly my attendant, before his last expedition to Africa, I ascertained that there was a rude system of a tenure of lands prevalent in that part of Africa which he visited, the people being tributary in some description of produce to the chief under whom they were united for common defence.

113. Can you submit to the Committee, on a future day, a more particular statement of your views on this subject, in writing?—Certainly; I shall be prepared to submit more particular details on this subject; and I will here shortly observe, that I consider a preliminary step in all cases to be an investigation into the subsisting customs of the different tribes of aboriginal people, and the recognition of all; that it would not be unjust, or incompatible with our own principles, to recognise the internal law of their communities, and then to establish them in the relations of responsibility, as communities, with the British Government, with a recognition of such general principles as will promote their gradual assimilation to those British settlements which may be in relation with them.

114. Mr. *Bagshaw.*] Are you aware, with reference to the Cape of Good Hope, that Sir Benjamin D'Urban did establish, at the Cape, a colony upon those principles?—Yes, I am aware of that, and anything I have to state will be in corroboration of what has been done there. I have lost sight of the colony for the last five or six years.

Colonel *Thomas Francis Wade*, called in; and Examined.

Col. *T. F. Wade.*

115. *Chairman.*] DO you wish to make any statement to the Committee?—Yes.

116. Will you state what is the object of it?—Having seen the evidence of the Caffre chief, John Tzatzoe, page 573 of the printed report, I wish to add a few particulars to my former evidence. I gave in, on that occasion, the deposition of Mr. Atherstone. The correctness of that deposition has been impeached by John Tzatzoe. I now wish to add to that another deposition, which I received a short time ago from the Cape of Good Hope, completely corroborating the document I have already placed upon the minutes of the Committee.

117. Does that affidavit confine itself to the question as to John Tzatzoe, or does it enter into other questions?—No other question whatever. It has reference to the subject alluded to in the former deposition that I have placed upon the

Col. *T. F. Wade.*

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minutes. This is the original deposition produced from the Caffre Majeico, who was the interpreter referred to by Mr. Atherstone in his deposition: "At Fort Peddie, on the 27 day of September 1836, and before me John Mitford Bowker, justice of the peace for the district of Albany, appeared Majeico, a Kafir, who, being duly sworn, deposes; 'I belong to the tribe of Pato; during the late war I was one of a party, of Boors, English, and Kafirs of the tribe of Pato, returning from Fort Willshire to the English camp; whilst between the Buffalo and Goonoobie rivers, upon a small stream called the Mincobongo, we halted; some of the party asked me to go with them to a kraal of the enemy's, at which we could see some women; I called another of Pato's people to go with me, and we went on; we then saw some of the enemy sitting on a mount; we crossed a small rivulet, sat down, and ate some provisions the English had with them. As soon as we saw the enemy we sent back notice of it to our party; the chiefs, Pato and Jan Chachoe were of it; we went on a little farther, and let our horses graze with the saddles on, waiting for the remainder of our party, who soon came in sight; Pato and Jan Chachoe were riding amongst some Boors; we captured a few goats; our whole strength being now together, we went into the bush after some cattle we had seen; we went in in three divisions; one division only had a skirmish with the Kafirs, and Mr. Biddulph accidentally shot a cow; we brought out the cattle; it was a small lot of cattle; we then went through the bush, and, whilst driving the cattle, one of the enemy called to us and said, 'For what reason are those cattle going away?' an Englishman said I must ask him what he said was the reason of their going away; I accordingly asked the Kafir what was the cause of the wars, and said to him, 'You commenced it;' he said, 'We knew nothing of the commencement, it was one of you English who began it, Isongolo; Isongolo (a reed, meaning the Rev. Mr. Read,) has told us, 'Don't you see that the English are taking away all your country? why do you sit still?' The Englishmen then asked me what he said, and I told them; Jan Chachoe was also near, and a party were listening to his interpretation of what the Kafirs said. Our interpretations were alike, and we conversed much among ourselves afterwards on the road; we thought it extraordinary that such sentiments should be imputed to Isongolo, he being an Englishman. Others besides me questioned the man, and Jan Chachoe amongst the rest; much more was said at the time, but I cannot recollect every circumstance.'

"Witnesses:
"G. Cyrus.
"S. R. Bowker.
"C. M. J. Powell.

"The mark of
+
Majeico.
"*John Mitford Bowker*, J. P.

"Mark of the chief ⩾ Pato, who declares, on his honour as a chief, that he was present, and that this deposition of his man Majeico is true.

"Witness,
"S. B. Bowker.

"*John Mitford Bowker*, J. P.
"*George Cyrus*, Interpreter."

118. Do you wish to state anything further?—There are a few other points, if I may be permitted to allude to them, with reference to the proceedings of this Committee, by which I do feel myself aggrieved. I understand the Committee has re-opened for the purpose of receiving any application from any person who considers he is aggrieved by the evidence already given. One point is with regard to the vagrant law. It will be in the recollection of the Committee that upon every occasion when I attempted to address it on the subject of the vagrant law, I was stopped. I was twice told by the chairman that the Committee did not wish to hear anything on the subject of the vagrant law at that period, but they would do so afterwards, and I should have an opportunity of stating my opinions upon it, or something to that effect. That opportunity I never had; but another witness was given a full opportunity to state all his views with reference to the vagrant law, and to put upon your minutes the drafts of two vagrant laws, with the greater portion of the minutes of the legislative council of the Cape of Good Hope, where that vagrant law was introduced. He has also been permitted to put upon the minutes his memorial to the council upon that subject, and a memorial from the different missionary institutions; but I have not been permitted to put upon the minutes of the Committee that which I now request permission to do, both on my own account and on account of the colony, viz.,

viz., the remaining portion of the proceedings of the council with regard to the vagrant law; more particularly the report of the civil magistrates of the district, to whom the first petition of Dr. Philip was referred for their remarks. I conceive it to be an act of justice to the colony that the statements in Dr. Philip's petitions, and in a great portion of his evidence, should be compared with the statements of those who are equally well acquainted with the affairs of the colony on this particular subject, viz., the civil magistrates of each of the districts.

119. That is one of the points?—Yes. Another of the points I wish to allude to, is with regard to some evidence which I gave before this Committee on the subject of Dr. Philip. The day he was to be first examined, it will be in the remembrance of the Committee that I asked permission to give evidence to show why Dr. Philip's testimony in any matter between the natives and the colonists should not be received. I was permitted to give that evidence; a great number of official documents I alluded to in my evidence were called for from the Colonial Office; a letter from Dr. Philip to myself was also put in. I find upon the minutes that Dr. Philip asked that he might have permission to peruse those documents, which were given to him; and I find, in his evidence, that he was permitted to comment upon the contents of those documents. Now the whole of my evidence and the documents themselves have been suppressed; they do not appear in the minutes at all; I ask, therefore, of the Committee to be permitted to place upon its minutes the evidence I gave on that occasion, and the whole of the documents to which I referred, those documents having been commented upon by Dr. Philip in his subsequent examination.

120. Is there anything else you wish to state?—There are two points in the evidence of Dr. Philip and of John Tzatzoe which I have been requested, from the Cape of Good Hope, to call to the attention of the Committee, and two very material points, as I conceive. The one is with reference to a letter placed upon the minutes by Dr. Philip, addressed by him to the governor of the Cape of Good Hope, on the 13th March 1834. I hold in my hand the original letter addressed by Dr. Philip to the governor, which I have not had time to compare with the copy handed in to the Committee by him; but it was sent to me for the purpose of calling the attention of the Committee to this paragraph, which is left out of the copy, and which is in the original letter, which I hold in my hand.

121. Do you mean to bring that forward as a charge against Dr. Philip, with a view to impeach his testimony?—I mean to bring it forward for the purpose for which I received it from the Cape of Good Hope, to show that Dr. Philip had laid before the Committee a document purporting to be a copy of a letter from him to the governor of the Cape, in which a material paragraph of the original letter was left out.

122. Will you read the paragraph which you state to have been omitted?—After speaking of the Wesleyan missionary station at Wesleyville, which is on the ground of the chiefs Pato and Komo, he says, "They have always had the Wesleyan missionaries to defend them; Macomo, on the other hand, has not been so fortunately circumstanced. The Caffre mission on the Kat River was broken up by that chief's ejection from that country, before any considerable impression was made upon himself or his people in favour of Christianity; and he has ever since been in such a state of insecurity, embarrassment and apprehension, that there has been no encouragement for a missionary to settle with him, so as to do any permanent good to himself or his people; Botman and Enno have never had any missionaries with them. I have taken the liberty of enclosing a translation and a copy of a letter from the Caffre chief Tzatzoe." The following paragraph is then left out: "There is, perhaps, another reason which may be noticed, in passing by your Excellency's information, to account for the favour shown to the chiefs at the Wesleyan missionary stations in Caffreland; the Wesleyan missionaries have always been eulogists of Colonel Somerset, and they have always been in the habit of praising him, and defending all his commandos, more than the missionaries of other societies." I must say, I do look upon that to be an exceedingly important paragraph.

123. What is the other point?—The other point I also consider very important. John Tzatzoe was asked in his evidence (p. 575), with regard to his reasons for coming to England: "Did any of your friends among the missionaries suggest to you to come over to this country, in order to give information to the English gentlemen?—I heard that Dr. Philip was coming over to England; when I heard that, I took my horse, and I said, 'I will go to where Dr. Philip is,

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and he can send me back if he pleases.' Did Dr. Philip invite you to accompany him?—No; when I heard that Dr. Philip was going to England, I was anxious myself to go. Did you ask Dr. Philip for permission to accompany him, or did Dr. Philip invite you to go with him?—I asked Dr. Philip."

Now I hold in my hand a book, published, if I mistake not very much, by a friend of Dr. Philip, Captain Fawcett, who says, "I here met Mr. Barker of Theophilus; he had come over for the purpose of conducting public worship, and otherwise ministering to the spiritual necessities of the people. To Jan Tzatzoe, who had accompanied me from Fort White, we communicated a message from Dr. Philip, in which he proposed that Tzatzoe should accompany him to England for the purpose of giving his evidence before the Committee of the House of Commons on the state of affairs on the eastern frontier of the colony. Tzatzoe took three days to consider this proposal, &c. It was no small sacrifice he was called on to make, in leaving his wife, his children, and his tribe, and going to a strange land and a strange people. The trial was one he felt in all its severity, and one which really put his principles and professions to the test. On the third day he came and intimated his resolution to accompany Dr. Philip to England. He said the sacrifice was great, but that he felt convinced it was his duty to make it, and that he should receive an equivalent to the sacrifice in the benefit he hoped to confer on his nation. We inquired whether he would return to King William's Town, inform Colonel Smith of his resolution, and make the necessary arrangements for his departure. He replied, "No; not that I apprehend Colonel Smith would refuse me permission to proceed, for I have at this moment (taking it from his pocket and showing it to us) a pass from him permitting me to proceed to any part of the colony I think fit: but if I go back, it is tantamount to my declining to accede to Dr. Philip's proposition; for I shall never be able to persuade my people to let me go, as they can never understand how it is possible that I should advance their interest by absenting myself from them."

124. Those are the four points which you wish to call to the attention of the Committee?—Yes; first, with regard to the vagrant law; secondly, as to the evidence I gave upon a former occasion, which I wish to appear upon the minutes, with the documents to which I referred, which have been suppressed, but which Dr. Philip has been allowed to comment upon; thirdly, the omission by Dr. Philip of that paragraph in his letter; and, fourthly, the contradiction given by Captain Fawcett to the statement of Tzatzoe, that he was not invited by Dr. Philip to come to England.

125. Will you be prepared by Wednesday next to produce those documents to which you refer?—The original documents are in the Colonial Office, but I have copies of them which I can produce.

[The Witness was directed to attend on Wednesday next.]

The Rev. *John D. Philip*, D. D., Examined.

Rev. *J. D. Philip*, D.D.

126. *Chairman.*] YOU have heard the statement of Colonel Wade upon these two points, with respect to the omission of the paragraph in your letter, and the statement of John Tzatzoe, that you did not invite him to come to England?—Yes.

127. Will you be prepared on a future day to offer any explanation to the Committee upon these points?—Certainly; I am prepared to do so now, or I can attend on any day the Committee may appoint.

[The Witness was directed to attend on Tuesday next.]

Shah Wundais, Chief of a Tribe of Chippeway Indians, called in; and Examined.

Shah Wundais.

128. Mr. *Lushington.*] WHAT is your English name?—My Christian name is John Sunday.

129. Do you understand the English language sufficiently well to express yourself with facility and fluency?—No, I understand the English language very little.

130. In the testimony you will be called upon to give, would you prefer giving it in your own imperfect English, or would you desire to give it through the medium of the gentleman who attends as your interpreter?—I am so poor an Englishman that I am afraid you will not understand me.

The

The Rev. R. Alder, who accompanied the witness as his friend, here stated that he was one of the secretaries of the Wesleyan Missionary Society, and that as he did not understand the Chippeway language, he was unable to act as interpreter, but that he believed the witness would be able to express his meaning so as to be able to be understood, with the occasional assistance he could give him. *Shaw Windsor.* 17 March 1837.

131. To what tribe of Indians do you belong?—The Grape Island part of the Chippeway Indians.

132. How long have you been converted to Christianity?—Twelve years.

133. Before you came over to this country did you reside among your own tribe, or did you reside among the English?—With my own tribe.

134. Do you act in the capacity of a native missionary among your own tribe, in conjunction with the Wesleyan Missionary Society?—Yes.

135. How long have you held that office?—I commenced travelling now eight years ago, amongst my Indian friends, all about the lakes; Lake Huron, Lake Superior, and all those places.

136. Do the Chippeway Indians border immediately upon the British possessions in Canada?—Yes.

137. What is the tenure upon which they hold their lands?—They are not certain of holding their land; they cannot get any writings at all.

138. They do not hold their lands under any official document or written grant, but solely by what is called the royal word?—Yes, that is exactly the case.

139. That is by a promise from the Crown that they shall be permitted to hold it, which is called the "Royal word"?—Yes, it is only that.

140. Are the Indians satisfied with that mode of holding their lands?—No, it is that they complain of.

141. What change in that respect do they desire?—The Indians wish to get a title to the land, that they may not be driven away from it. Perhaps you will allow me to say a little about the reason why it is so. Fifty-two years ago, Sir George Johnstone went up to make a treaty with the Indians, and the Indians agreed to give up their lands for what Sir George Johnstone offered for them. The Indians gave up to Sir George Johnstone all the lands he wanted, but not the islands and the points of the river; the Indians reserved them for their wigwams. Some of the islands they reserved for themselves for planting corn, and the points of the river for their wigwams. Well, as it is, there is nothing in writing, and they are afraid they may be driven away. I remember, 25 years since, now, the governor asked for the land another time, and the Indians gave it to them, and the governor gave his word that it should not be taken away, but we wished to see something in writing to hold our lands by, that we might not be driven away.

142. Then the Committee understand, from your statement, that you wish to have a regular charter or a deed of settlement?—Yes.

143. The Committee conclude that the object of your tribe in desiring this charter or deed of settlement is to obtain an exact definition of the lands which belong to you, and to obviate encroachments on the part of other persons?—Yes, that is what we wish.

144. Now, are we at present to understand the insecure state of your reserves and settlements discourages you from cultivating and improving these possessions?—Yes, certainly. Last winter all the chiefs met together to talk about this; they said now we must settle here, and by-and-bye, after we sow wheat, and it is almost the time of harvest, the white men will come and say, "We want this land," and so the Indians will lose it; that is what the Indians are afraid of, that it will be always so. Now the Indians wish they had a title, so that they could hold their lands from generation to generation in their families; that is what the Indians wish to get.

145. What do you suppose is the extent of the lands which your tribe hold?—In Alderville, in the township of Alnwick, the governor, Sir John Cockburn, gave us 3,400 acres; that was the first grant, and since that the Indians have purchased some more, in some other places in that township, and we are very anxious to have a writing from our Great Father, as we call our King here, so that we may hold the land by it.

146. Are you aware whether the lands belonging to your tribe in particular,

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and to the Indians in general, upon the frontier of Upper Canada, have been diminished within the last 30 years?—Yes, since the last 30 years our land has been getting smaller, for the white people come and settle upon the Indian reserves, and when they settle there, we cannot get them off. They have come upon some of the islands which we thought we could claim, for our people came to live there, and we wanted them for ourselves and for our children, to plant corn or anything else.

147. Can you state the quantity of land of which you have been deprived in that way by the white people settling upon it?—I can tell you the names of some of them; one is called the Waboo's Island; that is one.

148. Is that a large island?—Not very large, about 600 acres.

149. What is the number of your tribe?—I cannot tell exactly the number of the whole tribe; I know the number of those where I reside; there are 229 altogether upon Grape Island only. That is a portion of the tribe of Chippeways, of which I am the chief, that is settled upon Grape Island.

150. Is it your opinion that if the settlements now occupied by the Indians were secured to them by legal documents, it would promote the prosperity of the settlements, and lead to the civilization of the barbarous portions of the Indians bordering upon Upper Canada?—Yes; I travel a great deal among the Indians, and try to get them to come and live among the English; but they say, "Now you are settled there, and by-and-bye the white people will come and drive you off; and so it is better for us not to leave our native woods;" that is what they say; "they will not leave you there long; they will drive you off the land." I tell them, "I hope not; because the white people are good people, and I hope they will not do such a thing as that, because I know they fear the great God in heaven." But now, when the Indians come to settle there, and they just begin to cultivate the land, and to run out and settle together in villages, they are driven off.

151. Do you regularly perform the ordinances of Divine worship among your tribe?—Yes; we preach and read to our people in our own language.

152. You impart to your tribe the doctrines of Christianity as you have received them from the Wesleyan missionaries?—Yes.

153. Are the whole of your tribe converted to Christianity?—No, not all; there are about 1,200 now converted.

154. How many remain unconverted?—I cannot tell; they are all scattered in the woods, so that I cannot tell.

155. What is your conjecture?—I cannot tell.

156. You cannot guess?—No, I cannot guess, because I do not know how many there are in the tribe.

157. Are you acquainted with the country further north, up towards Lake Superior?—Yes.

158. Are those parts of the tribe of Chippeway Indians who reside upon the lakes Simcoe and Huron satisfied with the tenure of their lands, or have they any reason to complain of encroachments on the part of British settlers?—Yes; they have been complaining.

159. Has anything happened to them lately of which they complain?—Yes; I have had a letter written to me by a Chippeway Indian, whose English name is Peter Jones, dated 9 December 1836, giving me information respecting the breaking up of an English settlement at Lake Huron. Peter Jones was in England four years ago; he was an agent of the Wesleyan missionaries, and he has written to tell me of the breaking-up of that settlement.

160. Will you put in that letter?—[*It was delivered in by the Witness.*]—This letter is in the Chippeway language?—Yes.

161. Can you give the Committee a translation of it in English?—Yes; I have translated that part of it which relates to this subject into English. Peter Jones says, "Now the Indians have given up all the land at Sah-gung, on Lake Huron, as the governor had begged it from them, and the governor would leave it to them at Longpoint, to settle there; also the Narrows and Coldwater Indians, they all give up their lands, the whole of them. I do not know what would become of them, and where they should go now I know not; I do not hear yet anything about them; I am afraid all of them will be destroyed, for which I shall be exceedingly sorry."

162. Why have they given up their lands?—The governor begged it from them.

163. Have

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163. Have those Indians received any compensation for giving up their lands?—I cannot say, I suppose they have, but this letter does not say so.

164. If they have given up their lands, is their whole settlement dispersed?—Peter Jones says he does not know what will become of them, or where they shall go now.

165. Do your tribe of Indians consider themselves under great obligations to the Wesleyan missionaries, and that they have done much for them?—Yes, by giving them the gospel.

166. Do you think they have done them much good?—Yes, a great deal, giving us the gospel has done us a great deal of good. Now our Indian children can read the good book.

167. In consequence of the introduction of the gospel, I suppose your tribe have relinquished in a great degree the vices to which they were formerly subject?—Yes, and they try to do the best they can to serve the Lord Jesus Christ.

168. Have the Wesleyan missionaries established schools among you?—Yes; in all our villages.

169. How many schools are there?—I think there are eight schools; one in Grape Island, Rice Lake, Mud Lake, River Credit, the Narrows, Coldwater, Sah-gung, Minster Town and St. Clear; besides the Mohawk Indians.

170. What do you learn in the schools?—They learn to read the good book, and to read other books.

171. In what language?—In the English language.

172. What book do you mean by the "good book?"—The Bible, because there are good things in it.

173. What other books beside the Bible do they read in the schools?—A great many other books.

174. Have the missionaries taught you the arts of agriculture?—Yes; the missionaries show us how to do it; sometimes a missionary will hold the plough himself, to show the Indians how to plough the land.

175. The missionaries have taught you how to cultivate the land, and to plant useful seeds, vegetables and so on?—Yes; and now the Indians begin to rear their own wheat, and vegetables in the garden.

176. Do you know that, in consequence of your intercourse with the missionaries, your quarrels among yourselves are fewer, and that you live together now in peace and concord with each other?—Yes, all fighting and drinking is over now; the Indians are very much against it. There was a great deal of fighting before the gospel came among us; but now they live in peace and settle together, and cultivate the land, and have meetings in the chapel, to worship.

177. Then you are indebted to the Wesleyan missionaries for teaching you Christianity, for introducing education among you, and for exhorting you to cultivate the arts of peace and social life; in short, they have taught you the way to heaven through the merits of one Saviour, and they have improved your means of happiness and enjoyment in your present state?—Yes.

178. Whom do you consider among your best benefactors, besides the Wesleyan missionaries?—Sir John Cockburn, who was our governor. I wanted to tell you some good things about him. When I was first acquainted with Sir John Cockburn, he gave me one finger first, to shake hands with him. That was before I was acquainted with him much. So I went down and travelled to Lake Huron, and talked to the Indians. When I returned from that journey, he asked me where I had been; I told him I had been many hundred miles; "Well, how do you live, what do you do for provisions; I told Sir John I had a gun along with me, with powder and shot, and all the provisions I had I got with my gun; I shot young crows and eat them, and sometimes a wild cat; and Sir John smiled; "Next time, when you go out again, just call in here at my house;" and so I did, and he gave me eight days' provision, the better to go on with. When I returned the next time, and told Sir John what the Indians were doing there, receiving the gospel, Sir John was very glad, and by-and-bye he gave me his two fingers when I went away, and another time he gave me three; but the last journey, he gave me his whole hand. That was the last time I saw him. He was a very good man.

Lunæ, 20° die Martii, 1837.

MEMBERS PRESENT.

Mr. T. F. Buxton.	Mr. Baines.
Mr. A. Johnston.	Mr. Bagshaw.
Mr. Charles Lushington.	Mr. Wilson.
Mr. Hindley.	

THOMAS FOWELL BUXTON, Esq., IN THE CHAIR.

Henry William Macauley, Esq., called in; and Examined.

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179. *Chairman.*] HAVE you resided in Sierra Leone?—I have resided there between six and seven years.

180. In what capacity?—The first part of the time as a merchant, and latterly as commissary judge.

181. Are you able to furnish the Committee with any information which would bear upon our inquiries into the modes of treatment of the aborigines, so as to protect their rights and advance their civilization as much as possible?—Yes, I think I should be, if the Committee consider the population of Sierra Leone as aborigines. We have, properly speaking, no aborigines in Sierra Leone at all; none of the native inhabitants of the country remain there at present.

182. Are you able to afford the Committee any information as to the most effectual mode of raising persons found in the lowest state of degradation into habits of civilization?—Yes, I think so, with reference to the plan pursued at Sierra Leone.

183. Will you state that to the Committee?—Not being at all aware of the course the examination would take in any way, I have not prepared myself upon any particular point; but I have made a few memoranda on the state of the different tribes of which the population of Sierra Leone is composed.

184. Of what tribes is the population chiefly composed?—Of the liberated Africans; a large portion of whom are brought to the colony in a savage state.

185. They are not natives of the soil?—No; they are landed on shore from the different slave ships.

186. Will you state to the Committee any information which you may be able to give as to the different tribes?—I have made a calculation of the number, as near as I think it is necessary to go, of the whole population, and the different tribes of which it is composed; but if it is at all necessary to get anything more accurate, I have no doubt that the returns of the last census are to be found at the Colonial Office.

The Mahometans and Pagans, including Foulahs, Soosoos, Timmanees, Sherbros, Kroomen and other natives	5,000
The Royal African Corps, their wives and attendants, about	1,000
Pensioners and disbanded soldiers	1,000
West Indians and Americans	100
Europeans	100
Nova Scotian settlers	500
Maroons	650
Liberated Africans	32,000
Making a Total of	40,350

I do not think that is very far wrong, but I make it out more from my knowledge of the country than by reference to tables of any description.

187. Is that the population of the whole colony?—That is the population of the peninsula.

188. Are these liberated Africans persons, generally speaking, who have been taken out of the holds of slave ships?—The whole of them; I may say every one.

189. In which they would have been led into the lowest state of debasement?—Certainly; and generally very much diseased and debilitated by their long confinement. I may say always; in fact, I have never seen any instance to the contrary; and I have seen many thousands of them landed.

190. Have

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190. Have you seen any instances of these people who were originally, when first landed, in such a state of extreme debasement, who afterwards have, under the instruction they have received, risen into civilized men?—Many; in fact it is almost universally so. There are many such instances of liberated Africans; one in particular which I recollect, where a man, who, not very long since, was in the hold of a slave ship, is acquiring at present an income of, I suppose, from 1,200 *l.* to 1,500 *l.* a year. He has the government contracts for the supply of beef to the army and navy, and has had them for many years past, and he has always fulfilled his contracts to the satisfaction of the government. He is living in a very excellent house, has every comfort about him, and has educated two of his children in England. One is in England now, and one has been educated before, and has returned to Sierra Leone. I also recollect a number of other instances, perhaps not to the same extent, but where people advanced wonderfully in point of civilization and of wealth.

191. Would you say that the advance has taken place as to the whole body of the population, as well as such an extraordinary advance in particular instances?—The greater part of our population are the liberated Africans; they are 320 to 1 as to the Europeans, and a large proportion as to the others; but I do not think the advance has been so remarkable among the other tribes of blacks, probably owing to their not being in the same state of degradation when introduced into the colony. The settlers who were brought into the colony in 1792, I think, were almost all able to read and write when they arrived, and of course the same advancement is not perceptible among them, nor is it so amongst the Maroons.

192. But do I understand you correctly to say, that with regard to the whole body of the liberated Africans, which amounts to upwards of 30,000, there were visible marks of improvement among them, generally speaking?—Certainly.

193. Have any of these persons been so far civilized as to be able to be employed in any official situations?—The liberated Africans form the militia, almost entirely. They are drafted in common from the rest of the colony, but of course, on account of their greater number, we have a larger proportion of them than of any other class in the militia; besides being in the militia in large numbers, they also serve as constables. I do not know that the government requires their services in any other way. They are attendants upon the courts, tipstaves, and so on; and in every situation in which they have been called upon to act, they have fulfilled their duties satisfactorily.

194. Have you ever known any of them called upon to act as jurymen?—Certainly.

195. Had you reason to believe they discharged their duties satisfactorily?—Always; I never knew an instance where a black jury has given a verdict which you could really find fault with. I have very frequently been in the court when questions have been before them, and they show as much attention, and almost as much acuteness, I think, as any English jury I have seen here.

196. Would you feel yourself aggrieved if a question affecting a large amount of your own property were to be disposed of by the verdict of a jury composed entirely of these liberated Africans who have been taken out of the holds of slave ships?—Certainly not. I have had questions myself of large amount before the courts there; and I believe the people are perfectly satisfied to leave their cases to the decision of these men.

197. Mr. *Bagshaw.*] Did you ever know an instance of a jury giving a verdict contrary to the direction of the judge in these courts?—I do not think I have; but our judges there are very often men who have not been legally educated; men, perhaps, taken from the body of the white population or the coloured people.

198. I meant by that question to ask you whether, under the circumstances in which the black population are placed, they do not on every occasion pay that deference to the opinion of the judge, which would be very natural in their situation?—They do, certainly, with respect to matters of law; but I think they judge for themselves with regard to questions of fact.

199. Mr. *Baines.*] Do you think, as jurymen, they are quite as intelligent and as likely to come to a safe decision as persons in the same rank in this country would be?—I think, as persons of the same rank, certainly; but the questions which are generally submitted to their decision, of course, are not so important as those which generally come under the notice of our English juries. They seem themselves

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themselves to thoroughly acquiesce in the trial by jury, and to esteem it a great blessing. I never heard of any objection among them to our mode of trial.

200. You have mentioned that they are in the militia, and frequently act as peace officers; in both these situations do they act as well as men so employed in this country?—The soldiers are not quite so smart as you might see our white soldiers become; indeed the militia-men even in England are not remarkable for good appearance as soldiers; but the whole of our African corps, and a great part of the West India regiments that serve in the West Indies, are supplied from the liberated Africans at Sierra Leone. There are always depôts of the 1st and 2d West India regiments there, and the troops are sent over from time to time to the West Indies. The African corps is always supplied from the liberated Africans.

201. For instance, are the soldiers as subordinate as the European soldiers?—Quite so, the regular troops. When I mentioned they were not a very military looking body, I did not apply that to the regular troops, but merely to the militia; for the regular troops of course are under regular officers, and discipline is kept up as strictly as with us.

202. And in the discharge of their duties as peace officers, they seem to discriminate, as I understand you, and to act with as much judgment and as much propriety as Europeans in the same situation?—I think so.

203. *Chairman.*] Have you ever known them fill higher situations than those of jurymen?—I think not, the liberated Africans; but we have other parts of the black population, and other inhabitants filling all our municipal situations; mayor and aldermen, the police clerk, the officers of militia, and the different clerks employed in public offices, such as the secretary's office, and the liberated African department.

204. Do any of them act as magistrates?—Yes, as mayor and aldermen, they are magistrates.

205. Have any of the liberated Africans ever acted as mayor, aldermen or magistrates?—I think not; I may say none in my time certainly.

206. Will you state to the Committee what were the measures taken which have been effectual in raising them from their state of degradation into this improved state of civilization?—I think it is owing to their being left to themselves, rather than to any measures which have been taken with regard to them; for the government only takes charge of them for the first six years after they have been landed, and then they are thrown entirely upon their own resources.

207. Have any measures been taken to educate them?—Some measures, but not adequate ones, certainly.

208. Have any measures been taken to impart to them Christian instruction?—Very little has been done by the government. The Church Missionary Society has done a little, and the Wesleyans have done a little; but very little is doing at present by the missionaries, and by the government still less. I have made a memorandum on the subject of religious instruction, which is the substance of a letter written to Mr. Stephen of the Colonial Office, upon the subject. The colonial chaplain is the only clergyman employed by government in Sierra Leone, and his attention is from necessity almost exclusively devoted to Freetown, where he is fixed. The colonial establishment of the Church Missionary Society is reduced to two German ministers, Messrs. Schön and Kissling, and to one English minister, who, however, returns to England every rainy season. The Wesleyan Missionary Society has generally two ministers employed in the colony, who have always hitherto resided in Freetown. The Church Missionary Society likewise employs five or six catechists, who superintend the school and perform certain minor clerical duties.

This is the sum total of the means of religious instruction furnished by England, both from the Church and the Dissenters, to a population of 40,000 souls, scattered over the whole colony. In former days missionary zeal seemed to direct itself to Sierra Leone beyond any other place, but continual discouragements have had their natural effect; and, as the number of labourers diminishes, station after station must be given up, (I am speaking of the Church Missionary Society,) until the sphere of labour will be still further contracted than it is at present. The whole of the western or sea district (including the populous towns of York and Kent, and the Banana islands) is without any minister or catechist. Few as are the resident clergy to whom I have referred, frequent sickness, and the occasional necessity of visiting England for the restoration of health, are continually

tinually reducing their number; and the incessant exertions consequently required from those who remain are far from being favourable to life and health. On one occasion for a year and a half, and on another occasion for a shorter period, religious services were altogether suspended in Freetown church, owing to the absence of the colonial chaplain in England, and no one being able to supply his place; indeed, when the population of Sierra Leone was only half what it is at present, the number of religious instructors was much larger.

To obviate some of the uncertainties and misfortunes to which the Missionary Society's operations were exposed by the baneful effects of the climate on their European servants, an institution was established in the colony for the education and preparation of liberated African youths as teachers. Notwithstanding the zeal, perseverance and good sense with which this institution has been conducted by Mr. Hainsel and others, during a long series of years, it has proved a decided failure. The blighting influence of colonial associations and habits upon those nurtured in the colony, and the strong temptations of high salaries held out to the scholars to engage themselves as clerks to the merchants and shopkeepers, or to become traders on their own account, have generally drawn aside the young men from the work for which they were intended, and to which they are bound by no tie to devote themselves, unless they please.

The population of Sierra Leone requires more than ordinary attention to its moral and religious instruction, owing to the continual introduction of crowds of pagan savages amongst the mass who have been previously located, so often as the captured slave vessels discharge their miserable cargoes on the shores of the colony. The number thus admitted during the years 1834 and 1835 was between 7,000 and 8,000. By the late treaty on the subject of slave-trade entered into with Spain, that power is bound to "secure honestly and faithfully to the emancipated negroes," who may be located in its territory, "a knowledge of the tenets of the Christian religion, and their advancement in morality and civilization." But with what reason can we urge upon Spain the fulfilment of this stipulation, while we leave thousands of the same class in our own colony wholly unprovided with religious instruction?

During the time that Lord Goderich was Secretary of State for the Colonies, the Rev. Edward Jones, a well-educated and excellent coloured American minister, was sent out to Sierra Leone as schoolmaster and teacher, with a salary of from 150*l.* to 200*l.* a year. He was fixed in one of the distant villages of the sea district, where, in addition to his labours in the boys' school, he used to perform the Church service and to preach on Sundays. During the last absence of the colonial chaplain in England, Mr. Jones acted as chaplain, and preached in Freetown church, until it was notified from home that the performance of such duty by a minister who had only received American ordination was contrary to the law of England. It is needless to say how desirable it would be to remove such a disqualification, and to encourage the employment of persons like Mr. Jones in a colony like Sierra Leone. The enervating influence of climate, disease, death, and the difficulty of obtaining European ministers who will devote themselves to such a dangerous service, have been constant checks and impediments to the success of the missionaries in that colony. But with regard to Mr. Jones's class, the case is different; being coloured, the climate has less effect on their constitution; they are thoroughly qualified for the instruction of the surrounding population; they look to Sierra Leone as a place of permanent residence; they marry (as Mr. Jones did) amongst those of their own colour; and a powerful and beneficial example is presented to the imitation of the better order of the coloured people. Great results may be looked for from the employment of such persons, but should they not be permitted to perform any clerical duty, their usefulness would be greatly diminished; and it can hardly be expected that they, who maintain the character of ordained clergymen in their own country, will be found to accept the superintendence of schools, if they are required to divest themselves altogether of their sacred character.

It has been a great object with the persons in Sierra Leone, who take an interest in the future well-being of the colony, to form a sort of resident coloured aristocracy, embued with European tastes and habits, and with a proper sense of the decorum and decencies of civilized life. The formation and extension of such a society would be greatly promoted by the establishment in the colony of half a dozen of Mr. Jones's coloured brethren, orthodox, religious, well informed,

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young men, but not too refined, to feel disgust at the difficulties and inconveniences of their situation.

209. Mr. *Baines.*] Upon the arrival of that intimation, that Mr. Jones had not the proper ordination, I suppose his services ceased?—His services ceased immediately; but it happened fortunately, that within two or three weeks afterwards, the colonial chaplain arrived from England; but during the former period we were a year and a half without any service at all in the town.

210. When you obtained the service of Mr. Jones, how long did he officiate?—He officiated, I think, for about six or eight months, and gave great satisfaction to every body; he preached remarkably well.

211. And he ceased to officiate before the return of the chaplain, upon the intimation you have stated?—Yes.

212. In what year was that?—In the year 1835.

213. Mr. *C. Lushington.*] Was that notification given through the Secretary of State?—It was given through the Secretary of State to the governor of the colony.

214. Did that notification comprise a peremptory prohibition of a continuance of the services of Mr. Jones?—In these particular duties it did.

215. Mr. *Hindley.*] Do you know at whose instance in England that was done?—It was the law. There is no doubt it was the law at that time, and it was the duty of the Secretary of State to see that the law was observed.

216. Mr. *Baines.*] Do you know under what Act of Parliament that law was in force?—I am not aware of the Act, but that there is such an Act, I have not the least doubt; for I remember perfectly well the Act was quoted on the occasion of the Secretary of State making that communication.

217. Mr. *C. Lushington.*] I understood you to say, that Divine service was interrupted for a year and a half?—Yes; the black chapels were open, where the black preachers officiated, but Freetown church was closed during that time.

218. Is Freetown church the principal place of worship in the colony, according to the forms of the Church of England?—It is the only Government place of worship in the colony. We have only one clergyman; that is the whole strength of the establishment.

219. Did it not excite great dissatisfaction among the members of the Church of England at Sierra Leone, that the performance of Divine worship, according to the forms of the Church of England, should be suspended for a year and a half, merely in the observance of a form?—On that occasion, it was not suspended on account of the observance of a form, for when the church was closed for a year and a half, Mr. Jones was not in the colony. It was on the last occasion of the colonial chaplain's absence, that Mr. Jones performed the service for six or eight months, and then it ceased for a fortnight or three weeks. On the first occasion, Mr. Jones was not in the colony, and therefore could not supply the chaplain's place; and there being only one colonial chaplain, when he went to England, there was no one to take his place.

220. For what precise period were Mr. Jones's services available, before they were prohibited by an order from home?—They were available for the whole period of the chaplain's absence. We were only about a fortnight without preaching in the church on the last occasion, when Mr. Jones was in the colony.

221. Was much dissatisfaction excited in the colony in consequence of that?—I did not hear very much expressed. The fact is, there is not a very large proportion of the European population who attend church. It was remarked upon of course; but Mr. Morgan, the colonial chaplain, coming out so soon afterwards, it did not excite the remark or the remonstrance it otherwise would have done.

222. Mr. Jones having been prohibited from performing Divine worship, according to the forms of the Church of England, in the colony, did those persons who had been in the habit of attending his ministry resort to the ministry of the Dissenters?—Some of them did, I have no doubt; and certainly, on the first occasion, during the long absence of the colonial chaplain, those who had been accustomed to attend the church attended the Wesleyan chapel there; myself amongst others, for it was the only place where we could attend.

223. Then if they had not had recourse to the spiritual aid of the Dissenters, they must have been totally without the advantage of Divine worship?—Yes. There is another chapel, connected with the Church Missionary Society, a very small

small chapel, just beyond the town, where service is performed, generally speaking, for the liberated Africans. It is not intended as a service for the Europeans.

224. Are the missionaries of the Wesleyan Society, Englishmen or foreigners?—Englishmen.

225. Are the members of the Church Missionary Society, Englishmen or foreigners?—Generally, I think, foreigners. The head of the missionaries who is there now, Mr. Raban, is an Englishman, but the other two missionaries are Germans.

226. In your memorandum, you mention, that "the clerical establishment of the Church Missionary Society is reduced to two German ministers, Messrs. Schön and Kissling, and to one English minister, who however returns to England every rainy season." I wish to ask you whether the climate of Sierra Leone is considered more hostile to an English than to a German constitution?—To these two Germans who are there, it may perhaps be more congenial than to the single English minister, for he returns to England on account of his health; of course it renders his services less valuable than they would be if he were a permanent resident.

227. *Chairman.*] Are you capable from your experience of pointing out to the Committee the means which you think would be most likely to be effectual in converting people in a state of aboriginal ignorance and debasement into civilized men, with regard to religious instruction or any other means?—I think one great point is to leave them as much as possible to themselves; not to check them too much by regulations.

228. Do you mean by that, that efforts should not be made to establish schools among them and give them education?—Certainly not; of course the means of religious and moral instruction must be supplied to them.

229. Do you think, that in order to civilize people in so debased a state, the most effectual mode is to give them religious instruction?—I think it is.

230. Have you seen persons who were originally so ignorant and low in the scale of civilization, rise rapidly under the influence of religious instruction?—The religious instruction generally supplied to the people in Freetown is not of the very best description. In the villages it is supplied by the missionaries, and is certainly everything that we could wish it to be, as far as it goes; but the black preachers in the town are not certainly very desirable teachers of the gospel.

231. But under the influence of the correct teachers of the gospel in the villages, have you seen their influence powerfully exerted, and producing good fruits?—I have, everywhere.

232. Mr. *Baines.*] What length of time does it occupy to bring a man who has come to the colony in a debased state, that of a savage, before he rises to be a respectable and useful citizen?—It varies a good deal; those who are in the immediate neighbourhood of the capital become civilized much sooner than those who are in the most distant points; but I think that in a couple of years they will be greatly improved.

233. Varying perhaps from one year to three or four?—Yes; but the present race, that is, the children of those who have been imported, are quite different in appearance, manner, education and capabilities from their fathers, and of course it must be upon them that the colony will ultimately depend for improvement.

234. Mr. *Bagshaw.*] I will just ask you with respect to the trial by jury in the colony, is it adopted in civil as well as in criminal cases?—Yes, in all civil cases where it would be adopted in England. The governor acts as chancellor.

235. *Chairman.*] Are there any other points upon which you think you can give us information?—With regard to schools, I think I may also say that the government does not take the part it ought to do. The schools are principally, or in a great measure, in the hands of the Church missionaries. They have schools in different villages, but they rely almost entirely upon the Church Missionary Society, for the education of the people.

236. Is it your opinion, that, as we take so much pains and incur so much expense in order to redeem these persons from slavery, we ought to incur the small further expense of providing them with sufficient instruction and religious teaching?—Certainly. I think we are bound to do so by treaty. As I mentioned, we require of the Spaniards, that, with regard to the liberated Africans,

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who may be settled in the Havannah, they shall supply them with religious instruction, and the means of civilization, and yet we do not act up to that ourselves.

237. Have you found that these persons are susceptible of receiving benefit from religious instruction?—Certainly; quite as much so as English children. A visit to the school convinces any casual observer of that.

238. Are the schools in general in a flourishing state?—There is only one government school in Freetown, one boys' school and one girls' school; but the Wesleyan and Church Missionary Societies have schools both in the villages and in Freetown, and the boys acquire reading and writing with just as much facility as any English children I ever saw.

239. Mr. *Baines.*] Do any persons in the colony take up education as a profession in the way it is taken up in this country; that is, not to depend upon the government or the missionaries, but to engage in it as a profession?—It has not been so, I am sorry to say. A few gentlemen had got a young man from England, who had been brought up by the British and Foreign School Society, to keep a school of rather a superior kind, relying upon the liberated Africans and others being willing to pay a certain sum, which was 5 *l.* a year, for the instruction of their children. He came out on one or two gentlemen giving him a bond that his salary should be made up to a certain sum, and for two or three years he had a very large school, and was well supported; the Committee then allowed him to carry on a school on his own resources, and to take whatever money he could make for himself. However, he had a large salary offered to him by a merchant there, and he accepted the offer; and that is the only instance I know of a person attempting to keep a school on his own account.

240. Would you infer from what you have seen, that supposing a person in this country to be disposed to go out to the colony, and establish himself there as a schoolmaster, he would receive support?—Certainly. In that case I have mentioned we had 40 boys at the school, each paying 5 *l.* a year; and I have no doubt any other person who went out with the same object in view would be supported equally well.

241. Would that observation apply both to boys' and girls' schools?—Yes, I think so. There are no girls' schools there now that are worth anything at all, and if a person desires to give them rather better education than girls can procure in the Government school, they are obliged to send them to England. There have been several girls sent to England within the last few years. Two who were sent to England, and educated here, returned and married there very well indeed; both of them married government officers; coloured girls; and there are, I suppose, six girls being educated in England now.

242. Would not that be a mode by which families in the middle stations there might advance themselves and their children, by sending them to England to obtain education for the purpose of establishing schools in Sierra Leone?—I rather think not; for a person who would be so well educated as to be a useful schoolmaster, would act in the same way as our schoolmaster did; he would take employment from the merchants, who would be very glad to secure such a man at a high salary.

243. Mr. *Bagshaw.*] But in time the supply would be equal to the demand?—Yes; but the expense of sending persons to England for education for such a purpose would be so great that they would require of course a large reward. The difficulty in that case would be the same as was experienced by the missionaries who take liberated Africans from the slave ships, and educate them at considerable expense at the missionary institution. As they have no hold upon them after their education is finished, instead of devoting themselves to be teachers under the missionaries, they engage as clerks to merchants; and so it would be with these schoolmasters. You might educate them, but you could not compel them to act as schoolmasters.

244. How long have you lived in Sierra Leone?—Between six and seven years.

245. *Chairman.*] Do you think that the Africans, if the opportunity were afforded them, of returning to their own country, would be happy to avail themselves of it?—None would certainly, except perhaps those who might have been taken, which very seldom happens, from a part of the coast close to the colony. They might soon after their being landed have such a desire; but I am persuaded none of the others would.

246. Mr. *Baines.*] Have you any suggestion to offer by which you think that civilization might be generally imparted to the aboriginal inhabitants of that or any other colony?—I think, opening all situations of government to the attainment of coloured people would be one great means, as giving them a point of ambition.

247. Mr *C. Lushington.*] To what do you ascribe the preference of these Africans for remaining in the colony rather than returning to the country from which they have been carried off; is it, do you imagine, from their preference to habits of civilization?—I think they are fully conscious of the improvement of their situation.

248. From the kindness with which they have been treated?—Yes, from the kindness with which they have been treated, and the superior comforts which they enjoy, and I may also say, from their sense of personal security. Another point, I think it fair to mention, is, that I believe it to be almost universally the law throughout Africa, that a person who has been once a slave is always a slave, so that, even if they could return to their country, they would stand a great chance of being made slaves again; for a great many of these Africans are sent into slavery on account of pretended crimes, for the benefit of the head man of the village, or the king of the country; and their return of course would only subject them to the same treatment again. It might not be so with regard to captives in war, but I have no doubt a great majority of the cases arise from pretended crimes charged upon these people.

249. Mr. *Baines.*] And they would be treated, I suppose, like convicts who have retured from transportation before the end of their term?—Probably so.

250. Mr. *C. Lushington.*] So that when once a man is taken from his native country, and sold as a slave, there is no inducement for him to return to it?—None whatever.

251. *Chairman.*] Are there any other suggestions you can offer to the Committee as to the means by which the situation of these people could be improved?—There is one portion of the liberated Africans who are introduced into the colony and are sent away again to the Gambia. Within the last few years Government has ordered that we should send up supplies of liberated Africans to the Gambia, a settlement to the north of Sierra Leone; and I would make a suggestion with respect to the mode of transporting these slaves, if it is within the province of the Committee. I mention that because I think a similar recommendation was made by Mr. Spring Rice, when he was Secretary of State for the Colonies, to Sir George Hill, with respect to conveying Africans from the Havannah to Trinidad.

252. Mr. *Bagshaw.*] You wish the same plan to be adopted at Sierra Leone with respect to conveying Africans to the Gambia?—Yes.

253. *Chairman*] Is there any other point?—There is one point, I think, I may refer to, which is, that the cause of the formation of the colony of Sierra Leone was quite different from that which has led to the formation of any other European colony. It was not the acquisition of territory which led the first founders to establish the colony, but for the purpose of locating a number of miserable Africans who had no other place to go to; and their object was the comfort of these people and the repression of the slave trade in the neighbourhood, and not at all the gain of the Europeans; that in consequence they had no temptation to use injustice or force towards the natives, and it has never been the policy of our Government from the first, while it was in the hands of the company, or since it has been transferred to the Crown, to extend our territory in any way, and it never has been done. Even when General Turner and Sir Niel Campbell were governors, in former years, and acquired, by treaty and other just means, territory in the neighbourhood, and paid for it, the Government ordered us to give it back. They would not allow us to take possession of it and occupy it as British territory; and though I think it is very doubtful policy, in fact, in my opinion, it is quite clear it would be desirable to extend our territory, as our population increases so much, yet it has not been done. It may have been large enough when we had a population of 12,000 or 18,000, but it will become desirable to those located there at present, and to those who may be hereafter introduced, to have a larger extent of country to locate upon.

254. Do you think it would be expedient or just to take possession of the territory of these people without their consent?—Certainly not; but we are such good

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neighbours, and they have such perfect confidence in us, that I think there would be no difficulty in acquiring territory by treaty.

255. You having no purposes of aggression against the natives, contrive to live in peace and harmony with them?—Yes, for many years. About 30 years ago, there was an attack upon the town by some Timanees; whether it was a mere marauding expedition or not I am not aware, but since that we have lived in peace and harmony with him.

256. Did that tribe receive any injury from us?—I think not; and the colony was then exceedingly weak, and perhaps more tempting.

257. It was merely then a gratuitous aggression upon a weak colony?—Yes, just so.

258. But of late years you have lived in perfect peace with them?—Yes.

259. If any European were to commit a crime in their territory, would the colony, as far as it was able, afford them assistance in bringing the culprit to justice?—That is a very difficult question, and one that has been debated a great deal in the colony, how far it is desirable in the circumstances of the colony to allow the merchants to rely merely upon country law, if they choose to trade beyond the limits of the colony, or whether they ought to receive protection from the British Government there. I am rather inclined to think it is prudent to leave the merchants to their own resources; that, as they get the benefit of the country law, when they are in the country beyond the English jurisdiction, they ought also to be subject to it; and it induces them to be more careful in their mode of treating the natives, knowing they have nothing but the custom of the country to appeal to for protection.

260. Then what is the practice at the present moment, if a man commit a crime beyond the precincts of the colony; is he subject to native law or is he punished by colonial law?—He is not punished by the colonial law for anything done beyond the limits of the colony.

261. And you are not desirous of making any alteration in respect of that?—No. I may state that it has come within my own knowledge where two men were tried in Sierra Leone for treason, a most extraordinary charge; and it was proved the act of which they were accused had been committed a few miles beyond our boundary line, and they were acquitted upon that ground solely.

262. Have you found any difficulty in preserving relations of amity with the surrounding natives?—None whatever.

263. Mr. *C. Lushington.*] Have we any established treaties with the neighbouring tribes under which engagements have been formed for surrendering criminals reciprocally?—There is one treaty which was formed between the Timanees in the neighbourhood and the Governor of Sierra Leone, which contains a clause of that kind; but I am afraid it is contrary to the law of England, and our Chief Justice has refused, I think very properly, to act upon it. It contains a clause which says, that if domestic servants of the Timanees (which may mean slaves) shall come into the colony, we shall give them up; and for so doing, they agree to give us up debtors, who may run away from our colony and place themselves under their protection; but it has not been acted upon, not latterly certainly, though it may have been at first, and I have no doubt by this time that treaty is at an end, and principally on that account.

264. Mr. *Baines.*] You stated the object for which that colony was originally founded; do you think, from the knowledge you have had, that those objects, which, as I understood, were, in the first place, to give refuge to the destitute, and, secondly, to repress the slave trade, have been accomplished?—Certainly, they have been accomplished with reference to the first; and the slave trade also is repressed, not only in the colony, for there it would be punished by death, but in the immediate neighbourhood; not so far as it might be, of course, if our territory were in some degree extended, and that is one reason, perhaps, why it ought to be extended; but within British influence it has been repressed.

265. But both these objects have been effected as far as our territorial possessions would admit?—Yes, certainly. I may add, that the Nova Scotians and Maroons, of whom part of the population of Freetown consists, were sent there at different times, the British Government not knowing what to do with them in their own country. The Nova Scotians were persons who had joined the British troops during the American war in the United States; they had afterwards been located in Nova Scotia, and found the country too cold for them, and uncomfortable in other ways; it did not suit their mode of agriculture; and they were

were removed, to the number of about 1,100, in the year 1792, to Sierra Leone. The Maroons, also, after the treaty with them in the West Indies, were sent in the first instance to Nova Scotia, and then to Sierra Leone about the year 1800.

266. How do you designate those who came from Nova Scotia in the first instance?—We call them settlers, that is the term by which they go; and the others are called Maroons.

267. Have there been any negroes sent from the slave states of America to Sierra Leone?—No; they have a colony of their own, a little to the southward, called Liberia, where they send them; such as they can get to go.

268. Mr. *C. Lushington.*] What is the present state of the settlement of Fernando Po, which we gave up to the Spaniards?—I have not visited it personally, but from the accounts I have heard continually from naval officers who have called there, it appears the Spaniards do not occupy it in any way themselves, though it nominally belongs to them. There is no British governor there, and all the British establishments have been withdrawn by the Government; but there is a gentleman who calls himself a superintendent there, who performs all the functions of a governor, though he does not get the pay.

269. Did we leave many colonists and negroes in Fernando Po?—We left, and there are there still, a good many liberated Africans. At different times, I think, we have landed at Fernando Po upwards of 1,000; but I do not suppose there are nearly that number now, because we always find that a large proportion of liberated Africans die within the first six months after they have been landed, from the horrible state of disease and wretchedness in which they are.

270. Are you able to give the Committee any information as to whether these settlers so left are satisfied with their altered situation, and whether they receive that kind treatment from the Spanish Government which they received from the English?—I believe the Spanish Government does not interfere in any way. The British Government still has the management of the island, though the government belongs to Spain.

271. Does the English flag fly there?—Yes, I believe it does.

272. Mr. *Bagshaw.*] I understood it had been quite given up by the English?—It has been given up by the Government, and the governor has been withdrawn.

273. Mr. *C. Lushington.*] Under what rule then is the law administered?—I think they take the law there in their own hands in a great measure. They are in a very peculiar situation. As to the negroes who are there, of course, we must see that their freedom is secured in any case; because, if Spain really did take possession of the island again, I am afraid the freedom of the liberated Africans whom we have placed there would be very doubtful.

274. Are we to understand that the agent to whom you alluded is vested with any direct authority from the British Government, or is only acting on his own discretion as circumstances render it expedient for him to act?—That is the account I received from naval officers. There is no doubt whatever of the British Government having given up their claim to the island, for I received notification of it officially from Lord Palmerston.

275. Then the whole island is in a state of disorganization?—No, I will not say that. They may be better without any law, perhaps, if the people are peaceable and diligent.

276. What may be the number of people, do you suppose, who are placed in that very anomalous condition?—I have no idea of the number of natives who have retired into the country, and only occasionally visit the capital; but I should think the other people amount to 800.

277. Exclusive of natives?—Yes. I never heard that any pains had been taken to find out the number of natives; the 800 are liberated Africans principally, others who have been employed by merchants as their clerks, kroomen, and servants whom they require for carrying on their business.

278. Mr. *Bagshaw.*] The climate is extremely unhealthy, and that was the cause of our removal, I believe?—No; the British Government made great efforts to induce the Spaniards to make an exchange of Fernando Po for some other island we were possessed of in another part of the world; and the Spaniards refused, I suppose, upon the ground principally that we had been at great expense upon the island. We had built some fine houses, and made large establishments there, which, of course, would all belong to them.

279. Mr. *Baines.*] Do you consider Liberia as a flourishing colony, or the reverse?—

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reverse?—I never was there, and I should be sorry to pronounce any opinion upon it without any personal experience, as it is a matter so very much debated.

280. *Chairman.*] Is there anything else you wish to state?—I do not know whether it is allowable to allude to evidence which has been given before the Committee, but there is a passage in page 495 of the printed Report, which is so full of errors with respect to Sierra Leone, that I think it most desirable to have it corrected. It is in the evidence of Mr. Beecham. He is asked to state the instances in which natives have been ill used in Africa, and he refers to a letter that he had received from Mr. Fox, a missionary at the Gambia, and he mentions the case of two slaves who had been seized by their master in the British colony of the Gambia, and he says, "on our application to the governor, they were given up;" but "although the business is thus partially settled so far as those individuals are concerned, the whole case appears to require investigation; for Mr. Fox observes, in another letter, that 'he has been informed that, by one of the laws enacted some years ago at Sierra Leone, the slave-holders are allowed to have their slaves bound to them as apprentices; so that some people maintain that under that Act they may go from hence to Goree or Senegal, and purchase a number of slaves, and bring them here and have them bound to them as apprentices.' And it would appear that the view which is thus stated is practically adopted to a certain extent; for Mr. Fox further observes, 'those who have slaves here, anticipating that the system cannot last much longer, are getting them bound as apprentices, which I consider very unjust.'" Now Mr. Fox never was at Sierra Leone; and if he had been, it is quite impossible that he could have ever referred to any Act of the Governor in Council for regulating the mode in which slave-holders should dispose of their slaves, for we never had a slave there, and of course never a slave-holder. I cannot conceive how the mistake could have originated; but it is within commas, to show it is a quotation from Mr. Fox's letter to the Church Missionary Society; and it is just as well, as it has appeared in the evidence, to state that it is utterly erroneous.

Martis, 21° die Martii, 1837.

MEMBERS PRESENT.

Mr. Bagshaw.	Mr. Andrew Johnston.
Mr. Thomas Fowell Buxton.	Mr. Charles Lushington.
Mr. Charles Hindley.	

THOMAS FOWELL BUXTON, ESQ., IN THE CHAIR.

Lieut.-Colonel *Colebrooke*, called in; and further Examined.

Lieut.-Colonel *Colebrooke.*

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281. *Chairman.*] ARE you prepared to go on with the evidence which you gave the other day, and to state to us what are your views relative to the best mode of treatment of aborigines, and such a mode as shall conduce to their advancement in civilization and humanity?—The important consequences resulting from the application of the views I have been led to form on this subject, must excuse me to the Committee for entering into some details in the explanation of them. Any one who has opportunities of observing the form and structure of society throughout Asia, and of tracing it up to its origin in the nations of the East, and through those stages of their history in which they enjoyed the greatest prosperity, will be convinced that their happiness and advancement have essentially depended upon those municipal arrangements under which they originally grew up; and I entertain no doubt myself that where these forms have not been obliterated and swept away in the course of conquest and revolution, they have tended to preserve society from many of the calamities

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calamities incidental to such events and changes, while they have tended to facilitate the government of those countries under whatever authorities have been established or recognised.

In the municipal system of the Eastern world, from which the germ of our own institutions may have been derived, we trace the original settlement of the nomade tribes, the distribution of property, and many of the customs amongst them; and as these tribes were either commonalties of independent families, who elected their chiefs, and with or without bondsmen, the customs were regulated in a material degree by the relations between the settlers. Thus, if the settlement were formed by independent families, the lands were held and cultivated in common, and the municipal officers were elected; but if formed by heads of families with numerous retainers, who were slaves or bondsmen, the lands were cultivated by these retainers for the chief, who held them in hereditary possession, and appointed the municipal officers. These distinctions were more or less modified, and did not essentially affect the genuine principles of the confederacy, each municipal community being recognised, as under the common law of England, in the right of preserving its own customs and regulating its internal affairs, uniting closely with others for the preservation of their social compact. The nature and effects of this institution in Turkey, in Persia, in India, in China, and in the Malayan Archipelago, have been so well described in Parliamentary reports and evidence, and in the publications of individuals, that it would be superfluous for me to enter further upon them. I am of opinion, that the system followed the conquests of the Arabs and Moors in Africa, where, from the conversion of the inhabitants, they readily assimilated with the conquerors; and that the recognition of it in our relations with the tribes on the frontiers of our colonial possessions would be attended with those advantages to ourselves, and to the tribes in question, which it has been the benevolent policy of the British Government to secure.

The Government of the United States has had in view the adoption of some system in their relations with the independent tribes of America, which would be attended with the same result; but they appear to have failed from not recognising them as communities having their own customs or bye-laws, and by subjecting them individually to the laws of the States, which invaded their habits, and, in effect, were unsuited to them in many respects.

By recognising the subsisting forms, where they are not at variance with general principles of justice, the means may be found of promoting a gradual assimilation with the colonists, as may be found practicable, and, in the meantime, of establishing a general confederacy, whereby the rights and interests of all classes may be secured and promoted. It should be a primary object to ascertain what are the bye-laws and customs of the different communities, and to provide for the reception and protection of settlers, teachers and others, to whom they may be indebted for religious and moral instruction, and for such practical knowledge as may be useful to them. The tenures of their lands should be ascertained, and whether they be divided, or held in common property, as is usual with pastoral tribes; and to what extent they are tributary to the chief, or to the head of the nation or confederacy. It is important, also, to encourage agriculture, by promoting the subdivision of the lands, which renders them less liable to encroachment, while it facilitates their improvement, and renders them progressively available for the support of a growing population, the neglect of which has led to collisions and wars. It is important to acquire a distinct knowledge of the prevailing customs in regard to marriage and the settlement of property, the laws for its protection and distribution; also, the laws for the protection of the person, so as to aid their amelioration and improvement,—always recognising the principle of self-government in their own communities, and the object of leading them to an application of the advantages derived from the adoption of such improvements as may be recommended to them, and recording with the utmost precision those general laws which they are required to conform to in their relations with the colonists, and to respect those authorities who may be appointed to uphold them.

I have had occasion to observe, that where the lands are divided, and the members of the communities have become landholders, under whatever tenure, the trial of causes by juries of themselves has been productive of substantial justice, while it has the advantage of gaining the support of the people to the

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laws. I have had frequent opportunities of recognising in these simple forms of municipal government in the East, the practical advantages which have been derived from this elementary part of the constitution which we have derived from our Anglo-Saxon ancestors; and I have found that the early history of our country affords valuable instruction as to the mode in which unsettled and partially civilized communities may be progressively advanced in the career of improvement, by the diffusion of Christian morality and the establishment of principles of freedom.

282. Have you formed any opinion as to the municipal regulations or the municipal system which should be introduced into settlements made in countries inhabited by barbarous natives?—I certainly have; and I consider the subject to be one of such great importance in our relations with the populous countries of the East, which are possessed by us, that I have very particularly considered how the settlement of Europeans in those countries could be made compatible with the due protection of the rights of the natives, without compromising those rights which it is understood Englishmen carry with them into our colonies.

283. Will you proceed to state your views more particularly?—I conceive that in the formation of a sound municipal system in our own colonies, a good example would be held out to the tribes in connexion with us, while the beneficial effects of it would be experienced in the internal government of our colonies.

It is material to consider the distinctions which exist in colonies which have been conquered, and where foreign laws have prevailed, and in those which have been originally settled by colonists from this country. In those originally settled by ourselves the arrangement may be a simple one. In recognising the rights of the native communities as such, we equally recognise the right of British settlers to govern themselves according to their own laws, and no difficulty can ever attend their settlement under such municipal forms as are familiar to them at home; on the contrary, I conceive them to be peculiarly well adapted to their advancement, and calculated to ensure their success in the settlement of new countries. Where these countries are peopled by aboriginal tribes or races, more or less populous, who have laws of their own, it may be sufficient to provide for their settlement under separate municipal forms until they are prepared for an assimilation progressively, under which arrangement the rights of both may be protected by the government established in such a colony or settlement. These principles are even applicable to the densely peopled countries of India; and I conceive that if parties of settlers were formed in this country for settlement in any of our colonies or possessions abroad, it would be perfectly compatible, on their acquiring by purchase the lands on which they settled, that they should be permitted to govern themselves within such country as they had been accustomed to do at home, and that the Government should exercise a general control over those communities in their relations with whatever native tribes they were in connexion, and that the great benefits which we derive from our free institutions should be gradually imparted to those native communities. In short, that where their laws are bad, according to our more experienced notions, or not compatible with the happiness and improvement of the people, we should ameliorate them on the principle of allowing them to improve themselves by our example, and not take it out of their hands.

284. The principle upon which you proceed is that which we adopt in this country; for instance, in the county of Kent, a certain custom at variance with the general law is allowed to subsist; so in those colonies we should permit the natives to enjoy those usages to which they were accustomed, and Europeans to introduce those customs which are peculiar to their country; so that each party should be permitted and encouraged gradually to assimilate the one to the other, and in both respects to be improved in conformity with local necessities?—Certainly; and under those arrangements, I have not the smallest doubt that Aaron's rod would swallow up all the other rods; in other words, that the native communities would assimilate in all essential particulars to the European communities, and that the colonial and aboriginal people would ultimately be blended, without any compromise or violation of the rights of either, so that they will form one community, similar in substance to an English community.

285. And do you believe that, under that system, when their laws are assimilated to our laws, a system might be established which would effectually protect the

the natives from European aggression?—I conceive that is the only mode by which the governments of Europe can effectually interpose to protect them, because you make their communities reciprocally responsible for the aggressions of individuals, and, by the relations growing up between them, and their dependence on the general government, a control is established and a due observance of the laws is enforced.

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286. Have you any further suggestions to make?—No; I wish merely to confine myself to the principle; as to the mode of working it out, there are many elucidations I could give by reference to the facts which are dispersed throughout the various Parliamentary papers upon this subject.

287. Will you be so good as to furnish the Committee with any illustrations of the positions you have laid down in the Parliamentary papers or other publications?—I regret that it is not in my power to furnish the Committee with a particular reference to the Parliamentary reports and evidence which bear upon the subject. In the reports of committees, preparatory to the removal of the East India charter are some details elucidatory of the Indian village system, as it is called; also in the selection of papers printed by the East India Company before the renewal of the charter of 1813, and in the Fifth Parliamentary Report at that time.

I beg also to refer to my reports as commissioner of Eastern Inquiry, printed by order of the House of Commons in 1832, wherein I have given a particular account of the municipal institutions in Ceylon; and I would refer the Committee to a book published about the same time by Mr. David Urquhart, on the effects of the municipal system in the British dominions, to which he ascribes the preservation of the people from the worst effects of the tyrannical and corrupt ystem formerly subsisting in that country.

There are many other sources of information to which I might refer, but these may be sufficient for the elucidation of the subject, so far as it is connected with the inquiries of this Committee.

The Rev. *John Philip*, D.D., called in; and Examined.

288. *Chairman.*] HAVE you any explanation to make to the Committee relative to the evidence given on Friday last by Colonel Wade?—I have; in reply to the statement of Colonel Wade, in which reference is made to the Vagrant Act, to certain papers brought forward by the Colonel, not published in the Minutes of Evidence, to an omission in a document given in to the Committee, and to a statement of the chief Tzatzoe.

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1. In reply to what Colonel Wade has said in reference to the Vagrant Act, it is unnecessary for me to say anything, the Committee having agreed to hear Colonel Wade's statement.

2. The papers given in to the Committee by Colonel Wade, and which are represented by the Colonel as having been suppressed, and not published in the evidence, are, I believe, the papers containing the Colonel's reasons, attempting to prove that I was not worthy of being credited.

In April 1836, before my arrival in England, I was accused by Colonel Wade of having been the occasion of great excitement among the Hottentots, which was the cause of much disaffection to the Government, by which the safety of the colony was endangered; and the Colonel even went so far in his evidence as to refer the Caffre war itself, in a certain degree, to my intercourse with the Caffres. After the Colonel had asserted before the Committee that my evidence would not be received in any court of justice, I was most anxious to see the proof of his allegation, and nothing will give me greater pleasure at this moment than for the Committee to publish the papers given in by Colonel Wade to substantiate his charges, together with the documents which I have to deliver in reply to them.

3. Among the documents given in to the Committee by me on the 15th of June, the first in order was one containing an account of the motive and effects of the commando and patrol system. This document was originally presented to Sir Benjamin D'Urban, in the form of a letter, dated 13th March 1834; and I have been accused by Colonel Wade of having omitted, in that given in to the

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Committee, a passage contained in the original. As the Colonel attaches much importance to the omission complained of, I shall be excused if I go a little more into particulars on the subject than might have been otherwise necessary. The first remark I have to make on this point is, that my sole intention in giving in the document in question was to put the Committee in possession of my views on the commando and patrol system, and of the suggestions I had recommended to Sir B. D'Urban as to the introduction of a more liberal system of policy towards the Caffre tribes. These views might have been given in to the Committee in another form; but to have done this, it would have been necessary to have copied them; and it was merely to save myself the time and trouble, and the expense the process of copying them would have incurred, that they were presented to the Committee in the state in which they have been published. The passage omitted not being within the scope of my intention in my communications to the Committee, it being merely designed as private information to the governor, for his own personal guidance when he should visit the frontier, no pledge has been violated by the said omission, and no injury could be intended by it to any party concerned.

I have further to add, that the omission complained of, so far as the Committee is concerned, was not designed by me, as will be seen by the following statements. The copy of the document given in to the Committee was not prepared for the Committee: the copy in question was made at the Cape, in March 1834, for my own private use, a few weeks after the arrival of Sir Benjamin D'Urban in the colony, and before there could have been any idea in my mind that it would ever be laid before any Committee of the House of Commons. To explain the cause of the omission it will be necessary for me to go a little into detail.

From the first day I came into contact with the Methodist missionaries in the colony of the Cape of Good Hope, I treated them as brothers. When they were prohibited from going beyond the colony, after a very hard struggle with the government of the colony, I got the prohibition recalled. For several years following they consulted me in all their difficulties, and I gave them all the assistance in my power. On my visit into the interior of Africa in 1832, I found the missionaries of the London Missionary Society and the Wesleyan missionaries in that quarter involved in a very painful controversy, which might have been attended with fatal consequences to the missions in that country and to the country at large, had it not been checked at the time I happened to be there. The subject of the controversy was a district of the country which had been occupied by our missionaries for above 16 years, and which was claimed by Mr. —— as a country to which he and his brethren had an exclusive ecclesiastical right, in consequence of a chief being with him that once had, as was alleged, a right to that district; which right was denied by Waterboor and his people. At the very time I was in the country, the chief claiming this absolute right was said to be employed in collecting forces among the tribes and banditti on the Great River, to attack Waterboor, and of course our missions in that quarter. The whole of this affair I viewed as having arisen from the imprudence of one individual, who might have belonged to any other society; and I had not the slightest intention, as will be seen from the sequel, of impeaching the conduct of that individual to the body to which he belonged. On my arrival at Graham's Town, on my return from that journey, I waited on the Rev. William Shaw, who was then at the head of the Wesleyan missions in that district: I then submitted to him the correspondence which had taken place on the subject, and informed him that it was my intention to transmit the whole to the Wesleyan committee in London. He begged me to delay my purpose till the individual who had been the occasion of this correspondence should come to Graham's Town. As he assured me that he was then on his way to Graham's Town, and that he might be expected in a few days, I consented to his request; and after a conference with the person in question, Mr. Shaw, and others of the connexion, that led us to hope that the above claim would be no longer persisted in, I dropped the business. The principle on which I acted, in the instances to which reference has been made, is one on which I have invariably acted towards the Wesleyan body, from my first going to Africa down to the present day; and on the very week I left Cape Town to return to England, in February 1836, I delivered an address and united in prayer with the Wesleyans in their own chapel in Cape Town. To this principle I adhered in the evidence I gave last session

session of Parliament before this Committee; and so closely have I adhered to it in other respects, that I have never since my arrival in England, in May 1836, made a single allusion to the conduct of the Wesleyans in South Africa, on the platform, or in the pulpit, or in any other public assembly. It was in accordance with the same principle, on which I have always acted towards the Wesleyans, that the omission complained of took place. In a communication to the governor, for his guidance on a great practical question of so much importance to the colony, I considered it to be my duty to guard him against any influence that might prove injurious to the cause; but in doing this I had not in my mind a particle of bad feeling towards the missionaries at Wesleyville, or to the society to which they belonged.

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After a lapse of upwards of two years, the wording of the passage in question had so completely escaped from my memory, that had I wished to restore it as it stands in the original document, it was more than I could have done; and the alternative of omitting it altogether was to be preferred to its insertion in an altered form. From what has been said respecting the omission of this passage, and from the importance which has been attached to it, I am very glad that the original document containing it has been brought before the Committee. While its production will prevent any misrepresentation, to which its absence might have given rise, it will be immediately perceived that from the first I could have had no motive for its suppression except that of delicacy towards another religious body.

4. There is another point with respect to John Tzatzoe. Among other attempts to shake the confidence due to the statements of Tzatzoe, Colonel Wade read a passage from a pamphlet published by a Captain Fawcett, which seemed to contradict a statement of Tzatzoe, that he came to this country of his own accord. I am not in possession of the pamphlet, and I cannot quote the words in which the writer has expressed himself; but the substance of the Captain's statement was, I believe, that he (Captain Fawcett) had been employed by me to advise the chief to accompany me to England, which Colonel Wade has represented as at variance with that part of Tzatzoe's evidence in which he says he came of his own accord. The following is the account of the affair, so far as I was concerned in it. When I was requested to come home, it was suggested that great advantages would result from my bringing a Caffre chief with me. This was done without any reference to this Committee, or to any particular chief. The object was purely of a missionary character, and I did not know till I was at sea, on my way to England, that Tzatzoe had a single complaint to make in his own name or in the name of his countrymen. On receiving the letter in question from the secretary of the London Missionary Society, I communicated its contents to Sir Benjamin D'Urban, and asked him if he would have the goodness to request Colonel Smith, the chief in command to Caffreland, to furnish Tzatzoe with a passport, and to inform him that I wanted him to accompany me to England; and that, if his views accorded with the proposal, it would be necessary he should repair to Cape Town as soon as possible. To all this his Excellency the Governor assented, and I left him under the impression that the thing would be done. Three or four weeks after this I was without any account of Tzatzoe, and hearing that Captain Fawcett was going to King William's Town, the place where he would be sure to meet Tzatzoe at a meeting of the Caffre chiefs which was to assemble there, I informed him of the application I had made to the governor, and requested him to inquire into the matter, and to inform Tzatzoe of the circumstances. The chief, however, it appears, had made up his mind on the subject before Captain Fawcett spoke to him, and a fortnight before that had obtained a passport from Colonel Smith to permit him to visit the colony, which he designed to do with the intention of coming to Cape Town; so that there is, in fact, no discrepancy between the statement of the chief on the subject and that of Captain Fawcett.

289. Mr. *Bagshaw.*] From whom was the suggestion as to your coming here?—I received a letter from the directors of the London Missionary Society.

290. And they directed that you should bring a Caffre chief with you?—Yes; but I should state, it was not the act of the body; a few individuals met together, and they did not bring the subject before the board; they were the most influential members of the board, and they thought it would not be objected to by the board.

291. Mr. *C. Lushington.*] Are the Committee to understand that Tzatzoe applied

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applied to come to Cape Town with a view to accompany you to England?—No, he did not apply; I applied to Sir Benjamin D'Urban, telling him my wish to take Tzatzoe with me to England, for leave for Tzatzoe to come to Cape Town.

292. Without any reference to this Committee?—Yes.

293. Did Sir Benjamin D'Urban desire Captain Fawcett to make that communication to Tzatzoe, and before that reached him Tzatzoe had expressed a wish to go to England?—Sir Benjamin D'Urban assented to my proposal, and I requested him to ask Colonel Smith to tell Tzatzoe to come to Cape Town, which he did; and I was waiting to hear the result of that myself, when I heard that Tzatzoe was at Graham's Town, and was going from Graham's Town to King William's Town, when I dropped Captain Fawcett a letter, stating the circumstances, and desiring him to ascertain whether Tzatzoe had heard from Colonel Smith my wish; so that it was my wish to bring him with me, but it was not made known to him before I had first proposed it to the Governor himself.

294. Had he heard of your wish?—No; previous to that, he heard that I intended going to Cape Town, and he obtained from Colonel Smith, a fortnight before, a passport to go into the colony; and he stated that he got the passport with the view of coming to the colony to consult with his wife, and then came to Cape Town to ask me to bring him with me. I beg to say that Tzatzoe is now present, if the Committee have any questions to ask him.

295. *Chairman.*] With respect to the passage in your letter to the Governor, of which Colonel Wade complained that a passage was omitted, am I to understand that it had been omitted in the copy you originally kept of that document, because you did not wish to make a charge of that kind against a body of your brother missionaries, or that it should remain hereafter to be published, and that from the copy in your possession you gave a copy to the Committee?—Yes, exactly so; the copy was made at that time, before I gave in the original document to the governor. When it was copying by the person I employed, it occurred to me I might die, and I did not know into whose hands these documents might fall. I had given information, I thought, of importance to the governor, but I did not wish that any paper of mine should contain reflections upon the Wesleyans or any other body.

296. And if you had an exact copy here, should you not have applied to the Committee to leave out that passage, because it contained reflections on individuals, and because you observed in the Committee there was an anxiety to avoid anything that could be construed into what was personally offensive?—I certainly should have done so.

297. Mr. *Bagshaw.*] Did you write to the governor to recall that particular paragraph in your letter, stating what the consequences had been?—No, I never spoke to him on the subject.

298. *Chairman.*] You considered it at that time as a private document?—A private document entirely.

299. And you had no notion it ever would appear in print?—Not the slightest; or that the governor would let it out of his own hands. It was all in private: he asked me in private for that information at the time I put it into his hands.

300. Mr. *Bagshaw.*] But seeing you attached a great deal of importance to that particular paragraph of the letter which was left out by your own directions from that copy, was it not natural that you should write to the governor to recall that paragraph, even in a private letter?—I did not attach much importance to it; I did not consider it of any great consequence, but I did not wish to hurt the feelings of any one; and therefore it occurred to me that in copying it I might as well leave that paragraph out.

301. *Chairman.*] Was this a strictly private and confidential communication you made to the governor, and was it stated to be so at that time?—I understood it to be so at that time, but I cannot charge the governor upon that point with a breach of confidence; I cannot venture to say he understood it in the same light; I bring no charge against Sir Benjamin D'Urban on that ground at all.

302. Was it not a letter addressed to Sir Benjamin D'Urban, and not to his Excellency the Governor?—Yes it was; and it was delivered to him at his own house, not the Council Office; and notwithstanding most of my correspondence with the governor was of a confidential nature, and without disclosing any of the communications I have received from the governor, I can say that I have in my possession

possession the correspondence with Sir Benjamin D'Urban, which he has marked as private, and not a single line of that has ever got before this Committee or the public, because it was marked private. I have not even availed myself of facts which I might have availed myself of in that correspondence, because it was marked "private." Rev. *John Philip* D.D. 21 March 1837.

The Rev. *Stephen Kay*, called in; and Examined.

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303. *Chairman.*] IN what part of South Africa were you stationed?—First, among the Boochuanos, on the northern frontier; subsequently, amongst the Caffres, and in Albany.

304. To what society do you belong?—The Wesleyan Missionary Society.

305. How many years were you in Africa?—I arrived in Africa in the month of June 1820, and sailed from the Cape in February 1831; nearly 11 years.

306. Are there any topics mentioned in the evidence which was taken before this Committee last session, upon which you wish to make any observations?—Yes.

307. Do you consider that any part of that evidence in any way reflects upon your character, and of which you would like to give some explanation?—Certainly.

308. Proceed, if you please, to furnish us with that information?—On referring to the printed Minutes of Evidence, with which, as by mere accident, I very recently became acquainted, I find myself assailed in no very measured terms by two of the witnesses, Colonel Wade, late acting-governor, and Major Dundas, late military secretary of the Cape of Good Hope. These gentlemen, in the course of their evidence, verbal and documentary, have thought proper, moreover, to throw me into apparent collision with two brother missionaries, whose communications and sentiments they have placed in juxtaposition with my own on Caffre affairs. As there is obviously a design in all this, and as my present position is thereby considerably embarrassed, I must claim the indulgence of the Committee.

In the first place, I beg leave to premise, that it has never been my wish to appear in the arena of politics. Hence, on the political part of what we may term the Caffre question, I have uniformly made a point of saying as little as possible, and to the natives absolutely nothing at all, lest it should produce the disaffection towards our Government inevitably consequent upon their becoming acquainted with our views here, as differing so very materially from our practice there. To this I have been prompted by connexional principles, as well as by a personal aversion to everything in the shape of political debate. These feelings, however, and these principles, are very far from unyielding, when the cries of humanity and the claims of justice require it; and such is the spirit now evinced towards the unfortunate Caffre, and such the language used in certain quarters respecting him, that silence at the present crisis would be little less than downright criminality in all who are at all acquainted with his wretched condition.

I wish, moreover, once for all, to observe, that the view I have all along taken of the tribes of Southern Africa is the result of personal observation and inquiry on the spot; that I have little or no acquaintance with those gentlemen whose feelings and sentiments appear, in the main, to have been somewhat in unison with my own. This remark is the more necessary, as an impression has gone forth in the colony, and amongst a certain class in this country also, that all who have deemed it their duty to advocate the Caffre cause were acting in concert in order to the accomplishment of mere party purposes. I wish it, therefore, to be distinctly understood, that I have no party purpose to accomplish, nor any personal interest in the matter whatever, apart from the high responsibility which legitimately devolves upon me as a returned missionary, and an eye-witness for years of the perishing state of the aborigines; a responsibility which of course binds me by every possible means to promote not only their spiritual interests, but their temporal welfare also.

In the course of his evidence before the Committee, I perceive Colonel T. F. Wade has been pleased to single out Saxe Bannister, Esq., late attorney-general in New South Wales, the Rev. Dr. Philip, superintendent of the London Society's missions in Africa, the late Mr. Thomas Pringle and myself, as special

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objects of attack. Now, I have yet to learn that it would not be an honour to co-operate either with these or any other gentlemen in promoting the general weal of Africa; but with regard to Mr. Bannister, I am not aware of having ever seen him in my life, nor do I recollect ever having been in company with Mr. Pringle, though both in Southern Africa at the same time. And as to Dr. Philip, I have not so much as seen him, save once in a public meeting, since 1820, when I first arrived in Cape Town; nor have I ever exchanged a single letter with any one of these gentlemen, either upon Caffre or colonial affairs.

And now for the matters in question. At page 297 of the printed Minutes of Evidence, the truth of my statements respecting certain proceedings amongst the Caffre tribes, in 1828, is questioned by Major William Bolden Dundas.

In the explanation given by this gentleman to Sir Lowry Cole, late governor of the Cape colony, of his own proceedings amongst the Caffre tribes, in 1828, which explanation, with accompanying comments, &c. is placed upon record in the Minutes of Evidence, at the page above mentioned, he takes occasion to assert that my "statement" respecting said proceedings is throughout most false, and, in his "opinion, intentionally so."

Now, what have I stated? Why, that an embassy was sent by the colonial government to the Zoolah chief, Chaka, in June 1828; that "the object of that embassy was unquestionably the promotion of peace," and that it could not but be regretted that its results were not in unison therewith; that "the expedition was diverted from its course," and strangely lent themselves to one tribe against another. Now, Major Dundas informs the Committee that he was the officer in command of that expedition; and from his own account it is quite clear that said expedition was diverted from its course, and that it did assume a warlike rather than a peaceable character. Nay, more, he tells us that he actually recommended to Voosani the immediate adoption of warlike measures. "Having," says he, "after a three days' fatiguing march, found the Tambookie chief, I recommended him to collect all his men," who, agreeably to this recommendation, were forthwith put in battle array, and accompanied by the Major and his men, who "intended to assist, in the event of that being necessary." In a subsequent paragraph, he further adds, that on their arrival at the sources of the Umtata, an "opportunity for giving the marauders a lesson offering itself, I did not hesitate in availing myself of it."

This part of my statement, then, on which in fact the onus of the whole rests, is certainly not "false," but absolutely true, according to the evidence of Major Dundas himself; nor do the thanks of the Rev. William Shrewsbury, upon which he lays so much stress, at all alter this fact, or render such interference a whit the less objectionable. It will be remembered that in the statement alluded to, I have merely glanced at the fact, without even mentioning a single name; but as the question has come to this, I hesitate not plainly to state that the principle of such (I mean hostile) interference on our part is, in my humble opinion, decidedly objectionable, and cannot be too seriously deprecated. However good may be the motive by which it is induced, so far from doing real and permanent good, I believe it does immense harm, rendering the tribes much more revengeful and desperate against each other, and in this I am fully borne out by the previous threat and subsequent conduct of Matuwana.

In perfect consistency with the great and primary object of his mission, Major Dundas informs the Committee that he intended to have sought an interview with that chief, whence it is evident that he had an impression at least that such a thing was practicable; nay, of this he had positive proof in the return of messengers whom Voosani had previously sent to him. Had such an interview been sought or attempted, giving the Monguanas a chance for avoiding bloodshed by making peace, and absolute necessity or self-defence had obliged him to use the sword, this subject might never have called up a single question; but it is evident no interview was sought, nor so much as attempted. An "opportunity presenting itself for giving the marauders" a warlike "lesson," our ambassador deemed himself fully "justified" in seizing it, and thus plunged into hostilities at once This single fact, I repeat, embraces the entire substance of my "statement," in which I believe there is not a single sentiment advanced but what appeared again and again, and that from various writers, in the Cape papers immediately after the thing occurred, without ever being contradicted in any shape or form whatever, that I am aware of. By permission I shall here read an extract

extract or two, which will at once show what was said upon the subject at the time, and more than bear out every part of my statement.

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The following is an extract of a letter dated Camp, about five miles from the Kaay River, 130 miles from Fort Beaufort, 1st August 1828, from the "Colonist" of August 12th, 1827:

"Major Dundas has just this moment joined us; he has been some distance from here, and fell in with some of Chaka's army; you will be surprised to hear that he repulsed them with 40 men. I do not think there is any chance of the two fives (55th regiment) displaying British valour. I have no doubt the Caffres will defeat them without our assistance. God knows whether we proceed farther or not; perhaps we shall be encamped here for some time. Chaka will, most likely, make another attack. Major Dundas, with 40 men, and 5,000 or 6,000 Caffres, completely drove them back, and took 30,000 head of cattle from them."

The following is an extract from a subsequent number of the same paper:

"The effect of the impression made by the rout of the 26th on a mere cattle-herd seems to have inspired such confidence in Major Dundas, and through him the commandant of the frontier, that the military camp was broken up, the commando of 3,000 boors, impressed from all parts at a most important period, that of seed time, was directed to be disbanded; and the Major and Colonel Somerset had not been in Graham's Town 24 hours when express arrived, stating that the troops and boors had stopped their march, Hintza having sent in word that Chaka, with in overwhelming force, had fallen upon Voosani, retaken the captured cattle, and was breathing nothing but vengeance, a strangely unexpected, but very natural consequence of our aggression upon a chief rather imprudently enlisted among our frontier enemies; in fact, the affair may be classed under the new diplomatic order of 'untowards,' a name discovered after the sea-fight at Navarino."

The following is an extract of a letter from Graham's Town, in the "Colonist" of August 26th, 1828:—

"The Government is at length committed; blood has been shed, and the colony is perhaps plunged in war. How far all this could have been avoided wiser heads than my own must determine. On all such occasions there is a difference of opinion; but I must say that those who deplore the event greatly preponderate. I will now detail the events that have taken place since my last: the army, considerably increased by the arrival of the mounted burghers from Uitenhage, Graaf Reinet and Somerset, were on their march forward when Major Dundas (from whom they had not heard for some time) arrived with his escort at head-quarters; to their great astonishment and disappointment, he reported that on his return from Fako's country, bordering on the Ensenvooboo (Hippotamus) River, despairing of accomplishing his mission by having an interview with Chaka, and fearful of some of Chaka's marauding parties getting in his rear, he heard that Voosani, the Tambookie chief, was setting off to repel a division which had made an excursion into his territories, and he wished to accompany him; on the sources of the Oomtata River they fell in with this foraging party, with an immense number of cattle in their possession; they were instantly attacked, and the noise and execution of the fire-arms of the party with Dundas soon made them fly, leaving 60 or 70 men dead and wounded, and, as is reported, 25,000 head of cattle. Major Dundas added that he was convinced the panic was so great, and the victory so decisive, that no further attempt would he made for a long period. Our commandant being thus informed, and being reminded by every post of the necessity of economy, reluctantly determined on the return of the forces and the dismissal of the burghers. On Major Dundas's arrival in town, we were so rejoiced on the report he made as to the termination of the warfare, that we were almost on the point of illuminating; but our hopes were soon dissipated by an express, stating that in a very short time after this so called decisive victory, Voosani had been attacked and routed, and all the cattle retaken, and that the victorious Zoolahs were rapidly marching on Hintza."

And in the leading article of the same number the editor remarks, "that the attack made upon Chaka's people in the name of this Government is a gross violation of the law of nations, appears manifest from the authorities adduced in our former number, which are corroborated by another eminent writer, (Puffen-

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dorff, Droit des Gens, liv. 8, ch. 6, s. 4,) in words to the following effect: "How evident soever may be the justice of our pretensions, and the advantage which we have reason to expect from a war, we must not for that reason at once have recourse to arms, but try beforehand to terminate the affair by some mild method."

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"The troops, it would appear, are now encamped at Buffalo River, considerably in the rear of their former position on the Kaai. Some further time is thus afforded for explaining the late unfortunate occurrence, before the necessity shall be imposed upon the colony of engaging in public hostilities; had it been otherwise, it were perhaps now too late."

309. Mr. *Bagshaw.*] Allow me to ask who was the publisher of that paper?—Mr. Bridekirk. It is "printed and published (for the proprietor) at George Greig's, Keizersgracht." I have no doubt of Bridekirk being the proprietor.

310. Do you recollect who was the editor at that time?—No, I had no knowledge of him whatever.

311. What is the date of those papers?—Those from which I have taken these extracts were published in 1828. From hence, however, the Major goes on to say, "This missionary has, in giving to the world his account, carefully kept from view the irruptions of the Monguanas on this and former occasions;" and again, "Monguana and his herdsmen were not the innocents Mr. Kay would wish to represent." Now, Major Dundas could not but know that these assertions also were utterly unfounded; for, in the very statement, he is all along questioning, their "irruptions" are not only distinctly, but repeatedly noticed. In one passage the following are my expressions respecting this very people: "After being repulsed by the fire-arms of the Griquas in 1823, they came down to the southward, dispersing and plundering the various clans that fell in their way." And again, "at length this sweeping force reached the Amaponedæ, and stationed themselves about the sources of the Umtata; whence they occasionally sallied forth in skirmishing parties upon the outskirts of the Amatemboo, Tambookies."—(Caff. Researches, p. 328.) Nay, the Major himself, in the concluding paragraph of his letter, strangely enough, admits that "Mr. Kay allows, that the Monguanas were the remains of a part of the tribe which had depopulated and laid waste the Bochuana country, and he describes them as of far more ferocious character than the Caffres."

So much then for the accuracy of this gentleman's insinuation, that I wish to represent them as a set of "innocents;" as also of Colonel Wade's attempt, at p. 411 of the "Minutes of Evidence," to fix upon me, by means of a brother missionary, the terms "helpless and inoffensive," with regard to the same people. No such terms were ever used by me, in any such sense as that which these gentlemen manifestly wish to convey, either verbally or in writing. I unhesitatingly, therefore, repel the charge even of "misrepresentation," and fearlessly defy its substantiation. It may be necessary, however, just to add, that the view I ever took of those unfortunate clans was that of a people literally driven to desperation; which view is fully sustained by the statement even of the witness in question. He frankly owns that he "knew they had been bereft of their country by Chaka; and had, under Matusee, the father of Matuwana, gone forth to gratify their revenge, and satify their wants." What revenge they had to gratify upon the Bochuana tribes, who were altogether unconnected with Chaka, and whom the Major admits they first attacked, I know not; but certain it is, that they were absolutely goaded onwards by dire necessity; and having been plundered, they were compelled to plunder again, to "satisfy their wants." Hence their circumstances and situation altogether called for our commisseration and conciliatory influence, rather than for a display of our military prowess.

When, by facts of his own showing, Major Dundas finds himself completely hedged in, he most unaccountably brings against me the following declaration; viz. "that the cattle taken from the Monguanas by the Tambookies had not been their property originally, but were their own," &c. And upon this passage (marked by inverted commas as a quotation from my account) he takes his stand, affecting the utmost astonishment at such false and barefaced assertions; and exclaiming, "I shall satisfy myself with again affirming that his (Mr. Kay's) statement throughout is most false; and in my opinion intentionally so." Now, what will the Committee think when I tell them that no such passage appears in my work at all; nor have I so much as advanced an opinion as to whose

whose "property the cattle taken from the Monguanas by the Tambookies" were "originally." They might have belonged to the Amaponedæ, or to the Amatemboo, or to the Bochuanas, or to none of these tribes, for anything I know; but surely no one that reads Major Dundas's account can for a moment doubt their being in the possession of the Monguanas at the time he attacked them; and this forms the amount of my statement on that point. As to their being the identical cattle stolen from the Tambookies, I deem it quite impossible for the Major to prove: the Tambookies would doubtless say they were; and this, I conceive, was the only guide he could possibly have, under such circumstances, both as to identity and number.

I shall now, therefore, leave the Committee to judge to whom "barefaced assertions" and "false statements" most properly belong. Stripped of all this kind of boisterous verbiage, I respectfully submit that this witness's letter forms the very best document that could have been adduced in proof of the truth of my statement. From his own narrative, it is demonstratively evident that his proceedure amongst the Caffre tribes, in June 1828, terminated, not in a peaceful, but in a warlike way. His assertion, that I had carefully kept out of view the various irruptions of the Monguanas, and at the same time evinced a wish to represent them as a set of "innocents," is manifestly incorrect; whilst the passage upon which he rests the whole stress of his charge about intentional falsehood constitutes no part of my statement whatever. Leaving this subject, I beg leave next to notice those parts of Colonel Wade's evidence in which also I stand affected.

Throughout the whole of this gentleman's statement, the Committee cannot but have observed an anxious and steady aim at two things: first, to make the different missionaries contradict each other; and secondly, to throw the whole odium of our proceedings against the aborigines upon the aborigines themselves, representing their complaints, in almost every case, as comparatively groundless; and our measures, from time to time, as being not only justifiable, but even humane. I must beg leave, therefore, to introduce a view of the subject which does not appear to have had anything like its proper and legitimate weight with this witness.

Regarding human life as incalculably more precious than mere flocks and herds, I frankly confess that I cannot talk about the destruction of souls with as much coolness as about the loss of cattle; or about 19 fellow creatures being shot for the sake of 21 horses, as though Bushmen and horses were perfectly on par in point of value. Such appalling facts, as adduced by Colonel Wade himself, (Min. Evid. p. 422,) most strikingly illustrate the spirit of our colonial policy from the beginning. It has all along been cruelly sporting with that upon which Heaven has stamped an infinite value. To secure one of the objects above mentioned, every possible advantage has manifestly been taken of the communications of various missionaries, not only by the witness in question, but by Sir Benjamin D'Urban likewise; as also by certain of his officers, who have most unhappily mixed them up with matters in which they are made to appear as much out of character as out of place. In the printed Minutes of Evidence (p. 410), Colonel Wade has been pleased to place two or three of us side by side, as if in battle array; for the express purpose, in fact, of making us confront each other.

Having informed the Committee, that "the great majority of the Wesleyan missionaries had borne ample testimony to the good feelings entertained towards the native tribes by the colonists," he then goes on to assert, with the view, I presume, of invalidating my testimony concerning those tribes, that Messrs. Boyce and Shrewsbury, having resided many years in Caffreland, "had had far better opportunities of forming correct conclusions than Mr. Kay."

Now, with regard, first, to the colonists; "although it does not appear to have been quite consonant with Colonel Wade's purpose to draw any line of distinction, he doubtless knew that on our Eastern frontier there are two distinct classes, the English settlers and the Dutch boors, who must always be regarded as standing on very different grounds, as it respects the neighbouring tribes. If, therefore, by "the colonists," he wished the Committee to understand our own countrymen, then the "Caffrarian Researches" (chap. xvii.) will fully prove that I form one of "the great majority" to which he alludes, although manifestly not intended to be included: but if, on the other hand, the old Dutch settlers are meant, I feel no hesitation whatever in saying that facts are decidedly against the evidence

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here given; for no "majority" of missionaries—no, nor minority either, at all acquainted with colonial history, or Dutch predilections, could possibly bear "ample testimony" to really "good feelings" on the part of the back settlement boors, towards the black tribes. With this question I have endeavoured to make myself fully conversant; and the assertions I am now making proceed not from prejudice, nor yet from any wish to dwell upon this painful subject; God forbid; but from a solemn conviction of the truth, and in self-defence. I am, nevertheless, fully prepared to admit, that there is a very considerable improvement in this respect; and that there are now many honourable instances of kind feeling towards the coloured classes, amongst even the old frontier colonists; but I am not prepared to say, that the feeling is "good," where it is absolutely bad; nor yet to bear "ample testimony," where no testimony at all of that kind can be borne without a compromise both of truth and principle. As it regards the English settlers, however, I beg leave most explicitly to state what I have again and again stated, both from the platform and the press, whether Colonel Wade knows it or not, that as a body, always excepting unprincipled individuals of course, who are more or less to be found in every community, they have been a great blessing to the "native tribes," religiously as well as commercially; and the "feeling" evinced by them towards the latter has generally been, I believe, both kind and benevolent; which renders the fact of their having suffered so severely during the late war the more distressing, and indeed altogether inexplicable, excepting by reference to the system all along pursued towards the Caffres by our Government. This circumstance, therefore, coupled with that of their having originally been placed in their present settlement by Government, certainly entitles them to all possible relief.

And now a word or two respecting the "many years' residence of Messrs. Boyce and Shrewsbury," which is said to have given them far better opportunities for forming "correct conclusions" than those enjoyed by "Mr. Kay." The Committee will know how to judge of this assertion by the following facts; viz., when Mr. Shrewsbury made the remarks here adduced, he had not been two years in the country altogether, as appears from their date (September 30th, 1828), which Colonel Wade has been pleased to leave wholly out of sight. I was upwards of six years amongst the aborigines of Southern Africa before ever he appeared upon its shores, and nearly ten before Mr. Boyce came to join us. It will, of course, be deemed no disparagement to the latter to say, that for Colonel Wade it is peculiarly unfortunate that he has particularly selected this gentleman as his authority respecting the commando of 1828; seeing that he was not in Caffraria at all, nor yet, I believe, on the frontiers, until the beginning of 1830. Not only so, but for anything that appears in evidence, his letter also being left without date, may, for anything I know, have been written in reply to some of the newspaper accounts soon after his arrival, and, as I verily believe, long before he had "had opportunities for forming" anything like "correct conclusions."

Nevertheless, on the strength of his opinion, Colonel Wade goes on to question my statement respecting that expedition.

Now, as this commando forms one grand link in the chain of events, by which a spirit of inquiry has, at length, been dragged forth, and as all possible means have been used to throw a veil over the sanguinary scenes connected therewith, I have been constrained to turn my attention to the subject much more fully than I ever intended.

In the course of a review of various works on Southern Africa, which appeared in one of the religious periodicals last year, this expedition is distinctly and repeatedly referred to; and, as if anxious to allay the strong sympathy lately aroused on behalf of the Caffres, and at the same time to throw our extermination of the Fikani wholly into the shade, the writer (whom, out of regard for his office, I forbear to name,) tells us, that on visiting the Amaponedæ, one of the missionaries "found that the defeat of Matuwana, by Colonel Somerset, and their rescue from his power in 1828, had become the principal topics of their national songs." This intelligence, moreover, is brought to our ears just as the report of the late invasion was beginning to lay hold of the public mind, and when Caffraria was literally groaning under the ravages of war. As the article containing this statement may by possibility have reached this Committee, I feel bound in justice to the Amaponedæ to state, that although I travelled and spent some time amongst that tribe, after the occurrence alluded to, I never once heard any such topic introduced into any of their songs, war or national. Apart, however,

however, from the fact, and to say nothing of the palpable ignorance betrayed by this reviewer of the workings of human nature, and the feelings natural to savage life, when the heathenish joy of a barbarous tribe over the destruction either of neighbours or enemies, is thus gravely presented even to the religious public as a sort of set-off against the desolating ravages of a commando, it is certainly high time to look all the facts of that affair fully in the face. At p. 410 of the Minutes of Evidence, I find an extract from my "Researches in Caffraria" placed in juxtaposition with some observations of Mr. Shrewsbury's, and a letter from Mr. Boyce; and the latter declares that "this commando was unobjectionable on the grounds of humanity," which is obviously the grand point Colonel Wade is anxious to prove. Highly as I esteem my missionary brethren, however, and willing as I should always be to defer to their opinion in matters of minor importance, it would ill become me to allow their views, in this case, to interfere with what I must deem a great and public duty, affecting the interests of millions of my fellow creatures. And all that has been said, as yet, leaves my opinion of the great facts involved in that awful business wholly unchanged; consequently, I am bound in conscience to testify against it; and, by permission of the Committee, I shall frankly state my reasons for so doing.

First, as Mr. Boyce himself very properly intimates in the letter before the Committee, the principle of such proceedings is absolutely and altogether "unjustifiable."

I never yet heard of a commando that was really and truly "unobjectionable on the grounds of humanity;" nor do I think it possible, as the thing has all along existed at the Cape; but upon this point I shall dwell more fully, if required, at another stage of the inquiry. How Mr. Boyce managed to arrive at such an unqualified conclusion, I know not; seeing that, according to the statement he himself has given, the circumstances connected with and consequent upon that commando, and for which we therefore stand responsible, (the actual perpetrators being under our command, not we under theirs,) were undeniably such as to make humanity shudder. First, indeed, he singularly enough talks of some who "hint at the perpetration of cruelties," as if the whole amounted to a mere shadow talked or written into terrific reality; and then adds, that "in discussing the merits or demerits of the commando in 1828, we have to do with facts." Very well, let this gentleman tell the tale himself; quoting from the journal of Mr. Shrewsbury, he says, "several were, after all, cruelly and wantonly murdered."

Here then is the testimony of Messrs. Boyce and Shrewsbury conjointly, as adduced by Colonel Wade, from which it appears that what the one party is said to have merely "hinted" at, the other has positively asserted. But, happily, much higher authority is at hand. (Parl. Papers, 1835, Part 2, pp. 27, 28.) What, I ask, does Colonel Somerset say upon this point? "After a continued fire," (upon a people, mark, who had never broken a lance with us, nor yet stolen an ox from us,) "after a continued fire from six o'clock to about half-past one, the enemy was driven from all points, and I found, by reports from the rear, that, during these operations, the Caffres, who, I regret to say, did not attempt to render me the least assistance against the enemy, had employed themselves in the work of destruction, by slaying and wounding the women and children whom they found in the huts along the mountain, and in the rear." From hence then it appears, that, in addition to the slaughter effected during that time amongst their warriors by our troops, this kind of "horrible destruction," as Colonel Somerset very correctly expresses it, "was going forward" for full seven hours and a half.

Now, surely these "well attested facts" ought to have convinced Colonel Wade that those whom he represents as "hinting" at the perpetration of cruelties were not talking altogether about shadows, and that the sentiments contained in this letter ought not to have been "obtruded" upon "public attention," unless much better supported by "well attested facts;" as it reduces the sum total of "cruel and wanton murders" on that occasion to the comparatively insignificant number of "several," I can hardly imagine that it was ever intended to embrace the whole affair, seeing that this, in fact, only presents to view what actually took place the day afterwards. Hence Colonel Somerset adds, "in returning, the following day, several were rescued from the Caffres, who were murdering the little children by knocking them on the head with their clubs."

Had this business been quite a new experiment, the case altogether would

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have been widely different. But with all our knowledge of the Caffres, of the circumstances in which they were then placed, of the revengeful feelings they were then indulging towards those against whom they were going, added to all our commando practice for 20 or 30 years past, the conclusion, I think, is fully warranted, that, if determined thus to carry out the principle of interference with the intestine broils of the tribes, we were in duty bound not merely to prohibit barbarity and wanton cruelty, but to put an effectual check upon the infuriated spirits of our allies, the neglect of which certainly involves the question of humanity. But apart from these considerations, I am constrained to regard,

Second, the mode of attack as being far from "unobjectionable," on the grounds already stated. Notwithstanding all that has been done, and I believe everything has been done that could be done, to put the best possible face upon this part of the transaction, it is still too manifest that the extermination of the Fikani, rather than their salvation, was contemplated. Although several weeks elapsed between our first and our last attack, during which interval, as already shown, attention was again and again directed to the subject in the public papers, I never so much as heard that any measure was ever adopted by way of inducing these strangers to retire from our frontiers; no warning was ever sent, apprising them of our intentions in the event of their not retiring; nor had we, in fact, any friendly intercourse with them whatever. That they were accessible is clear from the statement of Major Dundas, already noticed; that gentleman informs us that the messengers sent to Matuwana, even by the Tambookie chief, although not very graciously received, were permitted to return. "It was fully my intention," adds that officer, "to have sought an interview with Matuwana, the Monguana chief, but I considered that, had I done so previously to the attack, time would thereby have been given to him to secure the captured cattle in the fastnesses of the mountains; and the great object I had in view in giving assistance would have been lost sight of; and when towards evening the Fikani had retired, that was impossible, or rather hazardous."

From hence, therefore, it is quite evident that there was no kind of negotiation with Matuwana, on that occasion; and our next and last meeting was even more hostile still, for we then pounced upon him with all the force the colony could possibly spare. Consequently, so far as we were concerned, all intercourse with that people, from first to last, was not only of an unfriendly but of an absolutely enimous and destructive character; that, in short, if any wish existed, no proper effort was ever made to save them. The moment our soldiers first heard of them, the Tambookies were "advised" to muster all their forces for a battle with them. When Hintza and his neighbour subsequently requested colonial assistance, nothing less than a commando could be thought of; and when that commando reaches the spot, they are not allowed so much as to see it until made to feel its overwhelming power. "The enemy," says Colonel Somerset, "was prevented seeing my force by a small ridge which intersected the plain. Captain Aitcheson having marched round this, moved up to the enemy's advance, to within 15 yards of them, when the interpreter spoke to them. I observed that he continued his endeavours to parley with them for a considerable time. During this period the enemy continued closing in upon his small party, evidently endeavouring to surround him. Captain Aitcheson finding himself thus pushed, was obliged to fire in his own defence." Now, upon this parley, I beg leave to remark,

First, that numbers, to my certain knowledge, who were actually on the commando, and evidently within a very short distance of Captain Aitcheson at the moment he is said to have been engaged in holding it, asserted most positively, and that immediately after their return, that nothing of the kind had ever taken place. The whole therefore must have been managed not only very quickly but very quietly. And,

Secondly, admitting for a moment that the officer's life really was in danger, I cannot even yet understand the humanity of therefore endangering the lives of thousands by rushing instanter upon a tribe of naked Africans with all our force of cavalry, musketry and heavy artillery; but with regard to this story about Captain Aitcheson's danger, mounted and armed as he was, backed also by 1,000 troopers and 26,000 Caffres within gunshot, and supported moreover right and left by a party nearly, if not quite, equal to that with which Major Dundas had routed the very same people only a few weeks before, the Committee

mittee will, of course, be able to judge as to the weight of which it is worthy. And then,

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Thirdly, I would respectfully and seriously submit it to the consideration of the Committee, whether such a parley, under such circumstances, by a British army, and with an uncivilized people almost wholly ignorant of our mode of warfare, could really and truly be deemed unobjectionable. Colonel Somerset's account, which fell into my hands only a few days ago, more than substantiates what I had stated in the "Caffrarian Researches," rendering it most startlingly evident that the Monguanas, agreeably to general patrol and commando usage, were taken by surprise; no message having been sent forward, no warning given that a battle was intended, nor any intimation whatever that our troops were at their door.

Had the commando shown itself on the top of the hill, and there held out the olive branch or bayonet, we should have had something to say in their defence; but instead of this, they were kept in the shade, behind the hill, where, says the Colonel, "I halted for a few minutes, to make the necessary disposition of my force;" during which short interval, and while actually preparing for battle, he "directed Captain Aitcheson to move forward with the interpreter and about 20 men, and endeavour to speak with some of the enemy's people." It seems to have been quite immaterial whom he spoke with, or how; and despite of all possible candour, I cannot even yet think that the Fikani had anything like a fair chance for life. Hence, the moment Captain Aitcheson is seen to fire, without another question, "I lost no time," says the commandant, "in sending the supports forward, when the action became general at all points." Looking at all the circumstances of the case, I cannot but conclude that every unprejudiced mind will agree with the Hon. Captain Stockenstrom, late commissioner-general of the Cape of Good Hope, and now lieutenant-governor, whose "opportunities for forming correct conclusions" in all matters of this kind will surely not be questioned, and whose opinion is frankly stated and recorded at page 119 of the Minutes of Evidence, where he declares "that this expedition has brought such indelible disgrace upon us, that any attempt to prevent a repetition may be safely considered supererogatory."

Why Colonel Wade, with such an authority before him, should drag in the concluding paragraph of Mr. Boyce's letter, I am utterly at a loss to conceive; but, as he has done so, I beg leave to say a word or two upon it. It is added, "if any doubt the humanity of British interference in 1828, let him travel along the Umtakalie River, and among the mountains near the sources of that river, and, in the burnt kraals and human skeletons which he will observe on all sides, he will find specimens of the humanity of the Zoolas, Zwabees and people of Matuwana," &c. Now, if the writer was really driven to such a line of argument as this, and this expedition, even in the opinion of its apologists, required such a ghastly flourish of words, exhibiting "human skeletons" as "specimens of humanity," together with the most horrid scenes of Zoola cruelty, in order to render it at all reconcilable, the Committee, I am persuaded, will find no difficulty in arriving at a just estimate of its true character from this passage alone. And if "burnt kraals" and "human skeletons" are to be gravely pleaded in justification of British interference, we may play away; our officers and troops, however strong, may calculate upon full employ for years to come. If commandos are to proceed on such grounds to rout and ruin our sable neighbours, body and soul, pretexts quite as plausible will soon be forthcoming for the driving back of Matsilikatsi in the north, and for the extermination also of Dengaun and the Zoola clans in the east. Such a principle of action is, in fact, shockingly analagous to that upon which the most barbarous tribes in the interior have been acting from time immemorial. Hence I found the Marootzi tribe arguing in precisely the same way when I visited them in 1821, as was the young chief of the Wanketgens also, who, together with the Morolongs, was proceeding to the help of his neighbour, for the express purpose of exterminating the Boquains.

In support of these extreme measures against the Fikani, however, it is alleged that the colony was in peril, and that "the Caffre and Tambookie tribes were in danger of extermination."

So says Colonel Wade, and so likewise says Mr. Boyce; and if I could believe such a thing, I would certainly say so too; but thinking that this conclusion is far from being "substantiated by well-attested facts," I am inclined to regard it as having very little "claim to public attention." After much diligent inquiry

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at the time the plea was first set up, and subsequently on the Umtata itself, near where the battle took place, I am constrained indeed to reject the idea altogether. Nothing was more easy, nor anything more natural, than for the bordering chieftains to argue thus, and to say that they must necessarily fall back upon our frontiers, unless assistance was rendered them. The "lesson," in fact, given to "marauders" a month before, by our ambassador, could not but inspire them with the hope that we should again be ready to fight their battles, provided they could make out a case sufficiently strong.

Much stress indeed is laid, in the letter before the Committee, upon Matuwana's "advancing towards the Caffre and Tambookie tribes, with the fixed intention of exterminating them, in order that he might possess their cattle, and obtain a secure settlement in their country." Nay, it is further most positively predicated, that "this he would have done, had it not been for the interference of the British troops under Colonel Somerset." But it surely does not, therefore, necessarily follow, as here assumed, that he certainly would have accomplished all this, because he "intended it," or because such is the "decided opinion" of a gentleman who did not arrive in the country for nearly two years after Matuwana and his people had been extirpated. Admitting for a moment that he really did indulge the expectation of obtaining a "secure settlement in the country," did the guns of Major Dundas and his company do nothing towards arousing him to a sense of his delusion? And supposing even that to be the case, had he even numbers or strength to effect any such a purpose? The hypothesis of Colonel Wade and Mr. Boyce, of course, proceeds upon that supposition; but I never yet met with any one that was prepared with anything like satisfactory proof that he had. If, indeed, he really possessed any such power, how happens it that the Tambookies alone, headed by a British officer, and about 20 men, were sufficient to rout and to wrest from him four or five and twenty thousand head of cattle? Was it at all likely that these miserable hordes, after finding that they were unable to stand against this paltry force, would throw themselves headlong upon the whole Caffre nation? or after having thus painfully ascertained that the colonists were prepared determinedly to support their neighbours, that the Monguana chief with his mere band of spearmen, would madly rush upon the whole colonial force? For my own part, I must frankly own that I never yet saw any probability in the case from that quarter alone. Had Matuwana's forces been joined by those of Chaka, the case would have been widely different; but the latter had manifestly retreated some time before we came into contact with the Fikani at all; besides which, there was no probability of any coalition between those two bodies whatever.

Apart, however, from the argument altogether, I beg leave, in conclusion, to remind the Committee of two or three important facts.

First, although manifestly just in the rear of the Caffre and Tambookie tribes, during the whole of "the two preceding years," as appears even from the statement of Major Dundas, certain it is that they did not exterminate those tribes, whatever their "intentions" might be. Secondly, although enraged by the attack of the Tambookies, and stirred up doubtless to do their utmost, they had not advanced a single yard, at the time our troops attacked them, from the spot on which the Major and his company first met with them. Thirdly, Colonel Somerset himself informs us, [Parl. Papers 1835. Part. II. p. 38.] that he was told, by one of the Fikani women, who fell into the hands of our troops after the conflict, that "Matuwana was desirous of remaining inactive in the position" in which they found him; and in which, there is reason to believe, he had been residing for some time—250 or 300 miles from our colonial boundary.

Before closing these remarks, I owe to myself, as also to the gentlemen of this Committee, just to glance at another piece of evidence (p. 499), which demands some explanation, as the Committee is thereby left in the dark respecting one or two material facts, which the Chairman manifestly endeavoured to elicit by various questions put to the Rev. John Beecham, one of the junior secretaries of the Wesleyan Missionary Society.

By that gentleman, I perceive, you are left to conclude, as stated in the Index to the printed "Minutes" (p. 802), that my "Researches in Caffraria," the basis of the different allegations just noticed, have not been at all "recognised by the Wesleyan Methodist Society," although (at question 4325) confessedly "very well received" by that society. Now had that gentleman appeared before you in a private capacity, his evidence might not have called even for a passing remark;

remark; but filling the responsible situation which he holds, and knowing, as he did, the intimate and uninterrupted connexion in which I have stood with the society he was appointed to represent for the last 17 years, and being acquainted, moreover, with all that had fallen from preceding witnesses, the mere generality and extreme stiffness of his answers could not but excite some degree of surprise. Why the rev. secretary should have thought proper to adopt such a line of procedure, I am altogether at a loss to conceive; unless, indeed, it was because I had deemed it my duty to represent the "commando of 1828" as being anything but "unobjectionable on the ground of humanity." Upon that question I have reason to believe that Mr. Beecham is disposed to entertain a different conclusion. To prevent the prejudicial impression, however, which his evidence might possibly produce, I deem it imperative upon me to lay before the Committee the following facts; viz., First, the Rev. Richard Watson (now deceased), then senior secretary of the Wesleyan Missionary Society, after perusing the manuscript, which was in his possession a full month, strongly urged me to publish it, thinking that it might be the means of stirring up inquiry respecting the Caffre tribes, in whose affairs, as is well known, he took a deep interest, and concerning whom, as affected by our frontier policy, he had previously requested me to draw him up a brief outline, which he wished to put into the hands of a Member of Parliament, with the view of pressing some measure in their favour. It was subsequently examined by the editor of our magazine, another minister, duly appointed from year to year to that office by the Wesleyan Methodist Conference. Secondly, these two gentlemen then recommended it to the book committee; a committee annually appointed by the Conference to examine and decide upon all works published by the connexion, which committee ordered its immediate publication accordingly. Thirdly, the work was therefore published at the Conference Office, and has never been in any other hands than those of the Conference publisher. It was moreover strongly recommended to public attention in the Wesleyan Methodist Magazine, which constitutes the official organ of the body.

312. *Chairman.*] Have you any general information to give to the Committee with respect to the Caffres?—I have.

313. Does the evidence you propose to give relate to the treatment of the Caffres?—It does. I am anxious to vindicate the character of the Caffres, which I consider to have been greatly misrepresented. Statements appear in the printed Minutes describing them as a bloodthirsty race, which I consider to be a misrepresentation.

314. Will you state what information you have to give to the Committee relative to the character of the Caffres?—In the Parliamentary Papers concerning the Caffre war, published last session, (p. 49,) the frontier tribes are repeatedly and sweepingly designated "a nation of atrocious and indomitable savages." In the printed Minutes of Evidence given before this Committee, one of the witnesses, moreover, (at question 1199,) makes the following bold assertion: "I know the Caffres to be bloodthirsty and savage beyond measure. I have made myself acquainted as much as possible with the nature of man, and the nature of men in all countries, and I do not believe that there is a more bloodthirsty character in existence than the Caffre. I think that the New Zealander is not worse than he is." And then his Excellency the Governor, Sir Benjamin D'Urban, in one of his despatches to the Secretary of State, tells us, that "the Caffres are not inaptly compared to wolves, (which, in truth, they resemble very much,) which, if they be caught young, may be brought (for their own interest and gratification in the matter) to an appearance of tameness, but which invariably throw it off, and appear in all the native fierceness of the woods, as soon as the temptation of blood and ravage (which never fails to elicit their natural ferocity) presents itself to their instinctive thirst for it." (p. 17.)

Now, if such language be really designed here to pass as truly descriptive of the dispositions therein set forth, and if declarations are to be weighed by this Committee, and by the British public, according to the rank and station of the parties making them, it would certainly argue criminal neglect somewhere, if the above statements were allowed to go unnoticed. For the actual sufferers in our frontier provinces every possible allowance may fairly be made for the strongest expressions; their minds having doubtless been greatly excited by the very distressing circumstances in which they have been placed: but for any one appearing before this Committee, and deliberately asserting, "that there is not a more bloodthirsty

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character in existence than the Caffre," the cannibal of New Zealand himself not being worse, no such allowance can be made. Against all such opinions, I beg leave, with due deference, to place that of the Hon. Captain Stockenstrom, who, as the Committee are aware, has been acquainted with the natives from his very childhood, and who (at questions 1045, 1046, 1047,) has frankly declared, that "the Caffres are barbarians, but not savages: it is a mistake to call them savages, as much as to call them gentle and inoffensive. Nay, they cannot," adds that gentleman, "be called even a nation of thieves;" "there are plunderers amongst them;" "but I believe there are civilized nations in which the proportion of thieves is greater." (Questions 1045, 1046, 1047.) To this opinion, moreover, we may add two or three facts which defy refutation.

First, our traders, notwithstanding the unrighteous, and even outrageous acts of individuals, have for years been permitted to go in and out amongst them unmolested, with very few exceptions; and out of 200 of these, who, with their families (in many instances), appear to have been in Caffraria at the very time the war broke out, two only, we are told, were murdered. The natives had, doubtless, opportunity for murdering many more, if so disposed, and certainly would have done it, had they been so "instinctively bloodthirsty" as above stated; but,

Secondly, travellers as well as traders have been constantly passing and repassing through their country, encamping in their hamlets, nay, sleeping in their huts, without either lock or bolt, or even door, but what might at any time be pushed open by a dog; and,

Thirdly, missionaries also with their families have for the last 15 or 16 years been dwelling in their midst; some 60 miles from the colony, some 100, and others nearly thrice that distance. I have myself slept in their huts scores of times, with 20 or 30 of them round about me all night. Circumstances have occasionally obliged me to leave my family on the station for weeks together; and once I was nearly two months without a single European companion or civilized family within hundreds of miles of me, yet never experienced any personal violence from them whatever, either by night or by day.

The Committee, I trust, will admit that these facts do not exhibit much proof of bloodthirstiness, nor do they prove the South African to be very much like the New Zealanders. But the most marvellous part of the story remains to be noticed. Whilst all this hue and cry is sounding in our ears about the sanguinary character and wolfish disposition of the aborigines, whose immediate contiguity is said to place the colonists in constant danger, thousands of colonists are absolutely throwing themselves and families into the very midst of them, both on the eastern coast and on the northern frontiers! According to the testimony of one of the American missionaries, "the whole country round about Port Natal is literally whitened with boors' tents and waggons."

With such facts before us, however, it is very positively stated, that the frontier tribes "have all along been the unprovoked aggressors," and that their late attack upon the colony must be regarded as the spontaneous result of a "bloodthirsty" spirit. Could I indeed look at their recent proceedings apart from any other event, I might probably arrive at a similar conclusion; but colonial history, supported by personal observation, convinces me that there is a long series of provocations, and that the late war was but a retaliative act, or an attempt to regain rights which we ourselves had infringed. Nor does it materially affect this conclusion to say, that the English colonists, upon whom the blow has fallen so distressingly, had given no just cause for such an attack. To maintain on such grounds, as some have done, that the invasion was therefore perfectly unprovoked, argues a very unfair and contracted view of the whole case. Respecting the English settlers, I have already given my opinion; and I repeat, that, as a body, they have undoubtedly been a great blessing to the Caffre tribes, both temporally and spiritually, and more especially the religious part of them. The recent ebullition of feeling which, through certain parties, seems to have vented itself in strong language against the natives, must be ascribed to the impulse of the moment, and certainly not to their general character, it being quite unworthy of the latter, as far, at least, as I am at all acquainted with it.

315. Mr. *Bagshaw.*] How long is it since you were on the eastern frontier of the colony?—It is five years since my return.

316. *Chairman.*] What is the next point upon which you wish to treat?—I wish

wish to make a few remarks with reference to our conduct towards the Caffres as neighbours, to show that they have been systematically maltreated. Rev. *Stephen Kay.* 21 March 1837.

317. Will you proceed to state them?—Although such near neighbours, a narrow ridge of hills, or a river, being the only line of separation, I hardly need inform the Committee, that for a full quarter of a century they were absolutely outlawed. The law of non-intercourse, more or less rigidly kept up from 1798 to 1823, was undoubtedly a prolific source of evil and constant provocation. The state in which we first found the Caffre tribes being strikingly analogous to that of the man in the gospel who had fallen amongst thieves, rendered them objects of Christian sympathy and commiseration, and Divine Providence undoubtedly laid them at our doors to be "healed," not to be slain. From time immemorial, as everybody knows, they had been the objects of lawless attack from the old Dutch colonists, who, as stated by one of the witnesses, placed themselves upon their lands and gradually overspread their country, plundering and even shooting them, if at all obstructive of their course. Nor did these horrid barbarities receive any very serious check for some time after the establishment of our government in the country, as appears but too plainly from Earl Macartney's proclamation of 14th July 1798.

A system of non-intercourse was then established between the natives and the colonists, the Great Fish River being proclaimed as the boundary, and Gaika rendered exclusively responsible for its maintenance on the Caffre side. With this chief alone the governor appears to have treated, peremptorily requiring that "none of the Caffres should have any intercourse with the colonists." This treaty, however, left the Amagonaquabi under the old chief Kongo, then at variance with Gaika, in possession of that section of the country which we now call Albany, westward of the boundary above-mentioned.

In this unneighbourly position we stood, as already intimated, until 1823, during which period the law rendered it death for any Caffre to appear on the right bank of the Great Fish River; and voluminous evidence lamentably proves, beyond the shadow of a doubt, that numbers fell under the deadly weight of this law. Nothing but the most rancorous feelings could reasonably be expected to result from such a state of things, on both sides of the frontier, inducing each party to eye the other not only with suspicion, but with envious malignity. Such, indeed, was the hostile spirit then in existence, that the white manifestly deemed it no crime to shoot the black, and the black consequently scrupled not to plunder or even to murder the white. Such being the the case, the boors were ever alert and ready to lay hold of anything and everything at all likely to turn the full tide of prejudice upon their sable neighbours; and in this they were but too successful, for the Caffres were at length proclaimed, by one governor after another, "unrelenting disturbers of the peace and prosperity of the colony;" and again, "perpetual enemies;" and, finally, "quite irreclaimable."

Consequently, in 1811, the colonial government determined on forcing them all over the Fish River, not excepting even the Amagonaquabi themselves, who were, therefore, bereft of lands which they considered their own, and which they had occupied the greater part of a century; but from which they were now driven at the point of the bayonet, leaving behind them their aged chief, wantonly murdered by a party of boors, and the whole of the Zuurveldt cleared as with the besom of destruction.

The manner and spirit in which this business was performed will perhaps best appear from the following statement of Robert Hart, esq., who was then a lieutenant in the Cape regiment, who has since sustained offices of very high responsibility under the Cape government, and whose veracity, I will venture to assert, being intimately acquainted with him, is altogether undoubted by all who know him. On "Sunday," says that gentleman, "January 12th, 1812, about noon, Commandant Stollz went out with two companies to look for Slambi (Islambi), but saw nothing of him; they met only with a few Caffres, men and women, the most of whom they shot. About sunset, five Caffres were seen at a distance, one of whom came to the camp with a message from Slambi's son, requesting permission to remain until the harvest was over; and that then he (if his father would not) would go over the Great Fish River quietly. This messenger would not give any information respecting Slambi, but said he did not know where he was. However, after having been put in irons, and fastened to a wheel, with a riem (leathern thong) about his neck, he said that if

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the commando went with him before daylight, he would bring them upon 200 Caffres, all asleep." (African Sketches, p. 423.) Captain Fraser, commanding a party of "303 boors, 27 free Hottentots, 4 subalterns, 5 sergeants, 6 buglers, and 120 rank and file of the Cape regiment," was sent out, it seems, with this Caffre envoy, at two o'clock the next morning, in pursuit of Slambi; but after three days' search, they returned without success, bringing back with them the Caffre captive, of whose fate we find no further notice. From the journal kept by Mr. Hart, during the campaign in question, it further appears, "that parties of troops were employed for several weeks in burning down the huts and hamlets of the natives, and in destroying their fields of maize and millet just ripening, by trampling them down with large herds of cattle. Twenty thousand souls were at length forced across the river above mentioned, leaving behind them a large portion of their cattle, captured by the troops; many of their old comrades, wives and children, shot in the thickets, and not a few of the old and diseased, whom they were unable to carry along with them, to perish of hunger, or be devoured of wolves."

It cannot, I presume, have escaped the Committee, that during the long period of non-intercourse above stated, the administration of the law on that point was most flagrantly partial. It is a fact that defies refutation, and of which there is doubtless lamentable proof in the voluminous documents now lying in the Colonial Office, that, between the year 1798 and 1823, vast numbers of Caffres were shot by patrols and otherwise, because found on our side of the boundary line; but to this day I never heard of a colonist suffering any such punishment for trespassing on their side, although it is well known that many have all along been equally guilty in this respect; and that, in fact, the latter have generally been the first to break through every treaty respecting boundaries. When it is recollected that the colonist had a much better opportunity for understanding the provisions and requisitions of that law than the native could possibly have, it being in his own language, and always under his eye, proclaimed throughout the colony, but never in Caffraria; that the former, moreover, was frequently setting him the example of transgression; and that in some instances, as appears from the evidence of Captain Blakeman, (p. 143,) he was actually allured on to the colonial side, and there shot while bartering with his tempters; I respectfully submit, that if either party was deserving of severity, it was the white, not the black. Instead of fulfilling the gracious purposes of Heaven in placing that colony in our hands, we have by such means been frustrating them; rendering the civilization and spiritual improvement of the aborigines increasingly difficult.

318. *Chairman.*] Is there any other head upon which you can give us any information?—I beg leave to make a few observations upon the treatment of the Caffres as a nation, in which respect I think they have been seriously injured.

I certainly cannot but wonder that any one should stand questioning for a moment the fact of our having inflicted upon them a great national injury in 1819, by depriving them of what has since been designated sometimes the neutral, and at other times the ceded territory.

The Committee are doubtless aware that about one million of acres of their very best pasture land was thus taken from them without a single farthing's compensation on our part. Such a measure, bearing upon a people whose habits are wholly pastoral, and whose numbers, from the comparative cessation of war, have been gradually increasing, could not but prove a source of incalculable suffering. Crowded together in a tract of country that has annually been getting too strait for them, they have entreated, nay begged, and all but come down to their knees, for the restoration of these lands. Gaika himself, with whom Lord Charles Somerset is said to have treated originally, is found, according to the testimony of a British officer, who has given evidence before this Committee, almost immediately after the said treaty was made, earnestly praying that he might be allowed at least to pasture his herds upon a portion of the "neutral ground," in which he and his captains were bred, pleading that his cattle were starving for want of food. (Captain Blakeman, Min. Evid. p. 145.) A deaf ear being turned to their supplications from year to year, with some trifling exceptions, their stock as well as numbers increasing, and being all along impressed with the idea that the said lands were taken from them most unfairly, Gaika himself, according to his own acknowledgment, having no right whatever

whatever to alienate a single inch of their territory, heart-burnings have increased, until they have at length been unhappily induced to make a desperate attempt by force to regain the rights we had trampled upon. Their most determined opponents are constrained to admit that this was their grand object in the recent war. Hence Sir Benjamin D'Urban states it as his belief that acquisition of territory was what they were aiming at, (Parl. Papers on Caffre War); and Major Dundas likewise is forced to acknowledge the fact, that they are a greatly increasing nation. "From a small and insignificant horde," adds that gentleman, "in the course of 140 years they have become extremely numerous. I think really that one of the principal causes of their present aggressions is to find more land to feed their cattle upon." (Min. Evid., question 1,200). This witness indeed seems to think that the frontier tribes might very well find a place of habitation in the tract of country between the Amaponedæ and Port Natal, throughout which desolation was spread by the forces of Chaka in 1828; but it must be remembered, that although Chaka himself be dead, his spirit still survives; so that if placed there, our neighbours would, in all probability, be very soon compelled to destroy, or again submit to extermination.

The expulsion of Macomo also from the Kat River, in 1829, was another circumstance which could not but provoke and exasperate the frontier tribes. It is well known that this chief is a son of the late Gaika; that his clan had long suffered under the treaty made with his father; and that he was a principal leader in the late war. Although he and his people were the immediate sufferers by the latter measure, the whole of the surrounding tribes felt it, even to Hintza himself; all very naturally concluding that they also might, one day or other, be similarly served. But now, forsooth, because they did not instanter resent that act, but seemed patiently to bear it, as well as the growingly oppressive one of 1818, up to the end of 1834, we are very gravely told, that the whole war was unprovoked, and that "the natives have all along been the aggressors;" that, in short, they have herein shown their true character to be that of a bloodthirsty race of beings.

I traversed the whole of these grounds shortly after this chief and his clans were driven from them; and the scene altogether was not a little impressive: upon the face of an extensive and beautifully picturesque landscape, marks of the horrid ravages of war everywhere presented themselves in demolished cattle-folds and heaps of ashes, to which all the dwellings of the natives had been reduced by our troops. The recent account of settlers' houses being burnt down in Albany by the Caffres is truly distressing; but are the latter, because Caffres, to be treated as if destitute of all feeling, when not only compelled to witness the destruction of their property, but when driven, moreover, into the desert, and that at the point of the bayonet, to seek a place of habitation wherever they can find one? As far as we have been concerned in every act of this kind, the tribes have been left to live or to die; to settle amongst friends, or to perish amongst foes. To secure a dwelling-place, even for their wives or little ones, has formed no part of our concern. Our only care has been completely to root them out of the one they had, leaving them to fend for themselves afterwards. The extent of misery resulting from such a system can be known only to that Being whose eyes run to and fro in the earth, beholding the evil and the good.

So far from respecting the feelings of our sable neighbours, we have absolutely outraged them.

The motives which induced Sir Lowry Cole to settle different parties of Hottentots upon the lands previously occupied by Macomo were, beyond all question, highly laudable; but the measure itself was one which could not but tend to promote a revengeful spirit in the mind of the latter. It is too notorious to require particular proof here, that there are strong national prejudices existing in the mind of the Caffre against the Hottentot; that, in fact, he regards him as being vastly inferior to himself. To see himself supplanted, therefore, by a section of this tribe, and to see them, moreover, armed by Government against him, was certainly calculated to exasperate rather than to conciliate; whilst the poor Hottentot himself was hereby placed between two fires,—the prejudiced boor on the one hand, and the enraged Caffre on the other. Looking at all the circumstances of the case, at its exposed situation, and at the difficulties with which its inhabitants have actually had to contend, it is

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even now more than surprising that the Kat River settlement has prospered at all.

But this is not the only way in which we have evinced a sad want of regard for the national feeling of the Caffres. The insulting treatment which they not unfrequently experience from our soldiery, who scruple not sometimes to inflict even corporal punishment, is quite sufficient to turn the very best of them into enemies. Of this the Committee have had sufficient evidence from Captain Bradford, who states (p. 163) that he himself saw "two Caffres with thongs about their necks, led between two Hottentot troopers on horseback, from Beaufort to Graham's Town, about 50 miles, that they might there prefer their complaint against some farmer, who had entered Caffreland, and taken away their cattle." And again, that several of Botman's people were beaten on the head and shoulders with sticks "by the men belonging to one of the patrols, in October, 1834." Whilst Captain Stockenstrom also declares, that, after shooting one of Charlie's men, "the soldiers bound down another over an ant-heap, and beat him most severely." (p. 116.) Now, the Committee must know that this kind of punishment is, by the Caffre, universally accounted most degrading. In all my peregrinations among them, I never yet saw one native fist or strike another with a stick. A quarrel one day took place in my garden, at Mount Coke, between two boys, 12 or 14 years of age; the one struck the other with a small twig, which was no sooner reported to the chief, than a fine of one young beast was levied upon the father of the delinquent.

319. *Chairman.*] Is there any other point with respect to the Caffres?—Yes.

320. What is that?—Respecting our usage of their chiefs, who, I think, have all along been most improperly treated.

This has certainly proved a source of no small grievance to the frontier tribes, and a cause of considerable provocation, irritating and rendering the chiefs themselves much more heedless of colonial interests than they otherwise would have been. If justly and properly treated, I am convinced that the greater part, if not the whole, would exert themselves to the uttermost in our behalf. Only make it their interest to promote ours, and let them feel that we regard them as men, and as men in authority, and I have no fear as to the result of the experiment. The actual conduct indeed of several of them has for years past been such as fully to sustain this view, which renders the evidence of the late acting-governor, on this point, the more surprising. That gentleman tells the Committee (at p. 380, Min. Evid.) that he has no confidence in them whatever; but in passing judgment upon them, I trust the kind of opportunities Colonel Wade had of acquainting himself with those men will be steadily borne in mind. "Personal knowledge of the Caffre chiefs," says he, "I have had none, except for a moment on the frontier; but from the whole of the knowledge I have derived from carrying on the military correspondence for between four and five years, with regard to the Caffres, I certainly would not place reliance upon any one chief among them." From hence, therefore, it would appear that the whole of Colonel Wade's knowledge of this people "whom he never saw save once for a moment on the frontier," and whose dwellings were at least 700 miles from his place of residence, was collected in the course of little more than four years; and that from "correspondence" about "military" affairs, and with military men, who, if not in the habit of regarding the Caffre nation as an enemy, were certainly in the habit of professionally treating them as such. This simple fact, grounded on his own admission, in a great measure accounts for his astounding conclusions recorded at page 374 of Minutes of Evidence, "that after Sir Lowry Cole's visit to the frontier in September 1829 the Caffres were perfectly contented; that they had forgotten whatever they might have supposed were former injuries," (question 3503); and that about a million of acres of the finest pasture land could be taken from them in 1819, without constituting any grievance whatever. (Question 3515.) Had Colonel Wade been really and properly acquainted with the condition of that people, I cannot see how he could possibly have arrived at any such conclusions; nor can I do otherwise than regard his evidence respecting the disposition of the chiefs as being almost as erroneous as that about the circumstances of their people.

Of all the frontier chiefs no one has ever been deemed more hostile to the colony than old Zlhambi; and he does not appear, as far as I know, to have taken any step against it until the colonial government began to interfere with their

their internal affairs. In 1785 we find the frontier colonists calling in the aid of this chief against the Amagonaquabi, and, as a reward for his services, lading him with the spoils of that tribe, (Parliamentary Papers, 1835, part 1. p. 41); but in the course of a few years afterwards the colonial forces are called up both against him and them, and he is particularly pointed out as an object of public vengeance. Again, in 1817, whilst Gaika, his nephew and determined enemy, is flattered, and made the object of signal favour, positive orders are issued for the seizure even of Zlhambi's person, (Minutes of Evidence, p. 395); and because he, in concert with all the other border chieftains, Hintza, Jalusha, Habana, Makanna and Kongo, in the course of the year following, thought proper to resent the growing tyranny and insulting conduct of Gaika, who had forcibly carried off the wife of one of Zlhambi's counsellors, a powerful force, both of troops and of colonists, was sent out against him, which swept away 23,000 head of their cattle, and which unquestionably brought down the Caffre army upon the colony in 1819. With a perfect recollection, however, of all these things, the old man, in 1825, joyfully hailed our proposal to establish a mission in his country, in the hope, confessedly, that my residence amongst his people might be the means of promoting peace and of putting down the spirit of depredation. Hence, amongst the various reasons assigned for his preference of the site of Mount Coke, the following are two or three of the principal, viz.:

First, because it was most out of the way of neighbouring clans, whom he charged with being litigious, and much addicted to plundering incursions upon the colonists. He therefore feared being too near them, as his people in that case might become chargeable with their depredations.

Secondly, because it was as near the colony as he deemed it prudent to advance with his people; being anxious to keep them out of the way of temptation; for, said he, "they will do mischief if they have the opportunity, notwithstanding all I can do."

Thirdly, the place in which we first proposed to commence the station (Koogwala) was at once and positively objected to by him, "because," said he, "there it was your soldiers and the boors attacked me (in 1817), to please that fellow Gaika; never, therefore, will Zlhambi set his foot upon that spot again."

Shortly after my commencement of the station, one of the old chief's counsellors was sent to inform me (October 19, 1825,) that Zlhambi had issued strict orders to all his captains, requiring each to exert himself to the uttermost for the maintenance of peace in their borders; that the said orders were to be made known throughout the tribe, and that a breach thereof would be followed up with the utmost rigour of Caffre law. The following were then stated as the penalties to be inflicted; viz., first, in the event of any one being convicted of stealing cattle from the colony, the offender shall be hanged on the nearest tree; secondly, in case of any depredation being committed upon the property of the Umzi ka Tixo (the mission station), the thief shall be ground to dust. And on hearing that my study had been broken open, and various articles taken away, one night in August 1826, the rage of the old man put the whole tribe in fear, as he called upon his captains and council to adopt measures of a most sanguinary character, insomuch that had I not happily been in the way, blood would undoubtedly have been shed. Nor was this disposition evinced by the old chief only; Dushani, his son and successor, a native of no ordinary mind, and one of the chief captains of the Caffre forces which attacked Graham's Town in 1819, was, to my certain knowledge, equally, if not more anxious than his father to promote the peace of the frontier generally. He laboured in various ways to meet our wishes in this respect; and it will fully appear, on reference to the Parliamentary Papers, published in 1835, (Part 2. p. 154,) manifested a willingness, far beyond what might have been expected, to put the best possible construction upon the proceedings of patrols and commandos sent from time to time against neighbouring clans, although his own people were thereby occasionally and very injuriously disturbed. Straggling natives from other parts of the country were very rarely able to get through his domain without being stopped to show cause why and whither they were journeying. Knowing his feeling on this point, some of his warriors one day arrested and disarmed a party of Jongas men, not far from Mount Coke, because on their way towards the colony, and unable to give a satisfactory account of their object. The wanderers stated that they were merely going to the Clay Pits, a place just within the old boundary, on the right bank of the Fish River, to get a supply of red ochre, with which the Caffres

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are accustomed to paint themselves; but fearing that this was only a pretext set up as the covering of mischievous purposes, our neighbours would not allow them to proceed. Finding, on another occasion, about December 1835, that a number of colonial horses had been driven into a corner of his territories, Dushani immediately commenced a diligent search, and, at length, discovered the thieves, whom he disarmed and fined. Being about to visit the colony myself early in the following month, and thinking that the appearance of this chief in Graham's Town might be at once interesting and advantageous in various points of view, I proposed and obtained leave for him to accompany me. Never having seen that place since engaged in the attack upon it, at the time above mentioned, he at first seemed somewhat hesitant about venturing; but on pledging myself to his perfect safety, as also to that of his attendants, his apprehensions were fully overcome; and he proceeded with all possible cheerfulness, taking with him the stolen horses, and likewise the fine he had levied upon the delinquents; all which were delivered to the commandant, who received him with the greatest kindness.

Upon the strength, therefore, of these and many similar facts, I am constrained to conclude that, if properly treated, the Caffre chiefs would, after all, prove our friends; but what can we expect from a system which now sets up one above all the rest, paying no respect whatever to the legitimate authority of each, and anon takes the matter wholly into our own hands, acting independently of any of them, (Macomo's case, to wit); which tramples upon their territorial rights, whenever the governor may deem a new boundary requisite, and, like the elephant in their gardens, absolutely desolates their country, heedless of consequences, so that we accomplish our purposes? Nay, more terrible still, which places their very persons at the mercy of a few common soldiers, as in the case of Macomo, at the Kat River, in 1833; or of a young lad, like Lieutenant Sparkes, who fired upon and wounded the brother of that chief in the head the year following, (Min. Evid. p. 566); or of a party of Dutch boors, like those which shot Zeko, in 1830, (p. 381); or, indeed, of a person like Southey, who with such precedents before him, hesitates not to shoot even the king himself! Things of this kind are not soon forgotten by the Caffres, as their memories are very far from being so treacherous as some would have us believe, and especially in all matters affecting their chiefs.

Of the last-mentioned chief I had heard much during the time of my residence in the colony; and of course still more, after settling at Mount Coke, this place being within 70 or 80 miles of the king's residence. My first interview with Hintza, however, did not occur until December 1826, when we went to treat with him respecting the introduction of Christianity into his own immediate neighbourhood. Up to this period, he seems to have had comparatively little intercourse with the colonists; and, as far as I know, does not appear, at any time, to have evinced any very strong wish to be brought into close contact with the colony.

The neglect with which he had all along been treated, the late Gaika having not only been recognised as his superior, but assisted in driving him back to where we found him, he very naturally looked upon us with considerable suspicion. Hence, I believe he never could be prevailed upon to visit any part of the colony, although anxious to see Graham's Town, and aware that most of the neighbouring chieftians had visited that place.

In the beginning of 1830, I was appointed to the Butterworth station, which was but a short walk from Hintza's residence. Here, therefore, I had numerous opportunities for observing the man in public and in private; in his own hamlet, and at the mission village; at church, and in my own house. He sometimes, indeed, conducted himself with a sort of stately reserve; but at others, was as open and communicative as one could wish. Here, however, I must beg leave to observe, once for all, that he was a heathen, subject to the numerous vices of heathenism as it exists in Caffraria; exceedingly superstitious, and withal despotic, as are the African chiefs in general. I deem it the more necessary to make this remark, as it is almost impossible to oppose the hue and cry raised against the Caffre tribe as a "wolfish" and "bloodthirsty" race of beings, without being thrown by our opponents upon the opposite extreme, and subjected to the charge of a "sickly philanthropy," representing them as the "harmless," "inoffensive," or "innocent" children of nature. Now, on referring to the Parliamentary Papers concerning the Caffre war, I find much stress laid upon Hintza's

Hintza's delay and hesitancy, when called to meet his Excellency Sir B. D'Urban; and because he subsequently thought proper to make a grand effort to secure his liberty, the Hon. Colonel Smith thinks himself fully justified in denouncing him as "worthy of the nation of atrocious and indomitable savages over whom he was the acknowledged chieftain." (Parl. Papers, p. 49.) But to say nothing of the formidableness of facing our army, which had forced its way on to his own grounds, nor yet of his comparative timidity, being naturally far from a bold or courageous man, the want of confidence induced by our own measures, as touching his subjects on the immediate frontiers, for years past, coupled with the reports he was doubtless hourly receiving respecting the desolating ravages of the commando between the Keishamma River and the Kay, sufficiently account for his hesitancy in obeying the call of his Excellency.

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But, independently of these considerations, he had been taught by certain Dutch boors to believe that the English would one day or other most assuredly seize him, and that the missionaries themselves only came into his country as the tools of Government to set the trap. This kind of suggestion was, moreover, not a little strengthened by the fact, well known to Hintza, that Lord Charles Somerset gave instructions for the arrest of the chief Slambi in 1817; that Makanna, or Lynx, another chief of extraordinary influence amongst the Caffres, was actually seized and carried off to the Cape by our troops in 1819, whence he never returned; and that an attempt was made by a British officer, three or four years afterwards, to kidnap even Gaika himself, which circumstance took place at a missionary institution, then the residence of the government agent. With such facts deeply rooted in his memory, was it at all surprising that he should be tardy in rendering obedience to a requisition which insisted upon his personal appearance in the camp? Had his Excellency been better acquainted with the history and exact situation of this chief, I feel convinced that his line of procedure would have been very different. Looking at all the facts involved in Hintza's fate, it is certainly cause of deep regret that the evil spirits by whom we are there surrounded, and who will not be backward in making use of them on any future occasion, should hereby have their hands so fully strengthened.

The Committee, I trust, will not lose sight of the fact, that this chief was never to this day convicted, that I am aware of, of anything like actual engagement in hostility against the colony. On the contrary, it is in evidence, (question 4633,) that after the war broke out, he sent to the frontier chiefs, urging them to abstain from hostilities; and certain it is, that we have never professed to regard him in any other light than as our friend. As such, I was requested, in April 1830, to convey to him, and to certain of his people, a number of presents from the colonial authorities, in consideration of their interposition and assistance afforded to the shipwrecked crew, &c. of the Eole, a short time previously. And again, in July, the same year, when Zeko was murdered, and Magoogo, another chief, taken captive, I was desired by Captain Stockenstrom, the commissioner-general, to communicate the most friendly assurances to Hintza, informing him that he had nothing to fear from the commando then in the country. This commando, as might be expected, produced, however, no small degree of excitement; for the moment, in fact, it placed us all in considerable danger. The communication just alluded to had the desired effect of allaying the king's fears, but not of removing his suspicions; and until the practice of our Government is more fully consonant with our promises and professions, not only will the native chiefs themselves have too much cause for such surmises, but the lives of British missionaries also cannot but be placed, occasionally at least, in the utmost jeopardy.

The circumstances in which we were placed on that occasion, and the peril to which we were exposed, was in a great measure ascribable to the excitement occasioned by the commando sent against Zeko. I have some two or three other facts bearing on the proceedings of commandos, and the injury sustained by the natives indirectly, in consequence of the disturbed state of the country wherever the commando enters, and the uncertainty and jeopardy in which every man is placed from not knowing against whom the commando is sent. They were repeatedly disturbed in that way very seriously during my residence in Caffraria.

321. Mr. *Bagshaw.*] Were you in England during the two last sessions of Parliament?—I was.

322. Were you not aware of the sitting of this Committee?—I was; but I did not think it my duty to obtrude myself on the attention of the Committee.

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I was quite willing to answer any call the Committee might make upon me; but did not know that they would have any occasion for my testimony, as I had already published my views in the "Caffrarian Researches;" nor should I in all probability have made a single remark upon the subject, had it not been for intelligence conveyed to me indirectly, that my name had been brought in question before this Committee, and my statements questioned.

323. At the same time, the feeling that you were called upon by a sense of justice, and of what was due to your own character, to rebut what was said against you in the evidence before this Committee, led you to go on further, I presume?—It did. I may add, that it is since the close of the last session, and only within the last few weeks, that I have seen the printed Evidence, which fell into my hands as by accident.

324. *Chairman.*] Do I understand you correctly, that your complaint is not against the body of the colonists, but of the system which has been pursued towards the natives?—Certainly.

325. You do not appear here for the purpose of bringing charges against the body of the colonists, but against the system of oppression which has been pursued towards the natives?—Certainly.

326. Is it your opinion that a system of mercy and justice adopted towards the natives would be calculated to avoid expense, to produce peace, to give security to those engaged in innocent commerce or agriculture, to open new sources of trade, and to promote the spread of civilization and of the blessings of Christianity among the native inhabitants of South Africa?—Unquestionably.

327. Mr. *Bagshaw.*] In your consideration of this subject, have you thought of any plan yourself, or any suggestions, by which this happy termination could be arrived at?—I have. I have drawn up a few remarks upon that point, as also upon a question which seems to have been a leading one with the Committee throughout the whole of this inquiry, on the subject of civilization, together with a number of facts illustrative of the civilizing influence of Christianity, as introduced into Caffraria.

Mercurii, 22° die Martii, 1837.

MEMBERS PRESENT.

Mr. T. Fowell Buxton.	Mr. Bagshaw
Mr. Wilson.	Mr. Johnston.
Mr. Charles Lushington.	Sir George Grey.

THOMAS FOWELL BUXTON, Esq., IN THE CHAIR.

John Henry Pelly, Esq., called in; and Examined.

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328. *Chairman.*] YOU are chairman of the Hudson's Bay Company?—I am.

329. Can you state in general terms over what districts the power of that company extends?—It extends all the way from the boundaries of Lower and Upper Canada, away to the North Pole, as far as the land goes, and from the Labrador coast all the way to the Pacific Ocean.

330. Have you ever formed a conjecture as to the quantity of square miles there are in this territory?—No, I have not; the territory in property belonging to the Hudson's Bay Company is the height of land from which the water falls into the bay; the other part is the property of Great Britain; the part held by us exclusively is under grant from the Crown, under the Act of Parliament.

331. Which do you claim exclusively as your own?—All the waters that empty themselves into Hudson's Bay, wherever there is a height of land from which the water runs that way; the waters that run the other way are in what is called the Indian country.

332. What do you suppose to be the native population of the districts you peculiarly claim as belonging to your company?—I have no idea of the number of the native population; there are the Esquimaux, and other tribes, of whom we do not know much.

333. Have you taken any measures for the purpose of introducing civilization and Christianity amongst those people?—Yes, we have.

334. Be kind enough to state to the Committee what measures have been adopted for that purpose?—We have at the Red River settlement a chaplain and an assistant chaplain, and there is a schoolmaster and a schoolmistress under them, that live in the house of the Rev. Mr. Jones, the principal chaplain; and a private school, which is likewise under Mr. Jones, for the settlers and the servants of the company. I believe at the present moment there are nearly 300 children of the half-breeds and natives in those schools at the Red River settlement; there is likewise a Roman-catholic bishop, the Bishop of Juliopolis, and there are three Roman-catholic clergymen, who are assisting him; a Catholic mission; a good many of the settlers are Canadians, and profess the Roman-catholic religion. Mr. Jones, the clergyman, and Mr. Cullen, his assistant, had originally something from the Church Missionary Society, in addition to what we give them.

335. Have you found a disposition on the part of the natives to receive moral and religious instruction?—Very great; we sent the Rev. Mr. Beevor last year across to the Rocky Mountains to the Columbia district; there were a couple of young lads sent from the Columbia district, to whom the names of Pelly and Garey were given; those lads were revered by the natives, when they returned, for the religious instructions they were enabled to give; both of them are, unfortunately, since dead.

336. Have you reason to think that there has been in the course of the last half-century a considerable reduction in the number of the population of the natives?—From every information which I have obtained, decidedly not; there have been a good many carried off by the smallpox and measles, which got into the country a few years ago.

337. Are the natives addicted to the use of ardent spirits?—Generally, whenever they can get them.

338. Are any measures adopted by the company to prevent the introduction of ardent spirits among them?—Decidedly; we send no spirits to the northward at all; the only spirits that they have now are upon the borders, where they are in competition with the Americans; but the whole quantity of spirits sent into the country yearly does not exceed 40 puncheons, which would not be more than half a pint each person; at many places we do not allow spirits at all, and the natives cannot get them at all now; they are therefore obliged to do without them.

339. Is there a regulation adopted by the Hudson's Bay Company, that spirituous liquors should not on any consideration be sold to the Indians, or made a medium of trade?—Decidedly; there is a positive order to that effect, and I believe it is attended to.

340. Have you reason to believe that the means of subsistence of the natives has been diminished in consequence of their contact with Europeans?—Decidedly not; rather otherwise, I should say; we supply them with fishing-lines and guns, and other means of getting their livelihood.

341. Has not the number of deer and wild animals diminished upon their hunting grounds?—No; we have our preserves there now; we prevent their being diminished. At the time of the opposition between the two companies, the country was nearly being destroyed; but now, in all our beaver districts, we are very particular in taking care; if we find that they are diminishing, the natives are moved to another part; we move our posts, where they are abandoned.

342. Mr. *Lushington.*] Do you maintain those preserves for the benefit of the natives, or for the benefit of the company?—We find that whatever benefits the natives benefits the company.

343. In acting upon that plan, have you considered the advantage the natives themselves would derive from the preservation of the game?—I hardly know how to answer that question; for unless they got a sale for the beavers, they would probably eat their flesh.

344. Are there other animals also which they eat?—Yes, there are other districts, in which they hunt the deer; but in some of the deer districts they are so numerous, the natives will kill an immense number of them merely for sport, and leave the carcasses to rot.

345. Does the establishment of those preserves arise from a benevolent consideration for the natives, or merely from a view to attaining the ends of the company?—The preserves for the beavers are certainly more for the benefit of the company.

346. *Chairman.*] It has been stated to this Committee, by a witness, that many

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instances of death from starvation have come to his knowledge; do you think that the number of deaths that have taken place from starvation has been reduced of late years, in consequence of the junction of the two companies?—I shou.d say decidedly, from every information I have upon the subject.

347. Do you think that many of the evils which existed when there were two rival companies have been removed by the junction of the two?—There is no question of that.

348. Is there on the part of the Hudson's Bay Company an anxiety to spread civilization and morality and the truths of religion among the native population?—I think the best answer to that question is, that we have clergymen there, who were not there before, and that we are sending out clergymen and establishing schools wherever it is practicable, wherever benefit can arise from it.

349. The Committee wish to compare the means taken to the number of the population, and to ascertain whether the provision is equal to the demands made?—There are only two places where we can form establishments of that kind, the Red River settlement and the Columbia district.

350. You think in any other parts of the territory it would be difficult or impossible for you to establish schools, and to place there the means of instruction?—Our object is to have schools at those places, and to instruct the natives, and to send those natives up among their own tribes to communicate the religious information they have themselves obtained.

351. Mr. *C. Lushington.*] Can you give the Committee an idea of the native population around those two stations you have referred to?—I think the population now round the Red River amounts to about 5,000 souls; at the other settlement I think there may be about 1,000 or 1,500.

352. Can you at all estimate what proportion of that population is willing to partake of the advantages of civilized instruction?—I should say the whole of them.

353. *Chairman.*] In the event of the natives sustaining any injury at the hands of the settlers, are there prompt means of bringing those settlers to punishment?—There are no other means of bringing them to punishment than by information to the company, the settlers being all servants of the company; the only means of punishment, independent of our own jurisdiction, are by taking them down to Canada. As to matters within our own jurisdiction, they must go before the council of the chief factors or traders of the district.

354. Do not you act as a government, as well as traders?—Decidedly.

355. Suppose a man committed an offence, would you not have the means of inflicting punishment upon him?—Yes; not to the extent of death, any punishment short of death.

356. Supposing a man were to commit an offence which was capital, in what way would he be brought to trial?—He must be tried by the courts in Canada; the population is so increasing about the Red River, that it will be absolutely necessary soon to have a recorder and a court established in that district; the population of the Red River, I should suppose, has increased tenfold since the union of the companies, since the settlement was established.

357. Mr. *C. Lushington.*] Do the natives, who resort to your settlements, understand the nature of your jurisdiction there, and are they willing to submit to it?—I cannot speak from my own knowledge, never having been there; but I believe the natives look upon all our chief factors and chief traders as their guardians and fathers, that they look up to them as they would to the father of a family.

358. Sir *George Grey.*] Has there been much consumption of spirits among the natives within the Hudson's Bay Company's territories since you have been conversant with their proceedings?—Not of late years.

359. There were at one time two rival companies trading within the same district?—There were.

360. Was it an object with those rival companies to conciliate the natives, to induce them to favour one as against the other?—Decidedly.

361. Do you attribute the further consumption of spirits to that rivalry, and to the objects of the companies with respect to the natives?—Very much so.

362. Do you trace the decreased consumption of spirits among the natives to that rivalry having terminated?—Yes.

363. Was it an object with the two companies to conciliate the natives by any

any means within their power?—No doubt; they were rivals in trade, and if one company made use of spirits, the other was obliged to do the same.

364. Is it the interest of the companies under the altered state of circumstances to adopt any such means of conciliating the natives?—Decidedly not; they prohibit their trading in spirits at all; there is no trade carried on with the natives by the use of spirits.

365. Has there been a marked improvement in the character and conduct of the natives since that change has taken place?—Very great, in my opinion.

366. Are any presents made to them now of any kind?—Yes; presents are made to them very often.

367. Of what description?—They make advances of articles for their hunts; and if they are not enabled to pay, sometimes they are released from the payment of half of the whole, in the shape of a present, according to the circumstances of the case.

368. Presents are not made either in money or in spirits?—There is no money at all.

369. Articles are furnished likely to be of use to them?—Yes; clothing, guns and fishing-nets, fishing-rods and so on.

370. *Chairman.*] How many posts have you?—I cannot state from recollection; there are an amazing number.

371. From what class of society are your agents generally taken?—They are young men that go out in the situation of clerks, principally from Scotland, I think; and if they conduct themselves well as clerks, they are promoted and become traders, and afterwards factors. The chief factors and chief traders, as they are called, participate in the profits; they have emoluments from the profits of the trade.

372. Have you taken any measures to secure the natives against the misconduct of your inferior agents?—I cannot say that there have been any particular measures taken; if our agents misconducted themselves they would be punished, fined and discharged; any misconduct on the part of a servant would be heard before the council, and the parties punished, either by fine or imprisonment or dismissal.

373. Do you take any measures to induce the natives to settle and cultivate the soil?—There are grants of land to the natives when they choose to come down; we have had the exclusive trade only for about 14 years; since that the Red River settlement has increased from 500 to 5,000; a great many natives have come down and settled, and become agriculturists, who were before only hunters.

374. You stated that the missionaries sent out by the Church Missionary Society have been established at your stations; have they been employed principally in teaching the children and servants belonging to your establishment?—No, not altogether; they teach the native children at the establishment as well.

375. Can you give any account of the number of native children that are taught altogether?—I should think in the schools at the Red River, native and half-breed children together, there are to the extent of from 200 to 300.

376. Have you made any efforts to instruct the native population through the medium of native teachers?—That is the object of the schools, to instruct them for the purpose of their instructing their own class.

377. Are any measures taken to provide for the sick and infirm?—The sick are always attended by the medical gentlemen of the establishment; when any of them come down to our establishment, if any of them are sick or in distress, and come down there, as a matter of course they are taken care of by the chief officer of the post; he considers it part of his duty to relieve every native that comes to his post.

378. Do you supply regular medical assistance to the natives in order to cure them of the diseases introduced by Europeans?—I am not aware of any disease being introduced by Europeans.

379. Are any measures adopted as a security against starvation in times of scarcity by individuals attached to the company?—Those that are immediately attached to the company; there are always sufficient provisions laid in at the post for the establishment; there is no starvation at any of the posts of the company.

380. Are any means used to protect the persons employed in the service of the company at the distant posts, and who are subjected at times to the effects of

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scarcity, from starvation?—It is quite impossible; the Indians go away from the posts; they may go 100 or 200 miles from the establishment; the fish may fail them or the deer may be absent, and on those occasions nothing can be done on the part of the company.

381. Are any measures taken on the part of the company to prevent wars between one tribe and another?—We dissuade them from it as much as we possibly can.

382. Have wars occurred between different tribes of natives in that district within the last 14 years?—Yes, some of the tribes, I believe, quarrel and go to war among themselves.

383. Do you know of instances of any European servant of the company accompanying the expeditions of one tribe against another tribe?—Never, that I have heard of.

384. You never heard of a man of the name of Hearne, one of the agents of the company, being engaged with the Indians in an expedition against other Indians?—There was a man of the name of Hearne in that country, a great many years ago, I was going to say I think it was before I was born; I never heard of any of our agents or servants accompanying the Indians one against the other.

385. Is it your opinion, generally, that whatever may have been the state of the country when there were two rival companies, of later years, since the whole power of the companies centred in one company, there has been considerable improvement, that less spirits have been introduced, less wars carried on, and greater pains taken to improve the country?—Decidedly; there is no question about that.

386. Sir *George Grey*.] The posts you state to be very numerous; at those posts, is there an ample supply of food for the winter consumption always laid up?—There is.

387. If natives, suffering from the effects of scarcity, apply during the winter at those posts, do they receive such supplies as the company are enabled to afford them?—Always, I believe.

388. When you state the impossibility of carrying into effect any measures to protect the natives against scarcity, do you refer to natives at a distance from those posts, and who do not come to them to apply for food?—Exactly so.

389. In point of fact, is there a considerable quantity of provisions, in ordinary cases, supplied to the natives at those posts during the winter?—I understand, at times, the natives, if they are in a state of starvation, come down and live at the post altogether; when they find that they cannot get provender, they come down and live at the post.

390. They are maintained then at the expense of the company?—They are.

391. *Chairman*.] Have you ever been in the country yourself?—Never; all the evidence I have given is from information given me by the company's officers there.

392. Mr. Simpson is the governor?—He is.

393. How long has he been in the country?—He has been governor there 14 years, I think.

394. In the event of any parties subject to his immediate government having complaints to make, to whom are they addressed?—To the company.

395. Are those complaints numerous?—No.

396. Is there facility given for the transmission of those complaints?—Yes; every person in the country can write to the governor and committee, they have an opportunity of putting their letters into the packet.

397. Mr. *Lushington*.] If individuals consider themselves aggrieved by the decision of the company, is there any appeal from their award?—I do not know any other than bringing an action against them for any injury they may have sustained.

398. Is yours the ulterior tribunal?—No; they have an opportunity of bringing an action in any court of law here, if we do them injustice; and they have the courts of Canada open to them; the courts of Canada have jurisdiction over the whole territory, and we are bound, under the grant, if there is any complaint laid at Canada, to produce the parties to the court.

399. Sir *George Grey*.] Is the increase of European inhabitants in that territory rapid?—No; of European inhabitants, last year, we sent out 10 families, by way of settling at the Red River, to carry on agricultural pursuits.

400. There

400. There is no tide of emigration setting towards the territory?—No, there is no possibility; there is no way of getting out but by the ships we send out. *John Henry Pelly, Esq.*

401. You do not encourage emigration?—We have not encouraged it of late; the population is increasing so fast with the natives coming down, and the half-breeds, the settlement at the Red River has increased from 500 to 5,000 in a short period of time; we have not found it necessary. 22 March 1837.

402. Taking into consideration the settlement of the territory of the Hudson's Bay Company, has there been emigration to any extent?—There is only the Red River, and the other side, the Columbia, that they can emigrate to; the other part is rocky, barren ground, on which potatoes will not grow: at a great number of our posts the potatoes are cut off, even by summer frosts, and they cannot grow corn.

403. You do not think the country is adapted to any other purpose, generally, but hunting?—No.

404. *Chairman.*] Can you give an estimate, however vague, of the amount of population contained in the whole British territory?—No, I do not immediately remember; perhaps, on reference to some of our records, I should be able to furnish the Committee with some estimate, but it must be vague.

405. You have no means of conjecturing what is the amount of population contained within the Hudson's Bay Company's district?—No.

406. Sir *George Grey.*] The Committee are to collect from your answers, that there has been no possibility of an inconvenient pressure on the natives by the influx of Europeans?—Decidedly not.

407. No contest has arisen between the natives and the Europeans with regard to the possession of any particular spot?—Decidedly not.

Thomas Hodgkin, Esq., M.D., called in; and Examined.

408. ARE you prepared to inform the Committee as to the proceedings adopted by William Penn in the settlement of Pennsylvania?—With the leave of the Committee, being aware that question was about to be put to me, I have endeavoured to furnish myself with answers to those questions, which, as they are in writing, it will be a saving of the time of the Committee if I have leave to read. *Thomas Hodgkin, Esq. M.D.*

409. Sir *George Grey.*] From whence do you derive the information?—I have derived it from two memoirs of William Penn, one of which was written by myself; and, from reference to collateral journals, there are other members of the society to which he belonged, who have published journals.

410. Have you stated in your answers the works from which you have derived the information?—No, my time has been too short to enable me to do so.

[*The same was delivered in and read, vide paper* (A.)]

The Rev. *Stephen Kay*, called in; and further Examined.

411. *Chairman.*] HAVE you any suggestions to offer to the Committee as to the measures which you think it would be desirable to adopt in order to secure protection, and the means of civilization and advancement in knowledge and religion, to the natives of South Africa?—I have. Rev. *Stephen Kay.*

412. Sir *George Grey.*] Are you aware of the measures which have been adopted by the Government in reference to that object?—Yes, in part.

413. Mr. *Bagshaw.*] Are you aware of the late regulations?—No.

414. Sir *George Grey.*] Have you had access to the evidence taken before this Committee in the course of last session?—I have read certain parts of that evidence.

415. You are not aware whether any suggestions you are prepared to make have been acted on or not?—No.

416. Are the suggestions with reference to the general policy to be adopted towards the natives, or to the intercourse between the natives and others?—Both.

417. Are they suggestions on which you think Government ought to act?—Yes.

418. They are not suggestions for the guidance of missionary societies, but for the guidance of the Government?—Yes.

419. When did you leave the colony?—Upwards of five years ago.

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420. Are the suggestions you are now prepared to make founded on your own personal experience derived five years ago, or from recent information? —From both.

421. To what period does your information come down?—To within the last few months.

422. Mr. *Bagshaw.*] Have you read Captain Gardiner's evidence regarding the state of our relations with the natives of Port Natal?—I have read part of it.

423. Not the whole?—No.

424. You adduced in your evidence of yesterday before this Committee a comparison of the conduct of the natives to Europeans; did you refer to those on the eastern frontier of the Cape of Good Hope?—No; my allusion was to the system acted upon by the tribes of the interior, not the Zoolah clans.

425. Did you not adduce as a reason why the natives of South Africa, the Caffres particularly, should be considered as a peaceable and quiet people, the fact of certain natives of South Africa, near to Port Natal, having always acted in a very peaceable way towards the settlers there?—I referred to the Bochuana tribes.

426. Did you not mention those in the neighbourhood of Port Natal in your statement yesterday?—I might advert to them, but it was with reference to the system of warfare pursued, rather than to the treatment received by settlers from the natives, and to the fact of many of the colonists throwing themselves amongst them.

427. If you have had very recent information from South Africa, are you not aware that a great number of the Dutch settlers on the eastern frontier have left that frontier, and gone into the interior; that they have been attacked by the natives, and, after a most sanguinary conflict, a great many of them have been murdered?—I was aware, from information I had received, that certain Dutch boors had left the colony and proceeded into the interior, but I was not aware of their having been attacked and murdered.

428. Are you not aware that a great number of the English settlers on the frontier are leaving their settlements in consequence of their fear of the Caffres? —I was not aware of that.

429. Do you believe any estates have been advertised to be sold, but ineffectually, in consequence of those fears?—I was not aware of that.

430. Your correspondents in the colony have not informed you of that fact?— No; my information is quite of a missionary character.

431. *Chairman.*] Are you prepared to offer to the Committee any suggestions which you think would tend to secure peace, and to promote the civilization of the natives?—I am.

432. Sir *George Grey.*] Are you going to answer that question from the written paper in your hand?—Yes; I shall refer to the written observation in my hand.

433. Is that in the form of a treatise on colonial policy as it respects the inhabitants of South Africa, or a paper of memoranda for reference?—Mere memoranda.

434. Are you going to read from the paper?—I am intending to read parts of my answer from it.

435. Mr. *Bagshaw.*] How long is it since you left the Caffre country?—It is five years and two or three months; I sailed from the Cape in February five years ago.

436. Did you go immediately from the eastern frontier to the Cape of Good Hope?—Yes.

437. So that it is only five years since you left the neighbourhood of Graham's Town?—Not much more.

438. *Chairman.*] Will you have the goodness to answer the question?—First, That the colonial boundary be at once and fully determined, giving to the natives all possible security against future encroachments. Second, That the frontier tribes be compensated for the lands we have taken from them in the best way existing circumstances will admit of.

439. Sir *George Grey.*] What lands do you refer to; can you describe them geographically?—Lands designated sometimes the neutral territory; at other times the ceded territory.

440. You confine your observations to that territory?—I confine them principally to that territory.

441. Do

441. Do you include any other territory in your observation?—Not in this observation.

442. Mr. *Bagshaw.*] Are you not aware that that has been already given up to the Caffre?—I am not. I certainly cannot agree with one of the witnesses, who, at page 516 of the Minutes of Evidence, says, "If we make them the possessors of our common Christianity, and our social and civil privileges, we shall confer upon them advantages which will, I think, counterbalance the loss they have sustained; for, after all, if the natives are brought to the enjoyment of Christianity and civilization, they will not need so great an extent of territory as they do now in their uncivilized and roving state; a much narrower compass of land will then be sufficient for their comfortable support." With all proper deference, I would respectfully ask what are they to do in the meantime? all will admit that we cannot instanter turn a pastoral people into an agricultural or commercial one, or civilize the Caffre nation in a day. The great principles of justice, I conceive, demand that the compensation in question should be not prospective only, but immediate, and of such a character as they themselves will be able to appreciate.

443. Sir *George Grey.*] What sort of compensation do you allude to, land or money?—Land.

444. By compensation, do you mean restitution?—The restitution of their lands.

445. Do you mean restitution of the specific lands, or compensation by land in another quarter?—I think the restitution of their old territory would be most satisfactory, because it is what they want.

446. What do you mean by the term compensation?—I ought to have said restitution; that was my meaning.

447. *Chairman.*] Did you mean the restoration of the specific lands taken, or would the same end be answered, in your opinion, if other land in another direction were bestowed upon them?—I am not aware that lands in another direction can be given to them, and therefore that did not enter into my view.

448. If other lands in another direction can be given to them, which would satisfy them, you would consider that sufficient?—Yes; but having visited those tribes frequently, I am not aware of any compensation which can be made that would be so satisfactory as the restoration of their former territory. We have confessedly wronged them in a way which has absolutely reduced them to want, and we are therefore bound, as far as in us lies, to relieve that want; but it would avail very little indeed for a starving Caffre to be told, that we are about adopting measures which, in process of time, will undoubtedly raise his nation to all the dignity and comfort of civilized life. This Christianity certainly binds us to do, whilst common honesty requires that we should not leave the other undone. Third, That each chieftain be duly and impartially recognised, and that no one be treated with by the colonial authorities in any matter at all belonging to his neighbour; that the whole of the Caffre frontier be divided into districts, for each of which the respective chiefs shall be held responsible in all matters affecting the colony; and that each, according to the principle already adopted on the northern frontier, be allowed a small annual stipend; thus making it their interest to protect and promote ours. Fourth, That a special treaty be immediately made with the Caffre chiefs collectively, binding them to protect all British subjects, who may from time to time go into their country for commercial or other and all lawful purposes, so long as they conduct themselves in an honest and peaceable manner, and guaranteeing on our part equal protection to any native who may have occasion to come into the colony, and whose conduct involves no breach of law, nor any violation of our usages. Fifth, That all treaties with the chiefs respectively and collectively, and duly confirmed by the British Government, be published and made fully known on both sides of the boundary, so that the Caffre as well as the colonist may perfectly understand the relative situation in which he is thereby placed, and the requisitions by which both are bound. Sixth, That it be proclaimed actionable for any colonist to drive his flocks or herds on to the lands of the natives, to destroy their game, or to take possession of their fountains; and that the natives thus injured, shall in all and every such case be legally entitled to claim the full amount of damages in any of our colonial courts of law.

449. Mr. *Bagshaw.*] Are they not now?—I am not aware that they are.

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450. *Chairman.*] Have you ever known any indemnification given to the natives for trespasses of this nature?—None whatever.

451. Have you ever known any trespasses of that description committed?—Yes. Seventhly, I would propose that the jurisdiction of our colonial courts be extended, so as to take cognizance of all cases of delinquency, trespass or crime committed by colonists beyond the frontiers. Eighthly, That a sort of consular agent or agents be appointed so reside in Caffreland, and within a convenient distance of the principal chiefs, fully empowered to arrest and send into the colony for trial any British subject who may have injured the natives either in person or property; and likewise to hear and determine offences of a minor description: said agents also to constitute the legal mediums through which traders and others shall make known their grievances to and demand redress of the respective chieftains, being at the same time the proper organs of communication between the latter and our Government.

452. Sir *George Grey.*] What establishment would you annex to each of those agents?—I am not prepared to say.

453. Would they require any establishment to carry into effect the object you have in view?—I think circumstances must determine that; I merely throw out a hint to the Committee, to draw what conclusion they think proper.

454. Have you formed any definite idea of the mode in which an agent residing in Caffreland, could enforce any penalty he might see fit to impose?—No.

455. It did not enter into your contemplation that there must be a summary jurisdiction conferred upon the agents in those districts?—Of course, that is implied; but I did not take into consideration what kind of establishment, or to what extent.

456. But you do contemplate that there should be a police force attached to each, to enable him to carry into effect the objects committed to him?—I should think that would be necessary to some extent. Ninthly, I would recommend that a duly qualified person be appointed to act in the colonial courts as counsel to the Caffre and other natives residing beyond our frontiers; that he be placed in an independent situation as to the local government, and required to report his proceedings regularly and directly to the British Government. Lastly, That the colonial government be instructed to facilitate by every possible means the establishment and extension of Christianity amongst the Caffre and other tribes; beyond making such annual grants to the various missionary societies as may further the work of civilization on the different stations, supplying them, at least, with agricultural and other implements and with the means of employing mechanics or artisans, as circumstances may require; always leaving, however, the selection of suitable persons to the missionaries themselves.

457. *Chairman.*] Have you had such experience of the effect of missionary labours amongst the natives as to be able to inform the Committee what are the fruits that may be expected from them?—I have.

458. Have the goodness to state them?—In the first place, I beg leave to observe, in reference to the Caffre, one witness, in answer to question 1557 of the printed Minutes of Evidence, has given it as his opinion, that the missionaries have not done so much in the way of christianizing them, as they have been useful in a political point of view. Another, who seems to have made a tour in certain parts of the country, informs the Committee that they had done very little towards civilizing the natives, (Q. 3380); and a third, that they, the missionaries, whom Capt. Aitchison describes as "mechanics, blacksmiths and all those sort of things, who build houses and live among the Caffres," have not improved the native character "in the least." (Q. 173, 177.) Now, in reply to these statements, I beg leave to remind the Committee of two things, which are perfectly undeniable: first, that if any one ever thought of civilizing the tribes in question, the attempt was certainly never made, until missionaries began their work; and, secondly, all that has been done in the way of civilization has undoubtedly been effected through the instrumentality of missionaries principally. And having said thus much on the generality of the question, I trust I shall be allowed to adduce a few particulars, which may give the Committee an idea of what really has been done. First, a very considerable change has already been effected in the manners of the Caffre. The mere traveller cannot but have observed that some on every station have laid aside their native costume altogether; others, also, are partially clothed in European apparel; and numbers more are determined

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mined to imitate their neighbours, in this respect, as soon as their means will at all enable them to purchase the requisite articles. Amongst the surrounding population, moreover, a sense of decorum is daily becoming more and more observable. When we first visited them, the men evinced no sensibility of shame whatever in standing before company, or entering your houses, uncovered. Instances, however, of this description very rarely occur now. The moment they appear in the mission village, the mantle is carefully wrapped round the person; and if any one happens to forget this piece of etiquette, the laugh of the crowd is instantly turned upon him, and he shrinks back in the utmost confusion. Secondly, their polygamous habits are giving way. By the introduction of Christian marriage, polygamy has, in fact, been banished from all our mission villages. No man is allowed to settle with us who is determined to keep two wives. I leave the Committee, therefore, to judge of the weight to be attached to Capt. Aitcheson's opinion, as to the non-improvement of the Caffre character, when numbers are brought to submit to a regulation like this, which strikes at the very root of a most prolific source of evil, and which, as is well known, has strong hold of the native mind generally. Thirdly, their views of female character are confessedly elevated; consequently, from the lowest possible state of degradation, in which they were doomed to the drudgery of building, digging, sowing, reaping, &c., numbers have been raised to the comforts of social life, having exchanged the field for the domestic circle, in which, as wives and as mothers, they are now found attending to household duties, almost exclusively; a change which nothing, I conceive, short of a powerful conviction of their being fellow immortals, could have induced the Caffre to allow. They are now, therefore, entitled to the same seat with their husbands, and permitted to eat out of the same dish, a privilege never allowed before. Hitherto they have been regarded as a source of gain to parents and guardians, who, according to universal usage, have invariably sold their daughters in marriage; but, hearing that an old native, residing with us at Butterworth, was about making the usual contract respecting his daughter, several of our Christian converts immediately got round and reasoned him out of his purpose; and he afterwards frankly acknowledged to me that he was perfectly ashamed of ever having indulged the thought. In the fourth place, their heathenish cruelties have been materially checked. On every mission station the various superstitious ceremonies, to which the people have been accustomed from time immemorial, are almost wholly laid aside. Some of these were of the most inhuman character, inflicting torture and excruciating pain, by means of stinging insects; of branding with hot stones; of roasting, or of burning, until nearly dead. Their sorcerers, or rain-makers, also, a class of impostors, and the universal ringleaders in all this kind of cruelty, with whom every missionary has less or more to contend, have been put to flight; being, confessedly, unable to dwell where the light of the gospel shines. I very much question, therefore, whether one of these men could now be found within a circle of many miles round about any of the stations. This circumstance will appear the more important when I state that the living stand in constant dread of them; their property, and even life itself, being placed in jeopardy the moment they begin to call an assembly; and all being kept in perfect suspense, as to the object of vengeance, until they announce their verdict, which is uniformly based upon some supposed witchcraft. Numbers are hereby driven to the necessity of plundering for subsistence, being reduced to absolute beggary in a moment, without being allowed so much as to ask the why or wherefore. Upon the incantations and enchantments, moreover of these fellows, depends exclusively and universally the hope of recovery on the part of the sick and dying. Fifthly, war has been prevented; clannish broils are by no means so frequent amongst the bordering tribes as formerly, owing, as the natives themselves admit, wholly to the presence and influence of missionaries. At the time of my appointment to the Butterworth station, a most hostile feeling prevailed, and was just on the point of breaking out, between Hintza and Voosani, the chiefs of the Amaxosæ and Amatemboo tribes. These two great rival princes, to whom all the other chieftains along the whole line of Caffre frontier were confessedly subordinate, had long been on very unfriendly terms; and although living within a few miles of each other, it is said they never saw one another until brought together in the field along with our commando, in 1828; on which occasion they met and parted without so much as exchanging compliments. Knowing all this, and observing in every direction great numbers busily engaged in preparing shields, and sharpening spears, one of my first objects, on reaching the

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the station, was to put down, if possible, this rising flame. The fire, however, for some time was daily fed by reports of additional depredations, and of various petty quarrels amongst small parties in the outskirts of the respective tribes; all which were eagerly seized as so many strong reasons why war ought to be immediately declared. Having repeatedly remonstrated with Hintza upon the subject, as had my predecessor likewise, and having personally visited Voosani, to assist in the settlement of a missionary station in his territories also, I one day brought the matter to a point, informing the king of the cordial reception we had experienced from his neighbour; and at the same time reminded him of his own act and deed by which he had formally constituted us "pillars in the house of Khowta" (a phrase implying adoption into his father's family); of the danger in which war would inevitably place us; of the probable influence of such a circumstance upon the colony; and above all, of the wrath of Almighty God, which might thereby be provoked. He heard me very patiently; and, almost immediately afterwards, called his council together, and issued orders for the laying aside of spears and shields; as "we cannot fight," said he, "because the abafundis (missionaries) are in the way." Sixthly, a peaceable disposition has been induced. In proof of this, I beg leave to remind the Committee of the undeniable fact, that general tranquillity has been kept up on the frontiers much longer, since Christian missions were established amongst the Caffre tribes, than at any preceding period of our colonial history. It appears, moreover, that all who had embraced Christianity positively and perseveringly refused to take any part whatever against the colony, although, doubtless, urged by the belligerent chiefs to do so; and that hundreds actually joined the colonial forces, with the view of securing its defence. A third circumstance, also, is deserving of notice here, as it tends most strictly to illustrate the humanizing influence of religious knowledge, even where true Christian principle has not yet gained the ascendancy. It is quite notorious that in all former wars the Caffres massacred men, women, and children indiscriminately; but during the last, it is well known that many instances occurred of European females and children falling into the hands of the enemy, who protected and finally restored them to their relatives in safety. Add to this a fourth fact; that the hostile chiefs themselves, at the very commencement of the war, gave special charge to their warriors concerning all missionaries, not one of them was to be hurt on any account whatever; and I think it will fully appear that the very worst of the Caffres are by no means so "bloodthirsty" as some would have the Committee to believe; whilst the statement of Benjamin D'Urban himself, "that the missionaries could not flatter themselves that they had ever made a lasting salutary impression upon one of the Caffre race," is hereby certainly more than refuted. (Parl. Papers on Caffre War, p. 17.)

459. Sir *George Grey.*] Do those observations refer to the last irruption of the Caffres?—Yes.

460. You do not give the remainder as the result of your own observation, but the result of information you have received in England?—Yes, as the result of both.

461. Have you carried on a direct correspondence with other missionaries on the spot, from which you derive this?—Yes; my information comes direct through our own missionary society.

462. They state those facts?—Yes.

463. Mr. *Bagshaw.*] Will you name the missionaries?—Messrs. Haddy, Shepstone and others, and likewise Mr. Shaw, who was recently in this country.

464. Sir *George Grey.*] Has your correspondence been confined to missionaries of the Wesleyan Society, or does it extend to missionaries of other societies?—To missionaries of our own society, the Wesleyan.

465. Mr. *Bagshaw.*] Does Mr. Laing belong to your society?—He belongs to the Glasgow Missionary Society, I believe.

466. Do you know him at all?—I have seen him in South Africa.

467. Mr. Chalmers belongs to the same?—I believe he does.

468. Have you seen him?—Yes; I had one interview with Mr. Laing in Cape Town, and one with Mr. Chalmers on the frontiers.

469. Sir *George Grey.*] Had you any means of seeing, before you left the country, the improvement of the Caffre country, so as to ascertain that it fully justified the statement you have made?—Yes.

470. *Chairman.*]

470. *Chairman.*] In the 10 years you were there, did you see that the natives who were placed under the management of missionary institutions did advance in civilization?—I did.

471. Was their advance very perceptible?—It might not be very perceptible to strangers, but to missionaries on the spot, who were able to view in juxtaposition the state in which they found them on their arrival, with that in which they were at the time I left, it was very perceptible. I would say, in the seventh place, a desire for education has been created. It is a grand mistake to suppose that the Caffres are at all devoid of that curiosity and inquisitiveness which form such distinguished traits in the character of sentient beings generally. By this disposition they are prompted, on seeing the missionary take his stand in their midst, with a book in his hand, a position altogether novel to them, to ask what is he doing; and then, on hearing him read in their own tongue the wonderful works of God, their curiosity is turned into perfect astonishment, and sometimes, indeed, into reverential awe. On seeing him, moreover, send a message containing their own sentiments and wishes on a slip of paper, to some one at the distance perhaps of several days' journey, a thing which neither they nor their forefathers ever heard of before, they are constrained very anxiously to inquire, "and can we not learn to do the same?" Thus numbers are naturally led to send their children to our schools; and many adults likewise, under this kind of impulse, try to talk with the book themselves. In the eighth place, their serious attention has been stirred up both to commerce and agriculture. Whoever heard of a plough amongst the Caffres before Christian missions were commenced, and what was our trade with them worth before these began to extend their civilizing influence? A weekly fair, indeed, was held at one of the military forts, to which the natives were allowed to resort; but although that measure was undoubtedly well designed, it is altogether questionable as to whether the good or the evil accruing therefrom preponderated. It certainly proved the instrumental means at least of increasing the jealousies already engendered by our former measures among the different chieftains; as Gaika, our old ally, availed himself of the circumstance of its being held in his immediate neighbourhood for taxing each person who attended it, and sometimes most exorbitantly, so that clannish quarrels not unfrequently arose, and open war was more than once threatened. Missionaries, however, having opened the way for traders into almost every part of the country, this kind of collision has long since ceased; and the Committee will not forget that 200 of these were busily engaged in Caffraria alone at the time the late war broke out. No trader whatever was allowed to travel in that country at the time we first commenced our missions.

472. Sir *George Grey.*] When did the society of which you are a member first commence its missions in South Africa?—Our first mission in Caffraria was established in the year 1823.

473. Were there any other missionaries in Caffraria before the Wesleyan missionaries established themselves there?—On the River Chume a government agent.

474. Was he a missionary employed by Government or by a society in this country?—He was employed by Government as their agent.

475. Was he employed as a Christian missionary, or an agent of Government?—The two offices were combined.

476. Did Government send him out as a teacher, or did he go out in connexion with any other society?—He went out, I believe, in connexion with another society.

477. Had any other society any missionaries in Caffraria before 1823?—None residing there at that time.

478. Had there been any Christian missionaries in Caffraria prior to 1823?—Yes; but there was no station formed.

479. Had the operation of Christian teaching been brought to bear upon the people by any other agents than those of the Wesleyan Society before 1823?—Yes; some years previously, as the Committee may probably be aware, Dr. Vanderkemp was in the country; and in the year 1816 or 1817, Mr. Williams, belonging to the London Society, was in that country; after his death there was an interval; but at the time to which allusion is now made, 1823, the London Missionary Society had no station in Caffraria. Mr. Brownley was the only missionary who had been there at that time, at the River Chume station, the only station on the Caffre frontier.

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480. What number of missionaries were there in Caffraria at the time you left?—I am not prepared to answer that question explicitly: we had five or six stations in Caffraria and Albany.

481. One missionary at each?—Yes; the London Missionary Society had a station at the time I left, on which Mr. Brownley was labouring. The Glasgow Missionary Society had another, I think, if not two.

482. The London Missionary Society had only one?—Only one at that time, on the Buffalo river, 15 or 16 miles from my station at Mount Coke; which station on the Buffalo river was commenced in the year 1826; I think, some time after I had commenced the Mount Coke station.

483. *Chairman.*] Will you proceed with your answer?—Ninth, I would say, property is increased. Many of the natives have already acquired a knowledge of the use of our English currency, which was but as yesterday introduced into the colony; and we may hope, that, at no very distant period, this will in a great measure supersede beads and other baubles, which at present constitute the bullion of the country. The quantity of cutlery, iron ware and European implements of husbandry, now found amongst the Caffres, is very considerable; whilst some have got waggons also, and are adding horses, sheep and goats to their stock, which formerly consisted of horned cattle exclusively. For huts, we have succeeded in getting some to substitute a small description of houses; in the planning and erection of which they are of course assisted by the European artisan belonging to the station. This renders the task to them less formidable and discouraging than it otherwise would be, and at the same time secures attention to the ground plan of the village laid down by the missionary himself. Useful and practical knowledge is hereby imparted to the natives in a way which at once benefits and binds them to the station. In the next place, the Sabbath is established. This sacred institution, which was before altogether unknown in the country, is now duly and regularly observed on every station, and by some of the chiefs it has even been publicly proclaimed. When we first began our work, the natives would frequently bring milk, corn and other articles of that description for sale on Sunday mornings, as well as other days; but every annoyance of this kind has long since ceased. No chief ventures to hold his council in the mission village on the Lord's day; nor are any of the inhabitants seen digging, sowing or planting in their gardens on that day. A pleasing stillness usually distinguishes the morning from every other; and its sacred hours are regularly divided between the schools and Divine worship. All who have substituted European apparel for their native costume, now manifestly take pleasure in showing it, with as much neatness and cleanliness as possible. In the beginning our public services were occasionally disturbed by whisperings, bursts of laughter, or jocular remarks amongst the hearers; but now the congregations, generally speaking, are characterized by as much order and becoming solemnity as any I know. In the last place, the rite of sepulture is observed. The custom universally prevalent, was to cast out all, excepting principal chiefs and their wives, while dying, to expire in the forest or the ravine, and to constitute food for beasts of prey, which, doubtless, rendered the latter much more ferocious and dangerous than they otherwise would be. Now, however, the dead are decently buried; and concerning some of these we are also able to add, they "died in the Lord;" which fact, independently of every other, abundantly compensates us for all peril, privation, and even reproach, which we may be called to endure in the discharge of our missionary duties. It was not a little difficult, however, at first, to introduce the rite of sepulture, as the natives were afraid to touch a corpse, thinking that it rendered them unclean. Hence, it was only by doing this ourselves, and by helping to make the grave, that we at length succeeded in conquering their prejudices.

484. Sir *George Grey.*] Are you still a missionary?—No.

485. You are not intending to return to South Africa?—Not at present.

486. *Chairman.*] What is your opinion as to the general effects of the system of commandos upon the natives?—It is most distressing: their gardens being hereby destroyed, their country laid waste, their corn-fields trampled under foot, their habitations fired, and all this in a country where there is nothing in the shape of mechanical arts to depend upon, no parishes to go to, no government that will help them, nor any charitable public to sympathize with them, and where they must either perish of famine or be destroyed by foes, if driven back on the tribes beyond. The distress is incalculably great.

487. Mr. *Bagshaw.*] You stated that you knew the Reverend Mr. Laing, of Graham's

Graham's Town?—I only know him from having seen him in company at Cape Town, just on his arrival. Rev. *Stephen Kay.* 22 March 1837.

488. Have you received an account of the annual meeting of your society held at Graham's Town on the 23d of March 1836?—I think I have seen an account of it in some of the periodicals.

489. Did it contain the following extract from Mr. Laing's speech: "The people to whom we have carried the gospel, and whose best interests we are labouring to promote, have risen up against us, murdered many of our countrymen, and necessitated every missionary to leave their territory; so that there is not one teacher of religion left amongst them, to persuade them to repent of their sins. They have entered the colony along the whole of the frontier, from the Winterberg to the sea; carried off incredible numbers of cattle; compelled the farmers to leave their homes and take refuge at the nearest place of shelter; burnt a great many houses and three places of worship; murdered many of the colonists, and occasioned such general distress throughout all the invaded districts as we venture to affirm was never witnessed in these parts before. We have a cheering proof of the efficiency of the Gospel and its beneficial tendency, in the fact that not one of the Caffres who have embraced and persevered in the cordial belief of the Bible has joined his countrymen in the present invasion of the colony, but have all to a man, not justified it, as Lord Glenelg has done, but reprobated the measure as fraught with iniquity. Your committee, while they sincerely sympathize with their fellow-labourers of other denominations in the sufferings and losses which they also have been called to sustain, and deeply deplore the treacherous assassination of so many of their countrymen by the hand of the enemy, desire to record their animated thanksgiving to Almighty God, that the missionary institutions have been the means of sheltering so many lives, which might otherwise have been destroyed"?—I have never heard or seen that extract before.

490. Do you remember a speech made by Mr. Laing on that occasion, containing this expression: "Some have said that the missionaries must have seen the preparations which the Caffres are supposed to have made previous to their (mark, not the justifiable,) infatuated and cruel attack on the colony. Preparations they may have made, and plans they may have formed, previous to their murderous attacks on this frontier; but they contrived to keep the missionaries entirely in the dark. The first indications of the irruption presented themselves to my observation on the 17th December; never had I seen such commotions among the Caffres before. I found that the trader at our station, an excellent young man, was placed in very trying circumstances, on account of the conduct of, not the oppressed natives, but the covetous and bloodthirsty natives."?—I have no recollection of anything of the kind; it may suffice just to say, that all the information I have received, was an announcement of a general meeting having been held, and such and such speakers having addressed the meeting, and I have a perfect recollection of the name of Mr. Laing as being at that meeting.

491. Can you bring to your recollection whether you ever saw an account of a meeting of the Baptist Missionary Society at Graham's Town, held on the 30th of August in the same year; in which Mr. Chalmers, whom you say you have some recollection of, is stated to have said this: "I was a missionary in Caffreland when this irruption commenced, and I can say for myself, as an individual, and I can also bear testimony to all my missionary brethren of every denomination in that country, that previous to the commencement of the irruption we had been labouring most assiduously in behalf of that degraded and benighted people. We were looking forward to behold the pleasure of the Lord prospering in Caffreland; when, lo! the Caffres invaded the peaceable and unoffending colonists, and carried devastation, burning and death throughout the whole length and breadth of the frontier line, swift, terrible and destructive as the blast of the desolating whirlwind! I do deeply sympathize with my fellow countrymen who have been deprived of near and dear relatives and friends, who were forced to flee from their respective homes, endeared to them and made comfortable by them, after 14 long years of very strict economy and hard labour under an African sun. From the inmost recesses of my soul, I do sympathize with the thousands whose dwellings have been desolated, who have been hurled from riches to penury, from prosperity to the greatest possible poverty. But whilst I mourn over what has befallen the once happy families of this frontier,

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I rejoice and bless God for that spirit of active benevolence which has aroused so many to come forward and contribute very largely to the immediate relief and assistance of their famishing friends and fellow colonists; and I am no less grateful that our excellent and for ever to be respected governor had the wisdom, the foresight and humanity to provide so very bountifully the means of subsistence for those who were rendered deplorably destitute, not by any misconduct or mismanagement of their own, but effected solely by the wicked and relentless arm of the cruel and daring invader. It may be truly said, if former governors have acted wisely and virtuously, Sir Benjamin D'Urban has excelled them all. Our excellent governor has shown himself to be the best friend the colonists ever had; he was the friend of all the Caffreland missionaries, for he was the means, under God, of rescuing them from their perilous situation. Our governor has proved himself to be not only a true friend to all those Caffres who have remained in amity with the colony, but the events of the past few weeks have fully evinced that our good Sir Benjamin has still a conscience and a heart to commiserate; and I am only exceedingly grieved to think that these poor and infatuated creatures, our enemies, have so very much forgotten their own interests as to have rejected the overtures of peace."?—I have some recollection of part of that speech, but where I saw it, or when, I really am not prepared to say.

492. You spoke yesterday of the meritorious conduct of the settlers on the eastern frontier, particularly those from England; is this what you consider they are entitled to? "The British settlers of Albany have exerted themselves to improve the resources of the country, and enhance the value of its native productions; and they have been equally sedulous to disseminate abroad and to hand down to their posterity those great moral principles which are so justly the boast and glory of their native land. Numerous edifices have been erected by them for Divine worship, and schools established for the instruction of youth in the principles of religion; nor have they ever relaxed in their endeavours to promote all those institutions whose professed object is the amelioration of the condition of mankind at large." Is that a faithful picture of the feeling of the English colonists on those two frontiers?—I would not take upon me to speak to every sentiment contained in that passage; but, in the main, I believe it is correct.

493. Is it not the fact, "that although the settlement of Albany has suffered so severely from the depredations of the Caffre hordes, still, until the late general irruption, no commando from this settlement ever entered the Caffre territory, either to make reprisal or otherwise, with the exception of one solitary instance, where a party of its young men proceeded to the succour of the Caffres at the very moment when destruction awaited them at the hands of the dreaded Felcani."—What am I to understand by commando proceeding from that settlement?

494. From the English part of that settlement.—The troops are garrisoned in Graham's Town; consequently, any commando proceeding might go from the settlement; but am I to understand the question as being this, a commando consisting exclusively of English settlers?

495. So it is intended, with that one exception.—I know of no commando consisting exclusively of English settlers proceeding into the Caffre territory.

496. *Chairman.*] Do you know of any commandos, or any patrol, consisting of individuals, some of whom might not be of English origin, who have proceeded into Caffreland?—Yes.

497. Do you know of many instances?—I should not say many; but I have known instances.

498. Can you call to your recollection any commando, of which the English settlers formed a part, having ever entered Caffreland for the purposes of aggression?—What am I to understand by the term aggression, does it refer to territory or cattle?

499. Sir *George Grey.*] Were not they all for the purposes of recovering cattle which had been lost?—I am not aware of any for the purpose of mere aggression.

500. In answer to the last question asked you yesterday, you spoke of your statements having been entirely against a system; how do you reconcile that with the personal complaints you have made against individuals?—I did not state that my statements were entirely against a system. The question put to me by the Chairman, if I recollect rightly, was simply this: "Are the Committee to understand that you come here to prefer charges against the colonists as a body, or against the system?" Self defence has obliged me to refer to individuals.

Veneris, 21° *die Aprilis*, 1837.

MEMBERS PRESENT.

Mr. Bagshaw.	Mr. Hindley.
Mr. T. F. Buxton.	Mr. Holland.
Mr. W. E. Gladstone.	Mr. Charles Lushington.

THOMAS FOWELL BUXTON, ESQ., IN THE CHAIR.

Rev. *Stephen Kay*, called in; and Examined.

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501. Mr. *Bagshaw*.] I BELIEVE you are the writer of the book entitled "Caffrarian Researches"?—I am.

502. In your evidence given before this Committee, you advert to a letter, written by Major Dundas, denying the correctness of certain statements you had made and conclusions arrived at in that book, on the subject of the assistance afforded to the Tambookies in the recovery of the cattle carried off by the Monguanas?—I have; I presume you are now alluding to the evidence given at my first examination.

503. Have you a copy of that before you?—Yes.

504. Will you state to the Committee whether you are fully acquainted with the objects for the accomplishment of which Major Dundas was sent to the eastward?—I understood that he was sent to negotiate with Chaka, king of the Zoolahs, and promote an amicable disposition towards neighbouring tribes.

505. You have assumed that the object of the journey of Major Dundas was entirely of a peaceful character towards the Zoolah chief, Chaka; if you have any authority for such an assumption, will you state it?—From a general impression in the colony at the time, and from observations made in the Cape papers respecting it, that was the only conclusion at which we could arrive.

506. Are you aware that a meeting between Major Dundas and Chaka, or any of his people, never took place?—I never heard of one; I understood that Chaka's forces had retired prior to Major Dundas's arrival in that part of the country which they had desolated, on the coast.

507. Admitting that peace was the object, as far as Chaka was concerned, are you prepared to say that that object was lost sight of?—That would seem to have been the case, from the circumstances which occurred upon that journey.

507*. Will you state those circumstances?—I stated them in my evidence on a former day; and they are likewise stated at large in the Major's letter to Sir Lowry Cole, which is upon the Minutes of Evidence.

508. The question is as far as Chaka is concerned?—Upon that point I judge mainly from the circumstances which occurred, and the manner in which Major Dundas turned aside from his original course, without proceeding to Chaka's territories.

509. Do you suppose that an attack by a numerous and warlike body of savages could be made upon the Caffre and Tambookie tribes without considerable inconvenience and evil being felt by the inhabitants on the immediate frontiers of the colony?—It is quite possible that such inconvenience might result from an attack of that kind, but I am not aware that it did at that time, or that such was the result upon that occasion.

510. But the probable consequences would be of that character?—Admitting that Chaka, with his forces, had come forward, it is quite probable that the Caffre and Tambookie tribes might have fallen back upon the colonial frontier.

511. Do you not conceive it to be reasonable and good policy to assist the

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Caffre and Tambookie tribes in repelling attacks that may be made by marauders upon them?—I am not prepared to answer that question exactly in that form. Pray, what kind of assistance is meant? If, by assistance, I am to understand a hostile movement of the troops, then I question the policy; anything in the shape of conciliatory interference might be beneficial.

512. But, provided that conciliatory interference do not produce the desired effect, you would not have seen the Caffre and Tambookie tribes destroyed by their enemies, who were so near the colony, without assisting them in a warlike way?—Certainly not; but the circumstances on that occasion were not of such a character as to force us to that conclusion.

513. How do you know that?—From the distance which the advancing tribes were from the colony.

514. What distance?—At least from 250 to 300 miles from our frontier.

515. At the time when they came in hostile collision with the Tambookies?—Not the Tambookies; if you are speaking now of Chaka's force, it must be distinctly understood that Chaka's forces came down along the line of coast; the forces of the Fikani came down in an inland direction, and they appeared to have been on the move about the same time; hence, it is very desirable the Committee should keep in mind that they were two distinct bodies, not at all united.

516. Do you not know that, in the three following years, 1826, 1827, 1828, the Tambookies were attacked by the Monguanas, and that in the two first of those years those people were driven in upon the colony?—I am aware that reports of that description were afloat for two years, or thereabouts; that a number of natives were induced to cross the boundaries upon the Tambookie line of frontier, but that is all; not the Tambookies as a body.

517. Then you do not know it, you only heard it as a report?—I knew it was a fact that some had come over our frontier line; but the Tambookie tribe was certainly not forced in upon us.

518. What number do you suppose came over the boundaries to seek protection?—I am not prepared to say what number.

519. It is understood they came over to seek protection from the colonists?—I would beg leave to observe, that all who came over were not Tambookies; they were strangers, belonging to the Boochuana and other tribes in the interior.

520. But still they were driven, I presume, by the forces, and the same circumstances which bore the Tambookies over the frontier?—Driven in precisely the same way as the Fikani themselves had been driven previously.

521. Are you not aware that two of the most considerable of the Tambookie chiefs were driven over, with a great number of their people?—I presume you are now alluding to Chilala, and another whose name I do not recollect; in all probability, Major Dundas, at your right, may recollect. Whether they were driven over by the forces now alluded to, perhaps may be questioned. I recollect perfectly well a skirmish taking place between Moçomo, the son of Gaika, and Chilala, or some of his neighbours; and in consequence of that skirmish a number of the Tambookies being driven over.

522. That was at a different period; was it not in the years I have mentioned, 1826, 1827, 1828?—I cannot speak positively upon that point; but I think, as far as my memory serves me, it was about the years 1827, 1828, and not at the time the tribes of the interior were disturbed by the forces you are now alluding to.

523. Do you not know, that in 1827, the lieutenant-governor, General Bourke, deemed it necessary to proceed himself to the frontier, to superintend the defence, and secure the peace of the colony?—I am aware of that.

524. Do you know, that at this time the Moravian missionary station of the Klip Platy was plundered, and for a time abandoned by the missionaries?—I believe they were attacked, and the missionary was under the necessity of retiring for a short time.

525. How long?—I am not prepared to say; I heard of the circumstance, but was some distance from Klip Platts at the time.

526. What is the distance of the missionary station called Butterworth from the sources of the Umtata River?—I cannot positively say; I have not been exactly at the sources of the Umtata; I have travelled along the banks of that river below the sources, perhaps some 20 or 30 miles, but was never at the sources.

527. You

527. You do not know the distance?—No.

528. Are you aware that, in 1828, Mr. Shrewsbury found it necessary to make preparations for the removal of the mission property, when the Monguanas were ravaging the country at no great distance from him on the north-east?—No; I never heard that he removed the mission property.

529. The question was, whether you were aware that he made preparations for removing?—No, not the mission property.

530. Are you not aware of that fact?—No.

531. You heard it stated that he did?—No, certainly not.

532. Not that Mr. Shrewsbury had heard of the attack, and made preparations for removing in consequence of it?—I heard of no preparation for removing the mission property. Mr. Shrewsbury, I am aware, reported to the missionaries in the colony that the interior of the country was disturbed, not so much by the Monguanas as by Chaka's forces; but I am not aware that things arrived at such a pitch that he was either removing or preparing to remove the mission property; nor do I believe the advance of the Monguanas only eve. induced him to think of such a thing.

533. Are you aware, that when Major Dundas first heard of the insurrection of the Monguanas, Mr. Shrewsbury was with him, but left him immediately on hearing that intelligence?—I heard that Major Dundas was at Butterworth at the time Mr. Shrewsbury was there, and about the period to which you allude.

534. The question is not whether Major Dundas was with Mr. Shrewsbury, but whether Mr. Shrewsbury was with Major Dundas?—I have some recollecton of a circumstance of that sort being reported to us, but where or whither Mr. Shrewsbury accompanied Major Dundas I know not.

535. You have mentioned, in your Researches, that the Monguanas had stationed themselves on the sources of the Umtata River, and from thence occasionally sallied forth in skirmishing parties upon the outskirts of the Tambookies, allowing it thereby to be inferred that those people had long been on that ground?—I stated that they had stationed themselves upon the sources of the Umtata; but the inference is not quite correct that you are therefore to suppose they had long been upon that ground. I never said, or intended to say that; when I spoke of their having stationed themselves upon the sources of the Umtata, I merely spoke of them as temporarily settling there.

536. Perhaps you can state your authority for such being the case, and inform the Committee how long you imagine them to have been on the Umtata?—No; that is rather a matter of inference in the first instance, from the circumstance of the Tambookies having been occasionally molested by them; in the second place, from the fact of Colonel Somerset learning that they had been there and had built huts there; and it was reported to us that some of them had made gardens on the mountain-side, whence we inferred they had been there some time, but how long it is impossible for me to say.

537. At what period of the year was it; was it at the period when gardens were cultivated?—I do not recollect at the present moment; but the probability is, that they had been there quite long enough to make the Caffre kind of gardens.

538. Are you aware that the valleys of the Umtata and the plains at the foot of the mountains are the richest and most populous parts of the Tambookie country?—I really am not aware of that; I presume not the most populous, or the Fikani would not so easily have succeeded in making even a temporary settlement. Not having been on the spot myself, I only speak from the general impression which we had respecting that part of the country, but it was understood to be but thinly populated at the time the Fikani came down to that quarter.

539. But still the plains are the richest part of the country, if not so thickly populated?—I should think those plains constituted a rich tract of country, from the circumstance of their being much better watered than other parts of the country.

540. Then you would draw the inference, that they cannot be better populated in consequence?—That inference may be drawn; but I am not prepared to say it was the fact.

541. Are you prepared to say it was not the fact?—No; I shall not take upon myself to speak positively.

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542. Is it your opinion that that part of the country was not very thickly populated?—It is. The reason why I am led to indulge that impression is this: had it been very densely populated, or anything like densely populated, the Fikani certainly could not have made an encampment there without driving down that population, so as to disturb the frontier tribes much more than they were disturbed at that time.

543. Are you prepared to say it was not one of the most populous parts of the country at that time?—I believe it was not.

544. Are you aware that this country, for an extent of upwards of 600 square miles, was utterly ravaged and depopulated by the Monguanas?—No; may I be allowed to ask is the Amaponedæ territory included in that 600 square miles, as well as that of the Tambookies?

545. I believe not.—I never heard of that extent of country being desolated by the Monguanas alone. It is unquestionable that a very considerable tract of country had been desolated by the forces of Chaka, along the coast; and we understood that it was Chaka's army and not the Monguanas who attacked the tribe of Fakoo, whom Major Dundas found in such a miserable condition.

546. My question does not relate to Chaka at all, but it is merely as to the Monguanas?—Yes; but I think the desolation you are now speaking of must be ascribed to Chaka's operations rather than to Matuwana.

547. Perhaps you can tell me the dimensions, or distance from east to west, north and south, of the Tambookie country; is it not 30 by 20 miles?—I am not prepared to answer that question explicitly; but I must repeat my belief that no such tract of country as that to which you now allude could have been desolated by the Fikani alone, without our feeling it much more fully than we did.

548. Can you take upon yourself then to say, that the extent stated in the question, of 30 by 20 miles, extending over the space of 600 square miles, was not depopulated in the way I have described to you?—I do not think that was to be ascribed to the Fikani alone. It is of considerable importance in this question, that the Committee should bear in mind the fact, that at the period alluded to, there were two parties of natives on the advance towards our frontier, nearly equidistant from it, and yet altogether separate, having no connexion whatever with each other. The Zoolahs, under Chaka, formed the one; and the Fikani or Monguanas, headed by Matuwana, the other; the route of the latter was inland, whilst that of the former lay along the line of coast.

By permission, I will endeavour to point out the course and position of each on the map. We have here an extensive range of mountains, running in an easterly direction; there the sources of the Umtata, upon which the Monguanas had stationed themselves; and at that point the residence of Vossani, the Tambookie chief, whom Major Dundas assisted. Upon this chief the Fikani had occasionally made their attacks in the way already described; but the tract of country to which I presume you now allude, and into which Major Dundas's original and proper route unquestionably led him, was desolated by Chaka's forces, not by Matuwana's. After witnessing the ravage made by these, he then, and at that point, flew off to the assistance of Vossani (who was three or four days' journey distant) against the Monguanas.

549. Upon what authority do you make that statement?—Upon the authority, first, of statements in the Cape papers; secondly, from facts in Major Dundas's own statement; and, thirdly, upon the authority of the natives themselves, with whom I subsequently and repeatedly conversed upon the subject.

550. Are you aware that those savages, many hundreds in number, had only 10 days before Major Dundas met them, passed over the Storm Bergen, and only on the day before they were attacked had occupied the ground they were found upon?—I am not aware of that.

551. I have asked the question before as to your authority; did you make yourself acquainted with the occurrences (as you have published them) on the Umtata River from the testimony of eyewitnesses?—Yes, partly upon the authority of natives, who were eyewitnesses, and partly upon the authority of individuals in the colony.

552. Perhaps you will state the names of the natives and of those individuals who are resident in the colony?—I do not think I am at liberty to mention the names of those gentlemen.

553. Will you state whether they are gentlemen upon whose testimony you place

place great reliance?—Yes, I could place reliance upon them, because there was no inducement whatever for misrepresentation.

554. Were they colonists?—Yes.

555. Were they present with Major Dundas on this occasion?—One or two.

556. Were they English or Dutch?—One English and one Dutch.

557. But you do not feel yourself at liberty to mention their names?—No.

558. You have said, in your Researches, that the impoverished and enraged chief of the Monguanas, a very few days after Major Dundas left the country, sent down an overwhelming force and recaptured his herds?—Soon afterwards; I am not prepared to say how soon.

559. Is it not to be inferred, from this passage of your Work, that you supposed the herds belonged originally to the Monguanas, and not to have been the cattle taken by them from the Tambookies?—No, I cannot admit the inference at all; all I meant to say was, that the herds were found in the possession of the Monguanas.

560. Then you do not admit that?—No, I think the inference is not just; I speak simply of the herds having been found in the possession of the Monguanas; and, in the absence of proof that they were not theirs, it is but in accordance with common and universal usage to assume that they were.

561. At the same time you are perfectly aware that large herds of cattle were taken into the interior of the Monguanas?—I have reason to believe that cattle were taken from the Tambookies by the Monguanas; but I have seen no evidence whatever sufficient to convince me that the cattle taken by the party in question from the Monguanas belonged to the Tambookies.

562. They might or might not?—They might have belonged to them, or might not.

563. It was just as likely they did belong to them, seeing the Tambookies had large herds stolen from them, as that they should be of the other description?—It is quite possible that other parties might have plundered the Tambookies.

564. You have described to the Committee the ravages of the Monguanas upon the Boochuanas?—Allow me just to observe upon that point, that the ravages upon the Boochuanas were not by the Monguanas alone; the Monguanas constituted but a comparatively small section, from all we could learn, of the immense body called the Mantatees. This small section came down in an inland direction after the Boochuanas had been attacked by the body alluded to; consequently the ravages committed on the Boochuanas in the interior could only in part be ascribed to the Monguanas, as forming, at the time those ravages were committed, a part only of that army.

565. In the description given to the Committee on a former occasion by you, I think (without reference to the book) you mention only the Monguanas?—Not as committing the ravages in question. I think it would be extremely unfair to ascribe all the mischief done in the interior to the Monguanas alone; because from all I have heard from different quarters and different persons, upon whom I can rely, I think the Monguanas are only justly entitled to a small portion of that blame.

566. But still, even in that case, it would appear to you that humanity as well as prudential motives, and the defence and safety of the colony, were what actuated Major Dundas in giving assistance to Vossani?—As intimated in my evidence of a former day, I do not stand here to question the motive; I have every reason to believe that the motive of Major Dundas was good; but I question the policy of such a proceeding.

567. You question the policy of the assistance given to Vossani?—The interference in that way; the hostile interference.

568. Was not Matuwana, the chief of the Monguanas, the son of Mantatese, the leader of the great body of the depredators; and do you not know that the name of Mantatees was given to those people in consequence of his being their leader?—I have heard that Matuwana was the son of Matusee; but whether Matusee was the leader of the Mantatees, I am not prepared to say.

569. Then you cannot say whether the name of Mantatees was given to them in consequence of their leader having that name?—I cannot speak positively, one way or the other.

570. Is Mantatees a name of late origin?—Quite of recent date; I forget now exactly the year in which that body made such devastation upon the Boochuana tribes; but we heard nothing of that name previously.

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571. Previous to 1828?—No; it must have been 1826, I should think.

572. And previous to 1826 the name of Mantatees was not known as the designation of a race in the colony?—No, I am not aware that it was.

573. You have given some extracts from colonial papers, which were your authority for the accounts you have written of the transactions under Major Dundas; would it not have been more reasonable to have made inquiries from those who were present, than to have taken for granted the general correctness of those papers, before you formed an account of those transactions, which contained serious charges against an officer of some rank and character in the British service of unnecessary and uncalled for cruelty, and unjust aggression?—I beg leave, in answer to that question, to state, that the authority of the papers produced before this Committee was not the sole ground upon which I drew up my statement. I, as already stated, had heard the circumstance amongst the natives, and likewise amongst the colonists; I had no wish whatever to ascribe to the officer alluded to anything like improper motives or inhumanity; I merely gave a statement of facts, which facts, as already stated before this Committee, had been stated again and again in the colonial papers; and I merely brought forward those colonial papers in self-defence, showing that what I had said, had been said again and again upon the spot; and I was not aware of any contradiction.

574. Do you suppose that Major Dundas, or any other officer, having had an important duty entrusted to him, would submit to unjust animadversions upon his conduct, without repelling the charges made against him; charges which, in the instance of your publication, were calculated to degrade his character, both as a man of humanity and of reason?—It must be observed, that I did not so much as mention Major Dundas's name, nor the name of any other officer; but Major Dundas in the course of the letter alluded to states that he was the officer in command of that party.

575. How do you reconcile that answer with the following passage in page 329 of your publication, called 'Caffrarian Researches': "Major ——, accompanied by an armed escort of 30 or 40 men, was at length deputed to visit the Zoolah king, who had some time previously sent two of his chief captains on an embassy, apparently to ascertain what line of policy our Government would adopt in the event of his taking the steps above mentioned." Was it not Major Dundas you alluded to in that passage?—That question, of course, has been answered by Major Dundas, by taking to himself the statement, and stating before this Committee that he was the officer in command of that party.

576. Then it was Major Dundas to whom you alluded in that paragraph?—Of course.

577. *Chairman.*] Do you admit that you made unjust animadversions upon Major Dundas, which were calculated to degrade his character both as a man of humanity and of reason?—No, I do not admit that; certainly not.

578. Mr. *Bagshaw.*] You have alleged, in your evidence, that the statements made in the colonial papers were never, to your knowledge, contradicted; does that justify your publication, in this country, of what may have been calumnious, but not contradicted in the colony, from the feeling that so many evidences against their truth existed, who would correct the erroneous impressions that might be made upon the public there?—I think the simple statement of the fact was a duty incumbent upon me, seeing that that kind of interference was in my opinion decidedly injurious.

579. *Chairman.*] In the discharge of what you considered to be a public duty which you owed to the native inhabitants, you thought proper to make those statements?—I did.

580. But was there coupled with this desire to do your duty any desire to wound the feelings or degrade the character of Major Dundas?—Certainly not. I did it upon public grounds, as an individual intimately acquainted with the native tribes, deeply interested in their welfare, and deploring the kind of policy which has been pursued towards them for a series of years, being conscious that they themselves had not the opportunity to defend themselves, or of making such representations as were likely to induce inquiry.

581. Do you not think that it is the duty of persons placed in that country to instruct the natives, to assist them in obtaining justice at the hands of the British Government?—Unquestionably, by all proper means.

582. Mr.

582. Mr. *Bagshaw.*] Then you think that the assistance given by Major Dundas, in repelling the attacks of the Monguanas upon the Tambookies was, in your eyes, criminal and injurious to the general interests of the Caffre tribes?—I shall say nothing about its criminality; it appeared to me to be injudicious, and in this instance baneful in its influence upon the native mind, rendering the Monguanas much more desperate against the Tambookies than they might have been under other circumstances; and in this I think, as stated in my evidence of a former day, I am quite borne out by the threat which subsequently followed from Matuwana, that he would soon come down again, at a period when they would not have the assistance of their white neighbours.

583. What authority have you for stating that that threat was given?—I have the authority of the natives themselves; I have the authority likewise of the public papers at the Cape at that time. There is every reason to believe that that threat was uttered, and it was carried into effect soon afterwards by Matuwana and his people coming down and retaking the cattle from the Tambookies; a fact which is quite notorious.

584. You are positive these circumstances you mention did take place?—I believe they did.

585. But you do not know except by common report?—I know it from the circumstance of the natives stating that that was the fact, and from its being quite notorious at that time.

586. *Chairman.*] In point of fact, have you any doubt of its truth?—None whatever.

587. Mr. *Bagshaw.*] Are you positive as to the facts you have stated?—I have no doubt concerning them.

588. You are not aware then, of course, that the contrary can be proved to be the facts?—No.

589. You oppose the assertion made by Major Dundas in evidence before this Committee, that the Caffres are bloodthirsty; but is not this at variance with your own statements, in pages 11 and 22 of your evidence on the 22d March 1837, wherein you say that, "It is quite notorious that in all former wars the Caffres massacred men, women and children indiscriminately," and the evidence of many who are as well acquainted with the Caffre character as yourself?—I should not infer from hence they were a bloodthirsty race, taking them as a body. I think, under circumstances like those in which the Caffres were placed, there alluded to, excited by war, they might commit dreadful ravages; but I should think it very unfair to draw a general and sweeping conclusion as to their characters from such circumstances. I consider that an occasional usage rather than a characteristic of the people; and a fact, as the Committee will perceive, which was adduced simply with the view of illustrating the change that had taken place even in their usages.

590. You assert, furthermore, in opposition to that officer, that the Caffres are not by nature and disposition thieves; is not this contrary to the afflicting evidence that could be brought by hundreds of the suffering inhabitants on the frontier?—My remarks referred to the Caffres as a people. If you introduce the testimony of the inhabitants of the frontiers upon that subject, it will be but fair to admit, on the other side of the question, the testimony of the Caffres respecting the circumstances and grievances under which they, as a nation, have been labouring from time immemorial, otherwise the conclusion would be unjust.

591. *Chairman.*] Do you think it would be fair for the Caffres to conclude that all Englishmen are thieves, because they have experienced in particular cases that inroads have been made upon their country by Europeans, and their cattle seized?—Certainly very unfair.

592. Mr. *Bagshaw.*] You say, that a great change in the Caffre character, resulting from the labours of the missionaries, is perceptible; pray tell the Committee what in your opinion is the proportion that these Caffres who are living at the missionary stations, whom you describe as being changed in character to those who are not under missionary influence or instruction?—I am not prepared to state the proportion; but I am prepared to repeat the assertion that a very considerable change has taken place, and that as an eyewitness, having resided amongst them, I make the assertion in all possible confidence.

593. That missionary influence and instruction had that effect during the time you resided there?—Yes.

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594. Would not the circumstances of the late war change your opinion in some respects?—No, certainly not. The circumstances connected directly and indirectly with the late war bear me out, I think. The facts adduced in my evidence on a former day, showing the number that took part even with the colonists against the belligerent chiefs and their party, together with the equally incontrovertible fact of the most savage among the natives giving a charge concerning the missionaries that no harm should be done to them whatever; and the fact, moreover, of their not carrying out their former usage of massacreing men, women and children indiscriminately, are circumstances which, I conceive, fully bear out the statement I made before.

595. The Committee would infer from your statement that the change is perceptible over the whole Caffre population; is that so?—No; I think the Committee could scarcely draw such an inference from what I have stated; for if I mistake not I was sufficiently careful to impress the Committee with the conviction that it was upon the missionary stations, and in their immediate vicinity, at most, that the change in question was perceptible; not upon the whole Caffre population. That could hardly be expected, seeing that the number of stations and labourers were so small, compared with the vast number of natives forming "the whole Caffre population."

596. So that the change is only apparent among the comparatively few who are attached to the several missionary stations?—It could not be otherwise; the infant state of Christian missions in that country would hardly warrant expectation going further.

597. *Chairman.*] Did you suppose that any one could be so unreasonable as to expect that the existence of missionaries in the colony would have any influence on the people with whom they never came in contact?—Certainly not.

598. Mr. *Bagshaw.*] But those who are in the immediate neighbourhood of the missionary stations might have intercourse with them of a character which would change the dispositions of the natives farther off?—They might, and unquestionably have that intercourse; but in the present infant state of the missions, as I before observed, it can scarcely be expected that one solitary missionary station here, and another 100 miles hence, should produce or exert such an influence upon the dense mass of people between them, as to render the change very considerable as yet upon every part of the population.

599. What impression were you able to make upon the mind of the chief Hintza, when you resided, as you say, within the distance of a short walk from him; was he either more civilized, more humanized, or did he imbibe any Christian principle from your labours; for instance, had he one wife the less for your instructions?—I have no reason to believe that he imbibed or acted upon Christian principles, nor have I ever said a word leading to any such conclusion; but, as I stated on a former occasion, Hintza certainly conducted himself towards me, as a missionary, with considerable kindness, and attended divine service several times. He was in the habit of coming on Sunday mornings, when I generally proposed his dining with me, on condition that he adopted our manners, and took his seat at the table instead of squatting on the ground. These little circumstances may appear trifling to the Committee, but they were of considerable importance in their influence upon his mind, and the general procedure of his people. I repeat, he generally conducted himself towards me with great affability and kindness. With the exception of one instance, originating chiefly in the excitement and commotion consequent upon the commando sent out against Zeko, when that chief was shot, and Magoogoo taken prisoner, we were very comfortable, owing principally I believe to the charge he gave concerning us to his councillors. On one occasion, he personally took a very active part in punishing a man who had well nigh involved us all in trouble by theft.

600. Are you aware that the missionary establishment at Butterworth was destroyed by order of Hintza, on the breaking out of the war?—No.

601. In fact, it was not destroyed by his orders?—I am not aware that it was. I heard it had been destroyed; but this is the first intelligence I ever received charging it upon Hintza.

602. Can you state, on your own knowledge, that the British settlers of Albany ever formed part of any commando that entered Caffreland, to recover cattle or make reprisals for cattle that may have been stolen from the Zunaneldt?—Upon that question I can only answer generally. It was understood that

that there were individuals connected with the commando sent into Caffreland against the Fikani, soon after Major Dundas and his party attacked Matuwana. Rev. *Stephen Kay.* 21 April 1837.

603. My question applied to any commando or reprisals for cattle, or in any other way against the Caffres themselves?—I believe the reprisal system generally has been carried on principally by the military. When commandos have been called out, then there has been a combination of troops and colonists.

604. Are you aware that the British settlers ever formed part of these commandos that were sent into Caffreland?—I am aware that some of the settlers formed part of the commando against the Fikani.

605. But my question was as regards the Caffres?—That was to assist the Caffres.

606. To assist the Caffres against the Fikani?—Yes.

607. But not against the Caffres?—No, that commando was certainly not sent against the Caffres.

608. Do you know, of your own knowledge and experience, that upon any occasion whatever the British settlers formed part of any commando that was sent against the Caffres themselves?—Nothing of the kind occurs to my recollection at the present moment, with the exception I have mentioned.

609. That was not against the Caffres, but in aid of the Caffres?—Yes.

610. Then you do not know of any of the British settlers of Albany having ever formed a part of a commando sent directly against the Caffres?—I am not prepared to answer positively. I cannot call to mind anything of the kind sent during my residence there.

611. Is it not a notorious fact, which every person acquainted with the colony is aware of, that they never did form part of any commando?—I think I stated before what constitutes, in my humble opinion, an answer to that question. I said I was not aware of the British settlers having ever carried on anything like an aggressive warfare against the Caffres; and, if I mistake not, you put that question explicitly and pointedly the last day I was examined.

612. Mr. *Gladstone.*] Who is the gentleman to whom you have alluded, page 60 of your evidence, as not having arrived in the country until nearly two years after Matuwana and his people had been extirpated?—Mr. Boyce.

613. *Chairman.*] Have you anything further to state?—I wish simply to advert to a part of my evidence of a former day, in which I had occasion to refer to the evidence of the Rev. John Beecham, one of the secretaries of the Wesleyan Missionary Society. Since my last examination, I have learnt that he was not at all aware at the time he gave that evidence of my name having been mentioned before this Committee, *pro* or *con.* It is of importance that the Committee should know this; for, had he known that the veracity of my statements in the "Caffranian Researches" had been questioned, he assures me that very different answers would have been given to the questions put to him by the Chairman concerning me.

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614. *Chairman.*] HAVE you any facts to state to the Committee relative to the evidence which has been given by the Rev. Mr. Kay?—I have some remarks to make with reference to the evidence which was given by Mr. Kay on the 21st ult., in which he commented on my former evidence. I will first state, that Mr. Kay has apparently complained of having been singled out by me, with three or four others, for the purpose of commenting upon the "Caffrarian Researches" which he published; and I beg to explain, that I alluded to Mr. Kay, because I found Mr. Kay already singled out by the Secretary of State, with the other gentlemen, to whose publication I have adverted, in the queries addressed by him (the Secretary of State) to Captain Stockenstrom, queries founded upon "recent publications upon the subject of alleged outrages committed by the colonists upon the Caffres;" and I further thought it right to advert to Mr. Kay's book, because it contains a statement with reference to the expulsion of Macomo in 1829, which was directly contrary to what I myself knew to be the fact. Mr. Kay states, in page 497 of that work, that in 1828, "It is determined to amend the condition of Hottentots and other free persons of colour, in order to which, land is of course wanted for them. The boors (some of whom had one, some two, and others as many as three farms within the colony, besides their new grants,) could not be disturbed, because able to produce their writings, their transfers, and their title-deeds, &c.; but the poor Caffre, unable to show any Lieutenant-Colonel *T. F. Wade.*

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any 'writings,' or to produce any 'diagram,' must be compelled to give up the 'land of his fathers,' because, forsooth, 'it belongs to the neutral territory.'" Now I beg to state, I have already placed upon the Minutes of this Committee, positive proof that the idea of giving up the land in question to the Hottentots did not occur for a considerable time after the order had been issued for that expulsion; to prove which, I have already put upon the Minutes the letter to the Chief Secretary from Captain Stockenstrom, when upon his journey to the frontier, where he was going to superintend Macomo's expulsion. Mr. Kay, at page 55 of the Evidence, comments on a portion of my evidence, as tending to show that I was regardless of human life. Now, that portion of my evidence which he has commented upon consisted of extracts from Mr. Pringle's work, and were produced to the Committee for the purpose of showing Mr. Pringle's very great exaggerations. It was not that I at all regarded the destruction of fellow-creatures as of less value than the destruction of horses, that I produced that evidence, but it was to show that Mr. Pringle had stated that 80 people had been destroyed by the commando, in a case where the evidence was positive and within his reach, that these 80 were 21. I never meant to say that the destruction of 21 human creatures is not a very serious thing, but I repeat, it was for the purpose of showing that there was extraordinary exaggeration on the part of Mr. Pringle. Mr. Kay has also commented upon my having placed an extract from his work in juxtaposition with extracts from the diaries of two of the missionaries of the same society, Mr. Shrewsbury and Mr. Boyce: I think I had a perfect right to do that. These gentlemen have given an account of the transaction which the Committee has been investigating, and also of the one which occurred subsequently under the command of Colonel Somerset; Mr. Kay has given another; I think it is quite fair to compare the two accounts. Mr. Kay says, in his evidence, page 55, (and I must observe here he has given this as an extract from my evidence, and it is marked with inverted commas, to show it is a quotation,) "that Messrs. Boyce and Shrewsbury, having resided many years in Caffreland, 'had had far better opportunities of forming correct conclusions than Mr. Kay;'" and again, at page 56, he says, "Now, a word or two respecting the many years' residence of Messrs. Boyce and Shrewsbury, which is said to have given them far better opportunities for forming 'correct conclusions' than those enjoyed by Mr. Kay." What I did say was this, that "they had resided many years in Caffreland, and had far better opportunities of forming correct conclusions than Mr. Kay." The better opportunities I alluded to were, that Mr. Shrewsbury was on the spot during the time the transaction took place, and Mr. Boyce, as I have already stated in my evidence, had resided there for many years, and was in a position to become perfectly acquainted with the circumstances which he alluded to in the extract I have given. Mr. Kay, in his evidence, also alluded to a part of Colonel Somerset's despatch, in which he says, "that Matuwana was desirous of remaining inactive in the position;" but when Mr. Kay gave that portion of Colonel Somerset's despatch, I think he ought to have added the remainder of the sentence, which was, that though "Matuwana was desirous of remaining inactive in his position, his people objected to it, and would not allow him to do so."

615. Have you any further evidence to give?—I wish to offer some further observations with regard to the other points upon which I understood that I was to be permitted to give some explanation. In the first place, I think it important that the document alluded to in that part of my evidence which has been suppressed, should be produced, and particularly the despatch of Sir Lowry Cole, dated 10 May 1831, which is at present in the Colonial Office.

616. Do you think it necessary, for your own vindication, that that despatch should be applied for?—Certainly; I also think that it is but just to me that the evidence which I gave on a former occasion, and which does not appear on the Minutes, but which another witness has been allowed to comment upon, should be printed, together with the documents to which it refers.

The room was cleared, and the Committee deliberated.

After some time the Witness was called in, and informed that the Committee had resolved that they would apply to the Colonial Office for a copy of Sir Lowry Cole's despatch.

617. Are there any observations you wish to make with respect to the evidence given by Dr. Philip relative to his letters to Sir Benjamin D'Urban?—I wish

I wish to observe, that whereas it is stated by Dr. Philip, in answer to question 302, that it was a letter addressed to "Sir Benjamin D'Urban," and not to "his Excellency the Governor;" the fact is, that the original document, which I now produce, was addressed to "his Excellency Sir Benjamin D'Urban, the Governor." Lieutenant-Colonel *T. F. Wade.* 21 April 1837.

618. Is there not this distinction, that a public letter would be addressed to "his Excellency the Governor," and a private letter would be addressed to "his Excellency Sir Benjamin D'Urban, Governor"?—I cannot admit the distinction, for I have seen hundreds of public documents and private letters addressed to the governor, both with and without the name.

619. Do you think that Dr. Philip was likely to have addressed the governor, either in a public or a private manner, without using the term "his Excellency"?—I think not.

620. Then these words might apply to a private as well as a public communication?—They might apply to a private as well as a public communication. My remark amounts to this: the question is, "Was it not a letter addressed to Sir Benjamin D'Urban, and not to his Excellency the Governor?" the answer is, "Yes, it was;" and the letter, in fact, is addressed to "His Excellency Sir Benjamin D'Urban, Governor." I make no further comment upon that.

Dr. *Philip*, being present, was asked the following questions; Dr. *Philip.*

621. *Chairman.*] DO you wish to add anything to your former evidence with respect to that letter?—I will merely state, that I did not intend the letter to be private; in the first instance, I carried it to Sir Benjamin D'Urban; I presented the document to him, and the question put to me by Sir Benjamin D'Urban was, "Will you have it private?" I said, "Just as you please." He said, "Very well;" and he took it in that way. I understood he intended it to be private, but I did not care about its being private.

622. Mr. *Bagshaw.*] I think I understood you to say, in your former evidence, that every communication you made to this Committee was of a public character, and that you referred to no correspondence of a private nature?—Everything.

623. Then I would only ask you whether you did or did not apply to Colonel Smith for permission to publish the letter from Captain Stretch, dated 1 February 1836, in which he says, "I delivered your last letter to Colonel Smith; on handing him the document and naming the writer, he observed, 'Do you correspond with that fellow?' and on perusing it, he said, 'This is very good, a very excellent letter; well, he hates me, and as I like to be doing good, I will show it to the governor;' and the next day he took it to Willshire, and Sir Benjamin is now in possession of this excellent specimen of your loyalty and zeal for the Government, as well as your affectionate regard to us all"?—I did not understand that as a private communication made to me by Captain Stretch.

624. He says, "On this subject I will write to you officially next week"?—That was in a letter from Captain Stretch to Colonel Smith.

625. But I ask you whether that was not a private communication?—I did not consider it so; there was no private communication between the governor and me at all.

Lieutenant-Colonel *Wade*, further Examined.

626. *Chairman.*] IS there any other point?—There is another point with respect to the suppressed passage in Dr. Philip's letter to the governor, which I wish very much to give evidence upon; for I hold the passage to contain a very serious and groundless imputation upon the governors of that colony. Lieutenant-Colonel *T. F. Wade.*

627. Does it attack your conduct?—Yes, I conceive it attacks all those who have administered that government, and my own as acting governor.

628. Do you consider that your conduct as acting governor is affected by it?—Yes, I conceive it is. The suppressed passage is this: "There is perhaps another reason which may be noticed, in passing by your excellency's information, to account for the favour shown to the chiefs at the Wesleyan missionary stations in Caffreland; the Wesleyan missionaries have always been eulogists of Colonel Somerset, and they have always been in the habit of praising him and defending all his commandos more than the missionaries of other societies." Now, I say that does impute to the several governors of that colony that the tribes alluded to, of Pato and Komo, were left unmolested, because they were under the protection of the Wesleyan missionaries, and that the Wesleyan

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missionaries were supporters of the system which Dr. Philip is condemning. Upon that subject, I beg to say distinctly that the tribes in question were left unmolested, not because they were supported by any missionaries who were in favour or against the system employed by the government of that colony, but, as Dr. Philip has himself said, in the previous part of this letter, on account of their good conduct; and I must add, that I conceive that good conduct was principally, indeed I would say altogether, attributable to the judicious and discreet behaviour of the Wesleyan missionaries in regard to the natives.

629. Have you anything further to state?—Nothing with regard to that letter.

630. Mr. *Bagshaw.*] Will you state what was the commencement of the letter in question?—"May it please your Excellency."

631. *Chairman.*] Do you consider yourself aggrieved by any other evidence which has been given before this Committee?—I do, by that which appears at p. 623 of the report of last year. Dr. Philip states, that I had recommended to Sir Benjamin D'Urban, in his presence, the adoption of the changes which he, Dr. Philip, had proposed to me upon the northern frontier of the colony, in relation to the chiefs Campbell and Philipolis. Now, I beg to say distinctly, that I never gave any such unqualified recommendation to Sir Benjamin D'Urban. I recollect most perfectly the occasion on which the document was alluded to, in the presence of Dr. Philip, between Sir Benjamin D'Urban and myself. I believe it was either the day or two days after Sir Benjamin D'Urban's arrival in the colony, when I introduced Dr. Philip to him. I then stated to Sir Benjamin D'Urban that I approved of many suggestions in Dr. Philip's letter; but I never did state to Sir Benjamin D'Urban that I approved of Dr. Philip's recommendation to dispossess or displace the chief, Adam Kok. The proof I would offer to this Committee, that I did not approve of that suggestion, is this: I will deliver in a set of queries, and a copy of a letter which were to have been addressed to Dr. Philip, if Sir Benjamin D'Urban had not then arrived; and those queries in that letter were prepared by a person upon whom I could place the most implicit reliance with regard to the state of that frontier. I mean Dr. Smith. And it will be seen by the nature of those queries, that I had by no means made up my mind to dispossess the chief, Adam Kok, and give his chieftainship to another chief. The queries and the letter will show that I wanted further information before I proceeded to take such a step; and that I also wanted further information with respect to the official communications referred to by Dr. Philip in his letter to me, which had passed between the missionaries and the governor; for, having searched the Colonial Office from top to bottom, we were not able to find a single line of correspondence, either between the missionaries and General Bourke or any other governor, upon the subject. There is no part of the subject, with regard to my own conduct during the short time I was in the government, that I am more anxious upon than this; for had I followed Dr. Philip's advice in dispossessing that chief, I have not the slightest doubt that it would have been made a matter of accusation against me before this Committee; I do not say by Dr. Philip himself, for I should have followed his advice, but by other persons. I therefore wish very much that these letters and the queries should appear upon the Minutes.

[*The Witness delivered in the same, which were read as follows:*]

(For Dr. Philip's letter to Colonel Wade, dated October 1833, *vide* Appendix.)

"Where did Mr. Anderson come first in communication with the people who eventually settled with him at Griqua Town?

"Where did the chief reside during the five years and a half that he was with them previous to their taking possession of Griqua Land?

"What number of individuals might have composed the horde at the time Mr. Anderson took up his abode with it?

"During the five years and a half which he passed with them, did they regard and obey any person as their chief; if so, what was his name; and had he been elected by them, or was he considered so by hereditary right?

"Were the sons of the chief (if they had one) considered and obeyed as minor chiefs?

"Did all who were members of the horde, when Mr. Anderson attached himself to it, fix themselves at Griqua Town?

"Who

"Who governed at the time Griqua Town was selected, and up to the period when Lord Caledon is said to have created chiefs for the district?

"Did the governor actually profess to appoint the chiefs, or did he simply recognise, in a political point of view, individuals chosen by the people as the rulers of tribes, which it might be necessary to communicate with?

"Have you copies of any communications between the colonial government and the missionaries relative to the appointment of the chiefs, or any indicative of the light in which government viewed their dependence on or connexion with the colony?

"Who inhabited the district in which Griqua Town now exists, previous to or at the time it was taken possession of by Mr. Anderson and his adherents.

"Was Waterboer a member of the horde when Mr. Anderson first discovered it; if not, when and where did he join it?

"What number of persons settled in the first instance with Mr. Anderson, at Griqua Town; and how many of them continue at present under the control of Waterboer?

"What may be the population of Griqua Town, and of the districts under Waterboer; what number of persons may actually reside in the town?

"What may be the population of Campbell and of the district attached to it; how many persons reside in Campbell; who is the chief?

"What may be the population of Trilopolis and its district; who do the inhabitants regard as their chief; what may be the number of persons who reside in the village?

"Where is Barend Berends at present residing, and what number of persons may be attached to him?

"What other chiefs with their people reside in the tract of country in which the three stations above named exist?

"What caused Adam Kok Campbell; how many of his people left with him, and where did he reside from time to time before he established himself at Trilopolis?"

"Sir,—Having in your communication of the 10th instant professed yourself ready to render what further information you might have it in your power to supply, should his Excellency desire it, I am directed to inclose you a series of queries on and connected with the subject in question, and to inform you, that any information you will furnish, touching the points to which they refer, will be gladly received.

"In reference to the 8th query, I am directed to state, that if any documents of the description alluded to therein be in your possession, his Excellency will will be obliged by your furnishing him with copies of them; or, what will answer the same purpose, by allowing him the perusal of the original, which he will cause safely to be returned to you."

632. *Chairman.*] What is the next point?—The next point I wish to go to is the vagrant law; the only statement I wish to make is, that my attention was first called, or I should rather say was very much called, to the state of vagrancy throughout the colony, on the arrival of the despatches of the Secretary of State, transmitting the Act of Parliament for the abolition of slavery, or for the emancipation of slaves. Upon that occasion it became my duty to address several of the public functionaries and others throughout the colony, with a view to ascertain the state of the public feeling in regard to the intended emancipation; and in all the replies which I received from them, the question of vagrancy was brought forward as the principal one upon which an uneasy feeling was produced among the inhabitants, as to the consequences likely to arise from the emancipation of the slaves. I obtained all the information I could collect upon the subject of the existing vagrancy amongst the Hottentots; and upon referring to the minutes of council, I found that on the very day General Bourke received the 50th ordinance from England, he gave notice to the council that it was now absolutely necessary to have a vagrant law, and that he should forthwith prepare a draft of one. Sir Lowry Cole arrived in the colony a very short time afterwards; the question was immediately brought under his notice; he called upon the judges for their opinions with regard to the state of the existing law against vagrancy, and with regard to the effect of the 2d section of the 50th ordinance, which was represented to him as exempting

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ing the Hottentots from the operation of the existing law. The opinions of the judges, as given to him on that occasion, I request to put upon your Minutes.

[*The same were delivered in, and read.* See *Appendix.*]

It appears, that after giving his opinion, which was opposed to that of the majority of the other judges, that the 2d section of the 50th ordinance did not exempt Hottentots or free persons of colour from the operation of the existing vagrant law of the colony, Judge Burton proceeded to state:—

"As, however, so great doubts have arisen upon the subject of the powers and duties of the civil commissioners, field cornets and other officers, in the apprehension of vagrants, and as the ordinance for the country districts has become in some of its provisions inapplicable to the existing circumstances of the colony, I recommend to your Excellency the re-enactment of so much of that ordinance as remains applicable, declaring anew the duties of the civil commissioners and other magistrates and officers in the colony, and by a separate ordinance defining the offence of vagrancy, and providing for it such punishment as your Excellency, with the advice of your council, shall see fit.

"Upon the subject of punishment I am unable, for want of sufficient data concerning the state of the public prisons and the public resources of the colony, to suggest any particular mode of punishment with confidence.

"It is obvious that it must be such as will be effective in repressing vagrancy, whilst it is such as the resources at your Excellency's command will insure its being effectually executed, and at the same time such as is only commensurate with the offence, as compared with other offences against the law; but upon this point I do not doubt that the information your Excellency will have from others, more capable of venturing an opinion than, from my limited acquaintance with the colony, I dare profess myself to be, some mode of punishment both for males and females may be adopted sufficient to deter them from idle and dissolute habits, provided the remedy be promptly and immediately applied, whilst vagrancy has not yet become inveterate, and before, for want of proper coercion, new measures shall become necessary, which neither your Excellency nor humanity can approve of.

I subjoin the heads of an enactment, which I propose as the basis of an ordinance on these subjects; much more will be requisite in detail, which may occur to your Excellency. And I shall be ready and happy to render my assistance in modelling, framing and completing the ordinances as soon as your Excellency shall have determined on the general plan. In the meantime, I think it will be proper to call the attention of the civil commissioners and field cornets to the above provisions of the ordinance for the country districts; and also, if the draft ordinance enacting and declaring the law of arrest lately proposed by the judges should receive the adoption of your Excellency and council, their attention should be called to the clause then introduced, explaining the second section of ordinance No. 50.

"26 January 1829." (signed) "*W. W. Burton.*"

Mr. *Burton*'s proposed Ordinance for the Pursuit and Apprehension of Offenders.

"It shall and may be lawful for the civil commissioners and other justices of the peace, field commandants and field cornets, as often as they shall see occasion, either of their own knowledge or upon credible information from others, that any crime has been committed in their respective districts, and that the offender or offenders hath fled, or that companies of suspicious persons or vagrants are wandering about their districts, or concealed therein, to call together so many men of their districts as they shall deem necessary, and armed in such a manner as they shall see fit, and to pursue and apprehend all such persons, for the purpose of their being dealt with according to law.

"That every person being called upon by the civil commissioner, and having no legal excuse, and refusing to join in such pursuit, shall upon conviction be punishable by fine and imprisonment.

"That such pursuit shall always be accompanied by a peace officer, who shall take care that no unnecessary violence shall be resorted to.

"That in case where any person, being remote from a field cornet or justice of the peace, has knowledge of any crime being committed within his neighbourhood,

hood, it shall be lawful for such person to pursue and apprehend the offender, and deliver him over to the nearest field cornet or justice of the peace.

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" Provided also, that immediately after any such pursuit, &c. he give notice to the nearest field cornet or justice of the peace of the circumstance.

" 26 January 1829." (signed) " *W. W. Burton.*"

" For Defining and Punishing Vagrants.

" All apprentices or servants deserting from their masters before the expiration of the term of their service under any contract; all runaway slaves; all persons wandering about the country and having no visible lawful means of subsistence, and not giving a satisfactory account of how they obtain the same, or going about armed with guns or other offensive weapons, without lawful cause, shall be deemed to be vagrants; and it shall and may be lawful for the sheriff, the superintendent of police and their respective deputies, all justices of the peace, field cornets, constables and peace officers to apprehend all such persons, and take them before any resident magistrate of the district or place where they shall be apprehended, who shall summarily inquire into the case; and any person being judged by the said resident magistrate or judge of police to be a vagrant shall, if a free person, be imprisoned and kept to hard labour, or upon bread and water, or upon rice and water, for any time not exceeding for the first offence calendar months, and for the second offence calendar months; and, being a slave, shall be punished with so many stripes, not exceeding 75 lashes, and be further condemned to serve his master in irons for any time not exceeding for the first offence calendar months, and for the second offence calendar months, at the discretion of the said resident magistrate.

" It shall and may be lawful for the sheriff, the superintendent of police, and their respective deputies, all justices of the peace, field cornets, constables and other peace officers, to apprehend all riotous drunkards, all loose and disorderly persons who disturb or go about to disturb the public peace, or committing any public indecency, and to take them before any resident magistrate of the district or place where such persons shall be apprehended, who shall summarily inquire into the charge, and finding the same to be true, shall condemn the offender, if a free person, to such correction by fine, or, being a slave, by imprisonment or whipping, as he shall think fit, provided that no fine so imposed shall exceed the sum of 5 *l.*, or imprisonment for the period of one month, or whipping, 75 lashes.

(Insert the 45th clause of the Ordinance, No. 48, commuting the fine, in cases of inability to pay, to imprisonment.)

" There shall be published weekly in the government gazette of the colony, free of expense, an account of all deserted apprentices, servants and slaves, and of all offenders against the laws, or persons suspected of any crime who shall have absconded, whose names and description shall be lodged at the colonial office, at any time on or before Wednesday in every week, by any master of such apprentice, servant or slave, or by the superintendent of police, field cornet or other peace officer, together with any reward which shall be affixed for the apprehension of such persons; and copies of the said gazette, or such parts thereof as aforesaid, shall be forwarded, free of expense, to all civil commissioners, resident magistrates, justices of the peace, field cornets and peace officers, for their information and guidance in the apprehension of such persons.

" All deserted orphans, children abandoned by their parents, and being females under the age of 16 years, or males under the age of 18 years, found by any justice of the peace, field cornet or other peace officer in any district of this colony, or delivered to him by any inhabitants, shall be immediately taken by him to the superintendent of police in Cape Town, or the clerk of the peace in any other district of the colony, to be apprenticed to some trade to which such child shall be found competent.

(signed) " *W. W. Burton.*"

" 26 January 1829."

Sir Lowry Cole's opinion will be found upon the minutes of the council of the Cape of Good Hope, very shortly after his arrival, stating that he deemed

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it desirable to wait for some time and see what the effect of the 50th ordinance would be before a vagrant law was enacted. He waited for some time; I have not got the date, but I believe for nearly a year and a half, and he then came before the council and stated, that although vagrancy had not been so extensive as the inhabitants were led to fear in the first instance, it was so much so as positively to require the enactment of a vagrant law. The Attorney-general was then directed to make a report as to the existing state of the law; which, from whatever cause I know not, was not for several months prepared or submitted to the council. Sir Lowry Cole then a second time brought the subject before the council, and on this occasion, if I mistake not very much, it will be found upon the minutes that Captain Stockenstrom also expressed his opinion of the necessity of such a law being enacted; and I know the fact, that had it not been for the expense that Sir Lowry Cole feared would arise from the introduction of a vagrant law, it would have been prepared before he left the colony. On the receipt of thse despatches to which I have alluded, and to the reports from the several functionaries to whom I addressed circulars, I of course turned my attention to this subject, and in the circulars which I addressed to the magistrates upon the promulgation of His Majesty's proclamation, I stated that which appears in the extract which Dr. Philip has placed on the Minutes. Now with regard to that extract I must make this one remark,—that almost every tittle of it consists of extracts from the Secretary of State's despatch, and the proclamation which accompanied it. Considerable portions, in fact almost the whole of them, are marked with inverted commas in my letter; they are extracts; but in the passage Dr. Philip has placed upon the Minutes of this Committee those inverted commas were left out, and it is very evident to me that the object of Dr. Philip was to impress upon the Committee that I, in my official circular, promised the colonists all that the passage contains of my own accord, and that in fact my view of the case was altogether inimical to the slaves and other persons of colour. I will now place on the Minutes the passage in its original form:—

"As regards the fears and apprehensions which are, I am aware, entertained on the following points; viz.—

The entire substitution of the authority of the magistrate for that of the master, during the period of apprenticeship;

The difficulties which may occur in procuring a sufficiency of labourers to cultivate the farms;

And the losses to which property may be exposed from the depredations of the idle and dissolute, at the expiration of that period;—

you will not fail to impress upon the proprietors, that the legislature has not abolished the domestic authority of the master, or decided upon the emancipation of the slave, without at the same time providing for 'an efficient stipendiary magistracy,' and 'for the frequent and punctual visitation by the special justices of the peace of the apprenticed labourers within their respective districts;' and also for the enactment of laws 'for the prevention and punishment of insolence and insubordination on the part of the apprentices towards their employers;' 'of vagrancy,' or 'of any conduct on the part of the apprenticed labourers injuring or tending to injure the property of their employers;' and the proprietors may further rest satisfied, that long before the period of the expiration of apprenticeship arrives, other laws will be enacted, having in like manner for their object the prevention or punishment of vagrancy after that period, and for securing a sufficiency of labourers to the colony, by compelling not only the liberated apprentices to earn an honest livelihood, but all others who, being capable of doing so, may be inclined to lead an idle and vagabondizing life."

633. *Chairman.*] Were the words "Having in like manner for their object the prevention and punishment of vagrancy after that period", within inverted commas?—No.

634. Then, as far as it refers to a new vagrancy law, those were not part of the instructions which you received?—Yes; part of the instructions were, that "the legislature had not abolished the domestic authority of the master, or decided upon the emancipation of the slave, without at the same time providing for an efficient stipendiary magistracy," and "for the frequent and punctual visitation, by the special justices of the peace, of the apprenticed labourers within their respective

respective districts;" and also for the enactment of laws "for the prevention and punishment of insolence and insubordination on the part of the apprentices towards their employers;" "of vagrancy;" or "of any conduct on the part of the apprenticed labourers injuring or tending to injure the property of their employers." The subsequent clause, which is not an extract from the despatch, is my own, because I then felt, and I still feel, that if the slaves required a vagrant law during the time of their apprenticeship, so did the Hottentots, knowing well that the great majority of the slaves were very far superior to the great majority of the Hottentots, and better prepared to receive the boon which was then to be conferred upon them than the Hottentots were at that time.

635. Then I am to understand that the words at the end of the clause are yours?—Yes.

636. Just read the words that are yours?—"And the proprietors may further rest satisfied that, long before the period of the expiration of apprenticeship arrives, other laws will be enacted, having in like manner for their object the prevention and punishment of vagrancy after that period, and for securing a sufficiency of labourers to the colony, by compelling not only the liberated apprentices to earn an honest livelihood, but all others who, being capable of doing so, may be inclined to lead an idle and vagabondizing life."

637. Have you any further statements to make?—No.

638. You have stated here a pledge that a law should be introduced for the prevention and punishment of vagrancy, and for compelling the liberated apprentices to earn an honest livelihood, and to avoid an idle and vagabondizing life; what were the steps which you took towards the fulfilment of that pledge?—Do you mean at that period?

639. At that or any subsequent period?—I took no steps at that moment for the fulfilment of that pledge, for this plain reason; the words read had allusion to those who were about to become apprentices, and this circular was addressed to the several magistrates of the colony and others, upon the receipt by me of the Emancipation Bill, before they were apprentices.

640. Did you, when your successor arrived, recommend him to bring in a vagrant law?—Certainly I did; I was just going on to say, that a vagrant law was recommended by me, under the circumstances therein stated, as soon as Sir Benjamin D'Urban arrived; and at the very first executive council which took place, which was I think about six weeks or two months after his arrival in the colony, I recommended most strongly that a vagrant law should be introduced, and I referred Sir Benjamin D'Urban to my former despatches, with reference to the slave emancipation, to the Secretary of State, in which I had pointed out to the latter, with respect to it, that I conceived it was absolutely necessary that there should be a vagrant law, even supposing there was not going to be any emancipation of the slaves at all. I brought it under his Excellency's notice immediately after his arrival, and the subject was brought under discussion at the first executive council that met.

641. Did you recommend him to bring in a specific vagrancy law?—Do you refer to that which had been prepared?

642. Did you give him the materials for any specific vagrancy law?—The subject was discussed at the executive council at several different meetings; there was a great difference of opinion in the executive council as to the form of the law, and it was at last agreed that the draft which had been prepared by the Attorney-general, by direction of the council, should be brought in, and should be proposed by the governor in the legislative council, for the purpose of being published to the colony, as His Majesty's instructions required, before we should decide exactly upon the description of vagrant law which should be enacted. That law was accordingly proposed by Sir Benjamin D'Urban to the legislative council; it was published in the gazette according to His Majesty's instructions, and after considerable delay and difficulty in the legislative council, which will be seen upon the documents which I propose to place upon your minutes; Dr. Philip having produced only a portion of them. The judges were requested by Sir Benjamin D'Urban to take the matter into their own hands, and to prepare a draft of a vagrant law, as an amendment of that one which had been proposed by his Excellency in council, according to the opinion of the executive council. The judges stated, in reply to his Excellency, that it was not their province to prepare a law; but if his Excellency and the council would give them principles and data upon which they were to form a law, they

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would have no objection to do so. Subsequently one of the judges did write a letter to the governor, which I wish to place upon the Minutes of the Committee, enclosing a draft of a new ordinance as an amendment to the former one, which he said that he had no objection to prepare, in his private capacity, although he quite agreed with his brother judges that it was not their business to prepare a law. I had a copy of that law given to me by Mr. Menzies, the judge in question, in explanation of the principles of which I beg to hand in this letter:

[*The following Letter was then delivered in, and read:*]

"Sir, "Chambers, 19 August 1834.

"1. Referring to your Excellency's letter to the chief justice, dated 12 August 1834, and to the letter addressed to your Excellency by the judges in reply thereto, dated 16 August 1834, I have now the honour to state to your Excellency, that the reasons which induced me to concur, as I did most unreservedly, in the opinion expressed by the judges in the last-mentioned letter, were the following:

"2. That the transmission by the judges, in compliance with the requisition to that effect made to them by your Excellency, of the draft of an ordinance for the suppression of vagrancy, would necessarily have been an act officially performed by them, as part of their duty as judges.

"3. That they could not have so transmitted to your Excellency such an ordinance, as being the best adapted to the exigencies of the case and the circumstances of the colony, without taking upon themselves officially to decide the question, whether it be most expedient for the interests of the colony, that, in order to prevent the evils arising from vagrancy under the existing state of the colonial law on the subject, a law should be passed which would have the effect of depriving the Hottentots and other free persons of colour of certain privileges and immunities exclusively possessed by them, or whether, in order that such immunities and privileges may be preserved entire to such classes, the existing law as to vagrancy should, in so far as they are concerned, be left unaltered, notwithstanding of the existence of the evils occasioned to other classes; a question certainly of very great political importance, but which is exclusively one of political expediency.

"4. That the decision of questions solely of political expediency forms no part of the duty which the judges are required to perform by the despatch, No. 25, or by any other instructions from His Majesty's Government.

"5. That, on the contrary, the exclusion of all the judges from both the councils of government affords reason for believing that it was the intention of His Majesty's Government that the judges should not have anything to do, or any concern or share, in the decision of questions of political expediency.

"6. That, at all events, it was not expedient that the judges should take upon themselves the responsibility of officially undertaking the attempt of deciding questions, the decision of which formed no part of their duty, more especially in cases like the present, where the question being one not necessarily resolvable upon legal principles alone, and one as to which the judges had no sufficient means of information necessarily common to all of them, and upon which therefore there was no reason to presume, *à priori*, that they entertained or would be likely to form any opinion in common.

"7. It appears to me, however, that there can be no impropriety or inexpediency, while I carefully abstain from expressing any opinion as to the decision which ought to be come to on the important question to which I have above referred, in my unofficially submitting to your Excellency the draft of an ordinance, which, if it shall be deemed expedient to abolish the immunities and privileges at present possessed by the Hottentots and other free persons of colour exclusively, in my private opinion is calculated to remedy many of the evils at present occasioned by vagrancy, without at the same time exposing the Hottentots and other free persons of colour to the risk of opposition.

"8. It proceeds entirely on the principle, that it is expedient and possible, by the fear of punishment, to prevent persons who have not wherewith honestly to maintain themselves from wilfully living in idleness, and to force them to betake themselves to honest industry, if they can find an opportunity of so doing; and not at all on the principle, that it is expedient for the public to provide work for such persons, if they will not or cannot find it for themselves.

"9. I most

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"9. I most firmly believe, that every person in this colony can find employment if he chooses.

"10. I must, at the same time, most distinctly state to your Excellency my belief that the plan cannot possibly succeed, unless, by means of the treadmill, imprisonment, even for short periods, is rendered so irksome to vagrants that the dread of it will induce them to work rather than run the risk of again being made to undergo it.

"11. Imprisonment, with such hard labour as the convicts are at present employed in, even terms of some length, is considered as hardly any punishment.

"12. The gaols in this colony are not capable of holding the vagrants, who, if the terms of their imprisonment were of any considerable duration, would be in custody at the same time.

"13. As no vagrant law can have effectual operation until the second clause of the ordinance, No. 50, is altered, and, as in consequence of the Order in Council of the 15th January 1829, none of the provisions of that ordinance can be altered, except by some law which has previously been confirmed by the King in Council, I do not submit the ordinance, the draft of which is however transmitted, as one which, if passed by your Excellency and the legislative council, could at once be put into operation, but merely as one which, if so passed, may be transmitted for the confirmation of His Majesty in Council.

"14. I have still several clauses to add; but knowing that the council meets to-morrow, I deemed it best now to transmit to your Excellency the draft in so far as it is completed. If it shall be approved of by your Excellency and the legislative council, I shall lose no time in adding the other clauses which appear to me to be necessary.

"I have, &c.
(signed) "*W. Menzies.*"

"To his Excellency Sir Benjamin D'Urban, K.C.B.,
Governor of the Colony of the Cape of Good Hope."

Sir Benjamin D'Urban read Mr. Menzies' letter to the council, describing the law, and, upon his own proposal, and with the agreement of the council, Sir Benjamin D'Urban referred the ordinance back again to Judge Menzies, requesting he would complete it; and when the ordinance was sent back to us, I brought it before the council, at least, I undertook it before the council as an amendment to the original vagrant law: that is the history of the vagrant law you are alluding to.

643. You then did prepare the last vagrant law?—No, I did not; I proposed it; it was prepared by one of the justices of the colony; I wish I had prepared it; I regret that I had not the honour of doing so.

644. Was it opposed upon the ground that it was contrary to the 50th ordinance?—I see, by Dr. Philip's evidence, he called the attention of the Committee to this vagrant law being contrary to the 50th ordinance; but he must conceive that the legislative and executive councils, with the governor and justices who assisted them, must have been the greatest blockheads in the world not to know that they could not repeal the 2d section of the 50th ordinance, without referring it to England for approval. We knew, that let the vagrant law be what it might, it must go home for approval before it would come into operation in the colony; we did not want Dr. Philip to tell us that.

645. Was it never objected to, either in the colony or in England, on the ground of its being contrary to the 50th ordinance?—With respect to its being objected to in England, I have not the most distant idea upon what ground the objection was made to it.

646. Was it allowed or disallowed?—It was disallowed.

647. And you do not know upon what grounds?—No, I have never seen the despatch; and as far as my memory goes I never heard a word about the ordinance, except that it was disallowed, which I was told when I called at the Colonial Office on my arrival in England; possibly the grounds may have been stated in the Cape papers; but if they were, I have forgotten them.

648. What were the reasons assigned by the council for the rejection of the first law?—The first ordinance was quite incomplete; it was quite impossible to enact it as a law; it was merely proposed in the executive council, as I have already

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already stated, to be thrown out to the public for the purpose of having the assistance as well of the colonists as of the legislative council in preparing the law, because we could not in the executive council come to an agreement with regard to what should be the law. The remainder of the minutes which I propose to put upon your evidence will show, step by step, what took place with regard to rejecting the first and preparing the second ordinance.

[*The same were delivered in.* See *Appendix.*]

649. Did the governor protest against the ordinance which was sent home to England?—He did protest against it; and as you have asked me that question, which I am exceedingly glad to have asked me, I must take the liberty of adding some other documents which I have already given in, which will explain the whole transaction.

650. What is the nature of it?—It is an explanatory statement of my own with regard to Sir Benjamin D'Urban's protest. I am exceedingly glad that you should have his protest and his reasons for dissenting from the ordinance upon your Minutes; but it would be most unfair towards my character were that protest and these reasons to be made public without my explanatory statement accompanying them.

651. Have you got Sir Benjamin D'Urban's protest?—Yes, it appears upon the minutes, which I propose to put in.

[*The Witness delivered in the following Papers, which were read, as follow:*]

Votes and Proceedings of the Legislative Council, Cape of Good Hope,
Monday, 8th Sept. 1834.

Reason of his Excellency the Governor's dissent from the majority of the legislative council upon the third reading of the "amended bill for the suppression of vagrancy."

"If my votes could have availed to turn the majority, I should have voted against the third reading of the bill. I have been throughout anxious that so important a subject should have the fullest and freest discussion without interference or impediment; and therefore, I have offered few or no remarks upon the bill in its progress, except in the instance of voting for the attorney-general's amendment in the 19th clause, when I saw that my votes would be effectual to carry it.

"I, however, dissent from the majority upon this bill; 1st, because there are several clauses in it which appear to me so fraught with danger to the liberties of His Majesty's colonial subjects, and to one numerous class of them more especially, that I cannot but regard them with apprehension and alarm; and while I feel sure that they will be so regarded at home, and will never be allowed by the King in Council, I fear that the having enacted them will essentially prejudice the colony in the opinion, not only of His Majesty's Government, but of the English nation.

"2d. Because, in the progress of this question, I have arrived at the conviction, as well from my own investigation as from the opinion of competent authorities, that the existing laws of the colony are sufficient for holding a proper check upon vagrancy; if the judges, as they doubtless will, and especially in the circuit courts, avail themselves of every fitting occasion to expound from the bench the existing laws, for the information of the public, and if the public prosecutor, as he also doubtless will, give opportunities for this, by combining in his indictments, whenever the case justly admit of it, a specific charge of 'vagrancy,' with the other points of the charge.

"For these main reasons, and others of comparatively minor consideration, I dissent from the majority of the legislative council upon this question.

(signed) "*B. D'Urban,* Governor."

Wednesday, 22d October 1834.

Vagrant Ordinance;—Having been brought up by the attorney-general, and the treasurer to his Excellency the Governor, for his Excellency's consideration, in accordance with the order of the council to that effect at sitting No. 24, the acting clerk of the council reported, that he had received from those members the following memorandum of his Excellency: "Upon a proposed ordinance, entitled

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entitled 'An ordinance for the better suppression of vagrancy in this colony,' introduced by an honourable member of the legislative council on the 23d August 1834, and subsequently read a third time, and passed by a majority of votes on the 8th September following.

"The successive clauses of this ordinance were moved *seriatim* by the honourable member who introduced it, as an 'amendment' of another draft ordinance then before the council, to which, however, it is essentially different.

"I must decline to affix my assent to it:

"1st. Because it repeals part of a certain ordinance which has been confirmed, and the repeal of which has been specially prohibited by His Majesty's Order in Council of the 15th January 1829, and is therefore repugnant to that Order in Council, and in direct contravention of the 17th article of the Royal Instructions of the 8th November 1833.

"2d. For my reasons of my dissent to its passing into a law, which I have caused to be recorded on the proceedings of the legislative council of the 8th September 1834.

"Wherefore, under the provisions of the 17th and of the 14th article of the Royal Instructions, it is my duty to withhold my assent to it, until I shall have transmitted it to the Secretary of State, to be laid before the King, together with the reasons upon which my dissent is founded, and shall have received His Majesty's gracious pleasure thereon.

(signed) "*B. D'Urban.*"

"29 September 1834."

Saturday, 29th November 1834.

After prayers, the minutes of the preceding council were read, and confirmed.

The honourable the officer second in command laid upon the table "an explanatory statement with reference to the memorandum of his Excellency the Governor, entered on the minutes of the council on the 22d October 1834," which he requested might be entered on the minutes; the question was accordingly put, and agreed to unanimously.

"Explanatory statement of the Honourable Lieutenant-Colonel Wade, with reference to the 'memorandum of his Excellency the Governor,' entered on the minutes of council on the 22d November 1834.

"1. Having, on my return from the frontier, ascertained that there has been entered on the minutes of the proceedings of the legislative council, of the 22d October 1834, a memorandum of his Excellency the Governor, conceived in the following terms:—'Memorandum of his Excellency the Governor, upon a proposed ordinance, entitled, 'An ordinance for the better suppression of vagrancy in this colony,' introduced by an honourable member of the legislative council on the 23d of August 1834, and subsequently read a third time, and passed by a majority of votes on the 8th September following.

"'The successive clauses of this ordinance were moved *seriatim* by the honourable member who introduced it, as an amendment of another draft ordinance then before the council, to which, however, it is essentially different.

"'I must decline to affix my assent to it; 1st, because it repeals part of a certain ordinance which has been confirmed, and the repeal of which has been specifically prohibited by His Majesty's Order in Council of the 15th January 1829, and is therefore repugnant to that Order in Council, and in direct contravention of the 17th article of the Royal Instructions of the 8th November 1833.

"'2d. For the reasons of my dissent to its passing into a law, which I have caused to be recorded on the proceedings of the legislative council of the 8th November 1834.

"'Wherefore, under the provisions of the 17th and of the 14th article of the Royal Instructions, it is my duty to withhold my assent to it, until I shall have transmitted it to the Secretary of State, to be laid before the King, together with the reasons upon which my dissent is founded, and shall have received His Majesty's gracious pleasure thereon.

(signed) "'*B. D'Urban.*'

"'29 September 1834.'

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" 2. And having observed that, on the minutes of the 20th August last, there is no allusion whatever to the letter of the honourable Mr. Justice Menzies of the preceding day, giving cover to a copy of the 'clauses' alluded to in the above memorandum, addressed to his Excellency the Governor, and by his Excellency communicated to the council, nor any copy of that letter, or of his Excellency's reply to it, attached to the 'appendix,' which contains, however, all the correspondence and documents which had been communicated to the council, as in any respect connected with the 'vagrant ordinance.'

" 3. And being fully impressed with the conviction that, under these circumstances, the memorandum of his Excellency, above quoted, more especially when considered in connexion with the 'Reasons of his Excellency's dissent from the majority of the council upon the third reading of the amended bill for the suppression of vagrancy,' recorded on the minutes of the 8th September, to which 'reasons of dissent' the latter passage of the memorandum immediately refers, must have a necessary and direct tendency to induce a belief on the part of His Majesty's Government, and of the public, that the several clauses of the ordinance which passed the council on the 8th September, were introduced by me (on the 23d August) either in opposition to the opinion of his Excellency, in consequence of his Excellency having, after the ordinance, " for the better suppression of vagrancy in this colony" (the draft of which his Excellency introduced on the 7th May last), had been totally abandoned by his Excellency, in consequence of his Excellency having (as is stated in dissent) " arrived at the conviction that the existing laws of the colony are sufficient for holding a proper 'check upon vagrancy,' and that any new law was, therefore, unnecessary."

" Or, that the said clauses were introduced by me, and carried through the council as 'amendments' of that ordinance, in opposition to his Excellency's avowed wishes and opinions, at a time when his Excellency was still prepared to support that ordinance, and was endeavouring to have it passed into a law; and that at the time of the introduction of those clauses his Excellency was unacquainted with their true nature and import.

" I deem it incumbent on me, in order to prevent the possibility of misconceptions on these points, or of any erroneous opinions of the conduct of the majority of the council, or of my own individually, being entertained, to place on the minutes of the council a statement of the facts connected with the vagrant ordinance, in the order in which they occurred, from the date of its first introduction by his Excellency the Governor on the 7th May, until that of its final adoption by the council in its present form on the 8th September.

" 5. On the 7th May his Excellency proposed to the council 'An ordinance for the better suppression of vagrancy,' which was read a first time, and was directed to be read a second time on the first sitting of the council after the 30th May.

" 6. On the 4th June the second reading of this ordinance was postponed, and his Excellency was directed to cause copies of the petition of Dr. Philip relative thereto to be transmitted to the several civil commissioners for their report on said petition for the information of the council.

" 7. On the 31st July the whole of these reports having been received and read, as also the several memorials for and against the ordinance, it was proposed 'that the further consideration of it be adjourned until an abstract of the returns set forth in the schedule attached to it be submitted to council;' which proposal was negatived, and the ordinance was read a second time, after which the council resolved itself into committee, " and his Excellency the Governor was requested to cause to be procured from the judges of the supreme court information relating to the existing laws relative to vagrancy," and the further discussion of the ordinance in committee was adjourned until this information be procured.

" 8. On the 11th August his Excellency laid before the council the 'Report of the judges of the supreme court on the state of the existing laws relating to vagrancy;' and his Excellency also communicated to the council 'Extracts of a despatch from Lord Goderich to Major-general Bourke, dated 5th August 1827, relating to the mode of procedure to be adopted by the council of government, when in the enactment of laws the judges had given the sanction of their unanimous recommendation on any matter connected therewith.'

" 9. Whereupon

" 9. Whereupon it was unanimously agreed, ' That the vagrant ordinance be referred to the judges of the supreme court, to be amended in accordance with the suggestions contained in their report.' Lieutenant Colonel T. F. Wade, &c. 21 April 1837.

" 10. In accordance with which resolution of the council, his Excellency addressed a letter to the chief justice, dated 12th August 1834, from which the following are extracts:

" ' The information contained therein' (in the report of the judges) ' has induced the council, upon my proposal, unanimously to concur in seeking the assistance of your honour and the other judges of the supreme court in this matter, and have requested me to refer accordingly.

" ' I have, in consequence, to transmit herewith the draft ordinance for the suppression of vagrancy now before the council, and referring to the opinion of your honour and the other judges of the supreme court of the 5th inst., and especially to the 4th and 5th clauses of it, to request that your honour and the judges will have the goodness to frame an amendment of the draft, and transmit to me the draft of such an ordinance as may appear to you best adapted to the exigencies of the case, and the circumstances of the colony.

" ' The legislative council are desirous that the draft requested of the judges may, if practicable, be in the shape of an amendment of the draft ordinance now before them, on account of the time which will thus be saved in its enactment by avoiding the necessity of its previous republication.'

" 11. On the 20th August, his Excellency laid before the council the reply of the judges to this application, dated 16th August, in which the judges, after stating that they were of opinion that the repeal of the laws which affected the 63d, 231st, 244th, 245th, 246th, 247th, 248th, 249th, 250th, 251st, 252d, 253d, 254th, 270th, 271st, 272d clauses of the ordinance for the administration of the country districts, and the re-enactment of those clauses would neither be adapted ' to the exigencies of the case or the circumstances of the colony,' conclude their letter with the following paragragh:

" ' For these reasons and under these circumstances, (stated in the letter,) ' we conceive that we cannot consistently take upon ourselves the official responsibility of attempting to frame the draft of an ordinance for the suppression of vagrancy, adapted to the exigencies of the case and the circumstances of the colony.'

" 12. After this letter from the judges had been read, the following occurrence, which, however, is not alluded to on the minutes of the council, took place:

" ' The attorney-general gave notice that he would be prepared at the next meeting of council to propose, as amendments of the vagrant ordinance, then before the council, certain clauses for the better punishment of vagrancy when connected with any other offence.

" ' Whereupon Lieut.-Colonel Wade gave notice that he should oppose such amendment, as not in any respect agreeing with the principles which had been adopted by the council when the ordinance was read a second time on 31st July last, and that he should at the next meeting of council be prepared to propose several amendments to the ordinance of a different description, and more strictly in accordance with those principles.'

"13. It was thereupon unanimously agreed, on the suggestion of his Excellency, that the attorney-general and Colonel Wade should each produce their amendments at the next sitting of the council, in order that it should be decided which set of amendments should be adopted.

" 14. Colonel Wade then further stated, that the amendments he should propose had been prepared by Mr. Justice Menzies; whereupon his Excellency the Governor communicated to the council a letter he had received from Mr. Menzies on the preceding day, giving cover to the amendments in question, in which Mr. Menzies, after repeating the reasons which had induced him fully to concur with his brother judges in declining officially to prepare and submit to the council any ordinance as being that which in their opinion was ' the best adopted to the exigencies of the case and the circumstances of the colony,' stated, that the amendments enclosed were only submitted by him for the consideration of his Excellency, if it should be deemed expedient to abolish the immunities and privileges at present possessed by the Hottentots and other free persons of colour, a measure upon the expediency of which he declined to give any opinion; and after having explained the principle of the amendments, concluded by saying, ' I have still several clauses to add, but knowing that the

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council meets to-morrow, I deemed it best now to transmit to your Excellency the draft in so far as it is completed. If it should be approved of by your Excellency and the legislative council, I shall lose no time in adding the other clauses which appear to me to be necessary.'

"15. After Mr. Menzies' letter had been read, his Excellency took the opinion of the council as to whether Mr. Menzies should be requested to complete the clauses, and it was decided that his Excellency should request him to do so; and the council then adjourned until the 23d August, for the express purpose of giving Mr. Justice Menzies time to complete the clauses; and his Excellency, in accordance with the opinion of the council, wrote to Mr. Justice Menzies the following note on the same day, and on the 23d Mr. Menzies transmitted the completed draft of the amendments with the annexed reply:—

"'Sir "'Government-house, 20 August 1834.

"'I had the honour of your letter with its enclosure, yesterday, in the evening, and am very much obliged by the trouble you have taken in framing this draft, which I return herewith, requesting that you may have the goodness to complete it; I have adjourned the legislative council until Saturday next, in the hope that in that time you may have been enabled to return it to me for their conclusive consideration.

(signed) "'*B. D'Urban.*'

"Reply to the above.

"'Sir, "'Chambers, 22 August 1834.

"'I have now the honour to return to your Excellency the draft of an ordinance for the better suppression of vagrancy, with certain additional clauses.

"'Some of the clauses in the above-mentioned draft have been introduced more from a desire to bring the subjects to which they relate distinctly under the consideration of your Excellency and the legislative council, than from any decided opinion of my own of their being absolutely necessary for the success of the measure.

(signed) "'*W. Menzies.*'

"16. On the 23d August, his Excellency laid upon the table the draft of the amendments above referred to, whereupon the council resolved itself into committee; and the attorney-general having stated that it was not his intention to propose the amendments he had formerly alluded to, Lieutenant-Colonel Wade proceeded to propose the first amendment, as he also did the successive clauses of the ordinance upon that and subsequent days; and the whole of the clauses having been discussed, were carried, one amendment only, viz., in the 19th clause, having been introduced, on the 30th August, on which occasion his Excellency the Governor, for the first and only time during the discussion, recorded his vote, or expressed his opinion on these clauses.

"17. The ordinance was then referred by his Excellency to the judges for their opinion as to the existence of 'any legal impediment to its execution by the colonial tribunals, &c.;' and on the 8th September the ordinance was returned by the judges, with a letter dated the 4th, signed by Mr. Justice Menzies and Mr. Justice Kuvewich, and by a separate letter from the chief justice, stating that there would not be any legal impediment, &c., but that, for reasons assigned by them, it could not be enforced until allowed by His Majesty with the advice of the Privy Council.

"His Excellency also submitted at the same time to the council a further communication, addressed to his Excellency by the chief justice, bearing date that day, viz. the 18th September, relating to the provisions of this ordinance, and the existing law for the suppression of vagrancy.

"18. The ordinance was then read a third time, and his Excellency, as president of the council, then put the question, that the ordinance do now pass, which was also carried.

"'3 December 1834.

"'The governor having had under his consideration the proceeding in the last sitting of the council, wherein a statement not at all connected with the orders

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orders of the day was read, and afterwards placed upon the minutes, feels it his indispensable duty to put upon the record of this day a note of reservation to guard against the proceeding becoming a precedent for a similar measure on any future occasion, which might often be very inconvenient to the public service, at once by a waste of time, and by directing the attention of the council from the business properly before it.

" 'That proceeding was, in fact, a contravention of the fifth article of the 'standing rules and orders' of the council, and was therefore very justly objected to at the time by two honourable members, the attorney-general and Mr. Ebden, nor would the governor, as president of the council, have assented to it, but that it appeared to involve observations upon some official act or acts of his, which he was unwilling in any way to impede.

" 'Upon the matter of the 'settlement,' so far as it might in any measure concern the governor, it was not his province then, nor is it his purpose now, to remark, since he is responsible to the kingdom for his official proceedings, and cannot consistently render an account of them to any other authority.

" 'The governor, in conclusion, begs to add, that the statement shall not fail to be duly transmitted to His Majesty's Secretary of State for the Colonies.

" '3 December 1837.'" (signed) "'*B. D'Urban.*'"

" '(True copy) *R. J. Nichols.*'"

652. Have you any further statement to make?—I wish to remark, with regard to the increase of crime, upon which a great deal has been said, that the accompanying extract from the indictment-book of the attorney-general will show the real state of the case, from the date of the promulgation of the 50th ordinance to the latter end of the year 1833.

	Cases tried in the Supreme and Circuit Courts.	Prisoners tried in the Supreme and Circuit Courts.
1828	144	202
1829	256	414
1830	304	479
1831	241	358
1832	194	269
1833	244	316

In the above are not included the persons tried before the resident magistrates for petty offences, one of which is stealing a single sheep.

653. Is there any other document you wish to put in?—There is one other document, I alluded to before, and which I request permission to put in; I mean the report of the protector of slaves for the eastern division of the county, for the half-year ending December 1834. I request it may be obtained from the Colonial Office, because it has direct reference to Dr. Philip's petitions and the legislative council, which I have already referred to, and which I think it most important should appear on the Minutes. In conclusion, I beg to hand in the other documents I have alluded to, in illustration of the statement I have made. —(*Vide* Appendix.)

Veneris, 19° *die Maii*, 1837.

MEMBERS PRESENT.

Mr. Bagshaw.	Mr. A. Johnston.
Mr. Baines.	Mr. C. Lushington.
Mr. Gladstone.	Mr. Wilson.
Mr. Hindley.	

C. LUSHINGTON, Esq., IN THE CHAIR.

Dr. *Philip*, called in; and further Examined.

Dr. *Philip*.

19 May 1837.

654. *Chairman.*] YOU have had under consideration Papers delivered in by Colonel Wade, relative to vagrancy in the Cape of Good Hope?—Yes.

655. Have you any observations to make on them?—None.

656. Is there any other subject comprised in those Papers, Nos. 14, 15 and 16, on which you desire to make any remark?—Nothing more than what I have said as to an expression or two connected with the name of Henry Kenrick. The character given of that man in 1833, was the character I heard of him from every quarter at the period I was in the interior of the colony, in that part of the interior; I had reason to believe that it was correct. Since that time he has professed to have repented of his past conduct, and has conducted himself in a different manner, to the satisfaction of those who before censured him; he professed repentance of his conduct. In consequence of that I submit to the Committee whether the expressions connected with his name should not be omitted in the printed evidence.

657. You wish to suggest that those expressions should be expunged?—Yes; I submit it to them whether it may not be proper, as the man's character is different from what it was; and in a situation of that kind, in a country of that kind, so much depends on individual character.

[The Witness withdrew.

The Committee having considered the suggestion of Dr. Philip, that certain expressions regarding the character of Mr. Kenrick, used by Dr. Philip, be expunged;

Resolved unanimously, that the expressions in question should remain upon the Minutes.

APPENDIX.

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APPENDIX.

Appendix, No. 1.

PARTICULARS RESPECTING THE MASSACRE OF THE CREW AND LOSS OF THE SHIP "OLDHAM."

Sir, Melville, in Trincomalee Harbour, 8 November 1832.

No. 1. Massacre of Crew and Loss of the Ship Oldham.

SINCE my letter No. 45, of the 10th ultimo, enclosing a report from Mr. Williams, surgeon, R.N., respecting the massacre of the crew of the "Oldham" merchant ship, by the inhabitants of Wallis' Island, and the part taken by His Majesty's sloop Zebra to ascertain the facts of the case, I have received the particulars from Lieutenant M'Murdo, in command of the Zebra, which I now transmit for the information of the Lords Commissioners of the Admiralty.

I have, &c.
(signed) *John Gore*, Vice-Admiral.

To Capt. the Honourable G. Elliot,
Admiralty.

EXTRACT of a LETTER from Acting Commander, *M'Murdo*, of His Majesty's Sloop Zebra, dated Port Jackson, N. S. Wales, 18th July 1832, addressed to Rear-Admiral Sir *Edward Owen*, K.C.B.

ON the 26th I succeeded in opening a communication with Lavaloa the chief, who came on board the next day, bringing with him the only survivor of the ill-fated Oldham. I enclose you a copy of a statement by him, which will put you in possession of every particular relative to the causes which led to this unhappy catastrophe; and from inquiries I have since made I am quite satisfied of its correctness. The wreck went down this day at her anchor in seven fathoms water; I immediately demanded all the property which might be on shore belonging to her, and after much trouble and anxiety succeeded in getting various articles which may be worth 300 *l.* or 400 *l.*, and have placed the same in charge of Mr. Cook, the purser of this sloop, to be by him disposed of on the behalf of the underwriters and others concerned, and for which I have claimed salvage.

It may be necessary to observe here, that the feelings of these people have been kept in a high degree of excitement for a length of time, by the lawless conduct of a half-born native of the Sandwich Islands, named George Minini, (his father being an American). This man called himself a European, arrived at Wallis' Island about five years ago, accompanied by a number of adventurers, and obtained possession of an island near the entrance bearing his name; he soon engrossed all the European trade, and made the natives entirely subservient to his views of aggrandizement, and soon began to play the part of a despotic chief; he trampled upon the laws and customs of the people, received all the renegadoes and malecontents under his protection, and set the power of the king at defiance; his last act of violence, (about the month of January last,) was to invade with an armed force the king's immediate territory, and to carry off or destroy all the live and dead stock, and threatened to deprive him (the king) of his life as well as his power; this last iniquitous proceeding roused the people to a just sense of their sufferings, and in the midst of his fancied security they sacrificed his life, as an atonement for his crimes (being cut down with an axe by a native); most of his followers shared the same fate, and his property was distributed throughout the island. It was while smarting from the effects of this man's tyranny, which compromised the European character, that the Oldham arrived, and as the captain and crew commenced and pursued the same unjustifiable and lawless line of conduct, it ceased to be a matter of surprise that the natives sought so severe a retaliation. I stated to the king in the strongest terms my sentiments on the subject of the Oldham, in which he denied every participation, ascribing the planning as well as the execution of the massacre to the partizans of Minini, at the head of whom was Tuccoroa, one of his chiefs, who was killed by our people; and from all I have been able to learn he appears faultless in that instance. I explained to him that no insult could justify so sanguinary a proceeding, and that a repetition of so heinous an offence would call down upon himself and his country a most severe retaliation from His Majesty's Government; he promised a faithful compliance with the usages of civilized nations, and expressed his gratitude

No. 1.
Massacre of Crew and Loss of the Ship Oldham.

for the humanity shown by the officers and crew of this sloop, in the course of this trying and anxious service, for it may be readily supposed that their minds were highly exasperated; he also expressed a hope that a King's ship would frequently visit him. Having placed our relations on the most friendly footing again, and received on board eight British subjects anxious to remove from the island, and completed the sloop's water, I sailed on the morning of the 2d ultimo for Rotumah.

A STATEMENT of the Particulars attending the Loss of the Barque Oldham, of London, made by *Craven Nicholson*, Boy, the only Survivor.

ON or about the 26th or 27th of March 1832, the barque Oldham, of London, Shelton, Esq. of London, owner, and Robert Johnstone, of Lewisham-lane, Blackheath, master, anchored in the harbour of Wallis' Island, South Pacific Ocean, and found lying there the British ship Harriet, of London, and the American whalers, Milo of New Bedford, and the Almira of Edgartown.

On or about the 3d or 4th of April, the native girl who was living on board with the captain ran away, and the next day he went on shore with an armed boat, and demanded her; the chiefs ordered her to be brought down to the beach, and told him (the captain) that they would kill her if he wished; at the same time the boat's crew were forcing the women into the boat against their consent.

About this time three men, who had deserted from the British ship Corsair, entered on board the Oldham, leaving their clothes in the bush; on going on shore for them some days afterwards, they discovered that most of them had been stolen; they returned on board and stated this to the captain, who sent two boats to search the native huts for them; they returned bringing some clothes and a quantity of beads, tapa, mats, fish-hooks, &c., which they had plundered; some of the old mats and tapa were returned.

The three vessels before mentioned sailed, leaving us alone in the harbour.

On or about the 11th of April, several of the natives came on board; the captain, being in a state of intoxication, took two of them into the cabin, showed them the muskets and other arms, and told them it was his intention to go on shore the next day and kill the king, desiring a negro man named Reubans, who lived on shore, to tell them so. The moment they understood this, a native went out to the jib-boom end and hailed the natives on shore; two canoes immediately came off; one of our men who was in the main-chains saw them (the natives) handing cutlasses and axes out of the canoe; he informed the captain of it, who immediately ordered them out of the ship; they obeyed, and said they would return the next day with cocoa nuts; they accordingly came at daylight, and gave away their cocoa nuts without asking any payment. At breakfast time the waist boat, with the second mate, four men and a boy, went to the king's village to search for four New Zealanders who had ran away. About nine o'clock, one of our men told the captain that the native women were jumping overboard, and that the men were collecting aft; at this time the captain (who was on the quarter-deck, in liquor, and swearing,) was cut down with an axe and killed, and at the same moment I was struck on the head with an axe by a chief, who afterwards knocked me down the companion ladder with the flat part of it; he followed me down and struck me on the leg, but seeing a New Zealander preparing to fire upon him with a musket he left me, and killed him; during this time I escaped and hid myself behind some casks, therefore I only saw the captain and New Zealander killed. The next day I heard a Portuguese and some Woahoo men talking; I called to the former, who gave me some biscuit and water, and he told me that Capt. Russell, of an American whaler (outside the reef) had been alongside, but on finding what had taken place he returned on board, and was then firing upon us from his ship, and said the natives wanted powder to return it; I told him I did not know where it was, he also told me the ship was underweigh and going higher up, and that all our people had been killed; shortly afterwards he brought a chief's sister to me, and she with a chief (the same who cut me down) prevailed upon the other natives to save my life; they afterwards took me on shore and treated me with kindness and affection. The whole of the boat's crew who went on shore were (with the three Americans belonging to a whaler) also killed. The Woahoo natives assisted the natives in working the ship, but I have every reason to believe that they acted from compulsion. The leading chief in this affair was Tuccoroa, who was killed afterwards by the Zebra's people when the Oldham was boarded by them; the ship had between 500 or 600 barrels of oil.

Appendix, No. 2.

Paper (A.) referred to in the Evidence of *T. Hodgkin*, Esq. 22 March 1837.

No. 2.
Paper referred to in the Evidence of T. Hodgkin, Esq.

IN reply to the question addressed to me respecting the course adopted by William Penn in his dealings with the Indians, not being in possession of any original and unpublished documents relating to the subject, I have endeavoured to select from his life and writings, and from collateral testimonies, such particulars as appear to me best calculated to furnish the information desired.

There is scarcely a fact in modern history more notorious than that William Penn, in laying the foundation of the province of Pennsylvania, furnished a singular exception to the mode of colonization adopted by civilized and Christian states, inasmuch as he obtained the possession of his territory by treaty and purchase of those who possessed a natural and hereditary right to it, instead of resting satisfied with having obtained his right and title by letters patent from the King of England, a title which though perfectly valid and unquestionable according to the views and practices of the civilized world, must, when closely examined and coolly considered, be regarded as merely an assumed right, repugnant to reason and justice; the case being simply this: *A.* of the first part discovers a valuable territory possessed and occupied by *B.* of the second part; calls it his own, because he has seen it, and gives it to *C.* of the third part, with all the form and circumstance of the most legal transfer. *B.* in the meantime being so far from a party to the transaction, that he remains the whole time perfectly ignorant of what has taken place. That such a title could not satisfy the conscience of a virtuous man is less surprising than that his adopting a different course and obtaining a just as well as a legal title, should have been so singular a transaction as to have commanded the admiration of mankind. Were this the only remarkable feature in William Penn's colonization, it would scarcely have a claim to your attention in the present day.

But there are details connected with his treatment of the aborigines from whom he made his second purchase, the statement of which, if I mistake not, is the object for which I have been called before you.

It appears that prior to the great and memorable treaty in which William Penn purchased his territory from the Indians, he had caused preliminary conferences to be held with them; they were apprized of his object, and came to the treaty in vast numbers, and occupied a very considerable time in deliberation; and there is no reason to doubt, that at the time and subsequently they were satisfied with the terms which they had made. I am induced to dwell a little upon this point, because I have heard it insisted upon by gentlemen of the United States, that William Penn's purchase was merely the semblance of a purchase; that he gave no equivalent for the land, that he must have known that he overreached them, and that such must always be the case when civilized men treat with the uncivilized, to obtain their territory.

In refutation of this statement it should be observed, that it stands on record that one of the principal chiefs concerned declared that their land was then so much reduced, that they could then sell but two miles for what they would have sold 20 before.

William Penn appears to have given about 20,000 *l.* to the Indians, and it should be taken into consideration that at that period the Indians still possessed large territories, whilst European manufactures were more scarce, and consequently of more value to them than they are at present. On the other hand, in the infancy of our colonies the value of the land was scarcely known to the settlers. That it was set at a low price is evident from the fact that large tracts, and even some of the most advantageous sites were almost given away by William Penn. The two most important features in William Penn's conduct towards the aborigines appear to me to be very generally overlooked.

The first is, that notwithstanding he purchased the land from the Indians, he did not desire their removal from it. They were at liberty to settle as his subjects in many parts of the province.

The second point is, that he admitted them to full participation in the benefit and protection of the laws, enacting that in cases in which Whites and Indians were concerned, they should sit in equal numbers on the juries. He also made some special laws in their favour, lest from inferiority in knowledge they should become the victims of injustice. Thus he restricted the trade in skins to duly authorized persons, and still further to insure them against receiving an inadequate value, these transactions were to take place in the public market.

From some of the quotations which I am prepared to lay before you, it is evident that these acts of kindness were not lost upon the Indians; but that for many years they

No. 2.
Paper referred to in the Evidence of T. Hodgkin, Esq.

cherished his memory with gratitude and admiration. It appears that for about 70 years, during which the government of the province was allowed to remain in the hands of that society of which William Penn was a member, the treaty of peace between the Indians and Pennsylvanians remained unbroken, which is the more remarkable when we remember the irregular character of the savage warfare which was frequently going forward between the other provinces, and the Indians exasperated to the highest pitch by encroachments and atrocities.

It was not only by his respect for the inalienable rights of the Indians, and by attention to their temporal welfare, that William Penn's conduct towards that people is worthy of imitation. He was anxious for their participation in the blessings of Christianity, and on this as well as on other grounds recommended them to the care of his followers; and I would be permitted to take this opportunity of stating, that I believe that the conduct of the Society of Friends with respect to their care on this head has by some been much underrated. It must be well known to most, that the Society of Friends has no theological schools for the preparation of preachers, and that there are none amongst us from whom the delivery of a sermon is required by the body. It is therefore not surprising that none should have been specially appointed to preach to the Indians. But it is evident from the extant memoirs of different ministers in this society, from the time of William Penn downwards, that the gospel of our Saviour was by them preached to the Indians. Thomas Storey, who was William Penn's companion when he treated with the Indians, has left some very sound counsel on this subject, and it is stated in Proud's Pennsylvania, that there was a company of Christian Indians whose practice appears to have adorned their profession.

In most parts of North America the Indians have been peculiarly averse to embrace the doctrines of Christianity. With some encouraging exceptions, they look with scepticism and prejudice at a religion, the professors of which have so generally proved themselves their merciless persecutors, and their instructors in crime. If the conduct of William Penn and his brethren formed such a contrast with that of the generality of the whites, as to make an indelible impression upon the Indians, you will perhaps ask where are the proofs of the advantage of this system, and what is the prosperity of the Indians in Pennsylvania, to encourage other governments to follow Penn's example?

It must be confessed that there is little encouragement to be exhibited. Much of the good that was contemplated was never realized, and of that which was accomplished, nearly the whole has been abolished; but the causes which have effected this are sufficiently obvious. The strong and rooted attachment of the Indians to a hunting life is a great obstacle to all attempts to fix them to the soil. The increased demand for their furs has had the double effect of requiring a larger portion of time to be devoted to hunting, and has obliged them, like the game which they pursue, to recede further and further before the advances of civilization, and to withdraw themselves from the instruction, counsel and example of those most deeply interested in their welfare; whilst they have been increasingly exposed to the injustice and contamination of the profligate trader and back-woodsmen, whose crimes are unobserved, or if observed, are unpunished. Moreover, the example of William Penn has produced an influence diametrically the reverse of that which he would have desired. The peace which he established with the Indians was a most important element in the success of his colony; that success encouraged emigration, which contracted the hunting-grounds of the Indians. The example of William Penn has been repeatedly followed, as far as the obtaining of land by treaty with the Indians; by means of which the Indians have rapidly lost large and rich tracts of land, which would not so soon have changed their owners under a system of forcible spoliation. Such treaties unaccompanied by the beneficent measures which formed a part of William Penn's plan, have been beneficial to the Whites, but irreparably injurious to the Indians. The former have gained an easy possession of the resources of the latter, whilst famine and in some instances war, has been the portion of the Indians as they have retreated upon the territories of other tribes.

The reserved portions of territory, the possession of which facilitated the concessions made by the Indians, have been successively alienated from them when the whites have desired to possess them.

The frequent removals which these transactions have occasioned, have again and again been complained of by those members of the Society of Friends who, following the example and injunctions of William Penn, have endeavoured to promote the welfare and improvement of the Indians. Similar complaints have also been made by missionaries of other religious societies. It appears from the journal of John Churchman, that before the separation of the United States from this country, the interference of Friends in favour of the Indians was looked upon with jealousy, and that the Indians complained that they did not receive that protection from colonial justice which the treaty of William Penn had been designed to secure for them.

These circumstances will probably be admitted as sufficient to account for the smallness of the amount of good which has really been effected by the justly celebrated and applauded treaty of William Penn with the Indians.

There have, doubtless, been wise and benevolent individuals both amongst the officers of Government and in religious societies of different denominations, who have strenuously and sincerely exerted themselves for the benefit of the Indians, but their efforts have been inadequate to stem the torrent of malign causes which threaten their extermination.

I should not be doing justice to the memory of the late Governor Semple,* if I did not state

* He was governor for the Hudson's Bay Company upwards of 20 years ago, and lost his life in consequence of the strife existing between his own and a rival fur company.

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state that I had seen a letter from that officer which was dictated by the kindest feelings and best intentions towards the aborigines of the district placed under the influence of his authority. That letter was addressed to Benjamin Harrison, esq., who had expressly recommended the interests of the Indians to the governor prior to his leaving England; and it ought to be generally known, that to the influence of that benevolent and enlightened gentleman as a director of the Hudson's Bay Company, and to his personal exertions and liberal pecuniary contributions, are to be essentially ascribed the settlement and maintenance of missionaries under the direction of the Church Missionary Society, at the company's colony on the Red River. At the same time, amidst the conflicting statements which proceed from that region, I cannot but see reasons to apprehend that these excellent intentions and most laudable exertions fail, like those of the great legislator, respecting whom your questions have been directed to me, to realize the good which they were designed to effect. Neither the virtues and eminence of those by whom these benevolent designs have been commenced and supported, nor the positive good which has absolutely been effected, should conceal from our observation that there, in common with every quarter in which civilized and uncivilized man are brought into contact with each other, the problem remains to be solved, how the prosperity, and even the existence, of the latter is to be maintained in competition with the superior intelligence, mightier resources, and opposite interests of the former.

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The third object may be seen in his petition for this grant; for in this he stated, that he had in view the glory of God by the civilization of the poor Indians, and the conversion of the Gentiles, by just and lenient measures, to Christ's kingdom. In short, his motives may be summed up in the general description of them given by Robert Proud, one of his more modern historians, and who had access to hundreds of his letters, and who spared no pains to develope his mind in the most material transactions of his life: "The views of William Penn," says he, "in the colonization of Pennsylvania, were most manifestly the best and most exalted that could occupy the human mind; namely, to render men as free and happy as the nature of their existence could possibly bear in their civil capacity, and in their religious state; to restore them to those lost rights and privileges with which God and nature had originally blessed the human race. This, in part, he effected; and by those means which Providence in the following manner put into his hands, he so far brought to pass, as to excite the admiration of strangers, and to fix in posterity that love and honour for his memory which the length of future time will scarcely ever be able to efface."*

In behalf of the Indians it was stipulated, that as it had been usual with planters to overreach them in various ways, whatever was sold to them in consideration of their furs should be sold in the public market-place, and there suffer the test, whether good or bad; if good, to pass; if not good, not to be sold for good; that the said native Indians might neither be abused nor provoked.

That no man should by any ways or means, in word or deed, affront or wrong any Indian, but he should incur the same penalty of the law as if he had committed it against his fellow planter; and if any Indian should abuse, in word or deed, any planter of the province, that the said planter should not be his own judge upon the said Indian, but that he should make his complaint to the governor of the province or his deputy, or some inferior magistrate near him, who should to the utmost of his power take care, with the king of the said Indian, that all reasonable satisfaction should be made to the said injured planter. And that all differences between planters and Indians should be ended by 12 men; that is, by six planters and six Indians; that so they might live friendly together, as much as in them lay, preventing all occasions of heart-burnings and mischief. These stipulations in favour of the poor natives will for ever immortalize the name of William Penn; for, soaring above the prejudices and customs of his time, by which navigators and adventurers thought it right to consider the inhabitants of the lands they discovered as their lawful prey, or as mere animals of the brute creation, whom they might treat, use and take advantage of at their pleasure, he regarded them as creatures endued with reason, as men of the like feelings and passions with himself, as brethren both by nature and grace, and as persons, therefore, to whom the great duties of humanity and justice were to be extended, and who, in proportion to their ignorance, were the more entitled to his fatherly protection and care†.

In one of these ships went Colonel William Markham; he was a relation of William Penn, and was to be his secretary when he himself should arrive. He was attended by several commissioners, whose object was to confer with the Indians respecting their lands, and to endeavour to make with them a league of eternal peace. With this view they were enjoined in a solemn manner to treat them with all possible candour, justice and humanity. They were the bearers also of a letter to them, which William Penn wrote with his own hand, and of which the following is a copy:—

"There is a great God, and power, which hath made the world and all things therein, to whom you, and I, and all people owe their being and well being, and to whom you and I must one day give an account for all that we have done in the world.

"This great God has written his law in our hearts, by which we are taught and commanded to love, and to help, and to do good to one another. Now this great God hath been pleased to make me concerned in your part of the world; and the king of the country where I live

* Clarkson's Life of William Penn, vol. 1, pp. 265, 266.

† Ibid. vol. 1, pp. 284, 285.

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I live hath given me a great province therein; but I desire to enjoy it with your love and consent, that we may always live together as neighbours and friends; else what would the great God do to us, who hath made us (not to devour and destroy one another, but) to live soberly and kindly together in the world? Now, I would have you well observe that I am very sensible of the unkindness and injustice which have been too much exercised toward you by the people of these parts of the world, who have sought themselves to make great advantages by you, rather than to be examples of goodness and patience unto you. This, I hear, hath been a matter of trouble to you, and caused great grudging and animosities, sometimes to the shedding of blood; which hath made the great God angry. But I am not such a man, as is well known in my own country. I have great love and regard toward you, and desire to win and gain your love and friendship, by a kind, just and peaceable life; and the people I send are of the same mind, and shall in all things behave themselves accordingly; and if in anything any shall offend you or your people, you shall have a full and speedy satisfaction for the same, by an equal number of just men on both sides, that by no means you may have just occasion of being offended against them.

"I shall shortly come to see you myself, at which time we may more largely and freely confer and discourse of these matters. In the meantime, I have sent my commissioners to treat with you about land and a firm league of peace. Let me desire you to be kind to them and to the people, and receive the presents and tokens which I have sent you as a testimony of my goodwill to you, and of my resolution to live justly, peaceably and friendly with you.

"I am your loving Friend,

"*William Penn.*"*

The Great Spirit, he said, who made him and them, who ruled the heaven and the earth, and who knew the innermost thoughts of man, knew that he and his friends had a hearty desire to live in peace and friendship with them, and to serve them to the utmost of their power. It was not their custom to use hostile weapons against their fellow creatures, for which reason they had come unarmed. Their object was not to do injury, and thus provoke the Great Spirit, but to do good. They were then met on the broad pathway of good faith and good will, so that no advantage was to be taken on either side, but all was to be openness, brotherhood and love. After these and other words, he unrolled the parchment, and by means of the same interpreter conveyed to them, article by article, the conditions of the purchase, and the words of the compact then made for their eternal union. Among other things, they were not to be molested in their lawful pursuits even in the territory they had alienated, for it was to be common to them and the English.

They were to have the same liberty to do all things therein relating to the improvement of their grounds, and providing sustenance for their families, which the English had. If any disputes should arise between the two, they should be settled by 12 persons, half of whom should be English and half Indians.

He then paid them for the land and made them many presents besides from the merchandize which had been spread before them. Having done this, he laid the roll of parchment on the ground, observing again, that the ground should be common to both people. He then added, that he would not do as the Marylanders did, that is, call them children or brothers only; for often parents were apt to whip their children too severely, and brothers sometimes would differ; neither would he compare the friendship between him and them to a chain, for the rain might sometimes rust it, or a tree might fall and break it; but he should consider them as the same flesh and blood with the Christians, and the same as if one man's body were to be divided into two parts. He then took up the parchment and presented it to the Sachem, who wore the horn in the chaplet, and desired him and the other Sachems to preserve it carefully for three generations, that their children might know what had passed between them, just as if he had remained himself with them to repeat it†.

The Indians also were remarkably kind to them. They hunted for them frequently, doing their utmost to feed them. They considered them all as the children of Onas; and, looking upon him ever since the great treaty, as their own father also, they treated them as brothers‡.

Notwithstanding it was thought near 3,000 persons came in the first year, we were so providentially provided for, that we could buy a deer for about 2 *s.*, and a large turkey for about 1 *s.*, and Indian corn for about 2 *s.* 6 *d.* per bushel.

And as our worthy proprietor treated the Indians with extraordinary humanity, they became very civil and loving to us, and brought us in abundance of venison. As in other countries, the Indians were exasperated by hard treatment, which hath been the foundation of much bloodshed, so the contrary treatment here hath produced their love and affection §.

Do not abuse them, but let them have justice, and you win them. The worst is, that they are the worse for the Christians, who have propagated their vices, and yielded them tradition for ill and not for good things. But as low an ebb as these people are at, and as inglorious as their own condition looks, the Christians have not outlived their sight with all their pretensions to an higher manifestation.

What good then might not a good people graft, where there is so distinct a knowledge left of good and evil? I beseech God to incline the hearts of all that come into these parts to outlive the knowledge of the natives, by a fixed obedience to their greater knowledge of the

* Clarkson's Life of Penn, vol. 1, pp. 290, 291. 293.
† Ib. vol. 1, pp. 341, 342, 343.
‡ Ib. vol. 1, p. 357.
§ Ib. vol. 1, p. 370.

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the will of God; for it were miserable indeed for us to fall under the just censure of the poor Indian conscience, while we make profession of things so far transcending *.

Another object, and this near his heart, was to know, not only all the Indians within his own domains, but those bordering upon them, with a view to their civilization and the perpetuation of love and friendship on both sides. He had held frequent conferences with them for these purposes; in which he had advised them against the use of strong liquors, and endeavoured to inculcate in them a just sense of the benefit of a Christian life and conduct; but now he redoubled his efforts, and this with so much success, that before the time of his departure came, he had made, at Pennsbury and other places, treaties of amity with no less than 19 tribes of a different name. Indeed, nothing could exceed his love for these poor people, or his desire of instructing them, so as to bring them by degrees to the knowledge of the Christian religion; and in this great work he spared no expense, though whatever he bestowed in this way came solely out of his own pocket. Oldmixon says, "that he had laid out several thousand pounds to instruct, support and oblige them." The consequence was, on their part, an attachment to him and his successors which was never broken †.

He was pleased to find that the members of his own society had conducted themselves generally well, and that they had endeavoured to promote one of his favourite objects.

They had been careful to prevent the introduction of strong liquors among the Indians, and they had held several religious meetings with them. The Indians, it appeared, generally heard with patience what was said to them at these times, and seemed affected by it; but the impression was not durable. These efforts, however, were very pleasing to one who knew well that every work must have a beginning, and that the best could not be brought to perfection without perseverance ‡.

We may now estimate the sacrifices of William Penn. If his quit-rents amounted to 500 *l.* per annum, he must have sold 1,000,000 of acres of land, for which according to the terms of sale, he must have received 20,000 *l.* To this add the 6,000 *l.* now mentioned, and he must have spent 26,000 *l.* upon the province, in presents to the Indians, in re-purchases of the land from these, in the maintenance of government and governor, and in other public matters; a sum not much short of 100,000 *l.* in these days §.

Having thus introduced his matter, he fell to the bounds of the land they had agreed to dispose of, and the price; which now is little and dear, that which would have bought 20 miles not buying now two ‖.

It was at this time (1682) when he first entered personally into that lasting friendship with the Indians which ever afterwards continued between them, and for the space of more than 70 years was never interrupted; or so long as the Quakers, to whom, even long after his death, they always continued to show the greatest regard, retained power in the government sufficient to influence a friendly and just conduct towards them, and to prevent or redress such misunderstandings and grievances as occasionally happened between them, and any of the inhabitants of the province, &c. A firm peace was now, therefore, reciprocally concluded between William Penn and the Indians; and both parties mutually promised to live together as brethren, without doing the least injury to each other. This was solemnly ratified by the usual token of a chain of friendship and covenant indelible, never to be broken, so long as the sun and moon endure ¶.

15th Article of the laws for the province of Pennsylvania, passed at Chester 1683, against selling or exchanging of rum, brandy or other strong liquors to the Indians **.

In this year (1685) the Quakers, in their yearly meeting at Burlington, in West Jersey, took additional measures to prevent all persons in their society from selling strong liquors to the Indians. About the same time, by particular appointment, they also had a religious meeting with them, as they frequently had before, to inform and instruct them in the principles of Christianity, and the practice of a true Christian life.

The Indians generally heard patiently what was said to them on this subject, and seemed affected with it for a time; but for the most part it appeared to make no very durable impression on their minds, for the proper regulation of their passions and appetites, which at last seemed too generally to prevail over convictions of this nature, and their better knowledge.

Divers preachers of this religious society from abroad often had meetings and serious discourse with them for this purpose, as well as those who had settled in the country, particularly Samuel Jennings, Thomas Olive, William Penn and others, from time to time, laboured to inculcate into them a just sense of the benefit of a Christian life and conduct ††.

At a council held with the Seneca and other Indians in Philadelphia, in July 1749, in the administration of James Hamilton, &c., Ogaushtash, in part of his speech, thus expresses himself:

"We recommend it to the governor to tread in the steps of those wise people who have held the reins of government before him, in being good and kind to the Indians. Do, brother, make it your study to consult the interest of our nations; as you have so large an authority you can do us much good or harm; we would, therefore, engage your influence and affections for us, that the same harmony and mutual affections may subsist during your government

* Clarkson's Life of Penn, vol. 1, pp. 396, 397.
† Ib. vol. 1, pp. 414, 415.
‡ Ib. vol. 1, pp. 451, 452.
§ Ib. vol. 1, pp. 482, 483.
‖ Clarkson's Life of Penn, vol. 1, p. 394.
¶ Proud's Pennsylvania, vol. 1, p. 212.
** Ib. vol. 1, p. 207.
†† Ib. vol. 1, pp. 300, 301

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government which so happily subsisted in former times, nay, from the first settlement of this province by our good friend, the great William Penn," &c.

At a treaty held at Easton, in Pennsylvania, with the Indians, in 1756, in Governor Morris's administration, Teedyuscung, the Delaware chief, spoke as follows:

"Brother Onas, and the people of Pennsylvania.

"We rejoice to hear from you, that you are willing to renew the good old understanding, and that you call to mind the first treaties of friendship, made by Onas, our great friend, deceased, with our forefathers, when himself and his people first came over here.

"We take hold of these treaties with both our hands, and desire you will do the same, that a good understanding and true friendship may be re-established. Let us both take hold of these treaties with all our strength, we beseech you; we, on our side, will certainly do it."

Again, on concluding a peace, in July, the same year, Teedyuscung said:

"I wish the same good spirit that possessed the good old man, William Penn, who was a friend to the Indians, may inspire the people of this province, at this time," &c. *

At this time Chapman's place was the furthest back in the woods of any English settlement; and the Indians, being then numerous, much frequented his house in great companies, and were very kind to him and his family, as well as to those who came after him, often supplying them with corn, and other provisions, which in those early times, more especially in that part of the country, were very scarce and hard to be procured †.

Abraham and Joseph Chapman, the twins before mentioned, when boys, about nine or ten years old, going out one evening to seek their cattle, met an Indian in the woods, who told them to go back or else they would be lost. Soon after this they took his advice and went back; but it was within night when they got home, where they found the Indian, who being careful lest they should lose themselves, had repaired thither in the night to see, &c. And their parents, about that time, going to the yearly meeting at Philadelphia, and leaving a young family at home (they being Quakers) the Indians came every day to see whether anything was amiss among them. Such, in many instances, was the kind treatment and behaviour of the natives or aborigines of this country to the English, in their first and early settlement of it.

And although the youngest colony on the continent (Georgia, &c. was not yet planted), they have by far the finest capital city of all British America, and the second in magnitude. The causes usually assigned for this vast increase of white people, in so short a time, are these; viz. first, their kind treatment of the Indians, their neighbours; hereby rendering that province absolutely safe from their attempts. Some, indeed, have gone so far as to assert, that they are the only British colony that have treated the poor native Indians with humanity; for that no other British colony admits of the evidence of an Indian against a white man; nor are the complaints of Indians against a white man duly regarded in other colonies; whereby these poor people endure the most cruel treatment from the very worst of our own people, without hope of redress. And all the Indian wars, in our colonies, were occasioned by such means ‡.

Here were two nations of them, the Senecas and the Shawnese. We had first a meeting with the Senecas, with which they were much affected; and they called the other nation (viz. the Shawnese), and interpreted to them what he had spoke in their meeting, and the poor Indians (particularly some of the young men and women), were under a solid exercise and concern. We had also a meeting with the other nation, and they were all very kind to us, and desired more such opportunities; the which I hope Divine providence will order them, if they are worthy thereof. The gospel of Jesus Christ was preached freely to them, and faith in Christ, who was put to death at Jerusalem by the unbelieving Jews; and that this same Jesus came to save people from their sins, and by his grace and light in the soul shows to man his sins, and convinceth him thereof, delivering him out of them, and gives inward peace and comfort to the soul for well doing, and sorrow and trouble for evil doing; to all which, as their manner is, they gave public assents; and to that of the light in the soul, they gave a double assent, and seemed much affected with the doctrine of truth; also the benefit of the Holy Scriptures was largely opened to them. After this we returned to our respective habitations, thankful in our hearts to the God and Father of our Lord Jesus Christ. Several of the friends that were with me expressed their satisfaction in this visit, and offered themselves freely to go again on the like service §. It is worthy of notice that at the first settling of Pennsylvania, William Penn took great care to do justice to the Indians, and bought his land of them to their satisfaction, and settled a trade with them; so that whereas the Indians were destructive to other colonies, they were helpful to Pennsylvania; and to this day they love to hear the name of William Penn ‖.

To Friends of the Monthly Meeting at Opeckon.

Dear friends, who inhabit Shannadore and Opeckon,

Having a concern for your welfare and prosperity, both now and hereafter, and also the prosperity of your children, I had a desire to see you; but being in years, and heavy, and much fatigued with my long journeys in Virginia and Carolina, makes it seem too hard for me to perform a visit in person to you; wherefore I take this way of writing to discharge my mind of what lies weightily thereon. And, first, I desire that you be very careful, being far and back inhabitants, to keep a friendly correspondence with the native Indians, giving

* Proud's Pennsylvania, vol. 1, pp. 213, 214.
† Ib. vol. 1, pp. 223, 224.
‡ Ib. vol. 2, p. 203.
§ Chalkley, pp. 53, 54.
‖ Proud's Pennsylvania, p. 51.

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giving them no occasion of offence, they being a cruel and merciless enemy where they think they are wronged or defrauded of their right, as woeful experience hath taught, in Carolina, Virginia and Maryland, and especially in New England, &c. And, secondly, as nature hath given them and their forefathers possession of this continent of America (or this wilderness), they have a natural right thereto in justice and equity; and no people, according to the law of nature and justice, and our own principle, which is according to the glorious Gospel of our dear and holy Lord Jesus Christ, ought to take away or settle, on other men's lands, or rights, without consent or purchasing the same by agreement of the parties concerned, which, I suppose, in your case is not yet done.

Thirdly, Therefore my counsel and Christian advice to you is (my dear friends) that the most respectable among you do, with speed, endeavour to agree with and purchase your lands of the native Indians or inhabitants. Take example of our worthy and honourable late proprietor, William Penn, who, by his wise and religious care, in that relation, hath settled a lasting peace and commerce with the natives, and, through his prudent management therein, hath been instrumental to plant in peace one of the most flourishing provinces in the world.

Fourthly, And who would run the risk of the lives of their wives and children, for the sparing a little cost and pains? I am concerned to lay these things before you, under an uncommon exercise of mind, that your new and flourishing little settlement might not be laid waste, and (if the providence of the Almighty doth not intervene) some of the blood of yourselves, wives or children be shed and spilt on the ground.

Fifthly, Consider you are in the province of Virginia, holding what rights you have under that government; and the Virginians have made an agreement with the natives to go as far as the mountains, but no further; and you are over and beyond the mountains, therefore out of that agreement, by which you lie open to the insults and incursions of the southern Indians, who have destroyed many of the inhabitants of Carolina and Virginia, and even now have destroyed more on the like occasion. (The English going beyond the bounds of their agreement, 11 of them were killed by the Indians while we were travelling in Virginia.)

Sixthly, If you believe yourselves to be within the bounds of William Penn's patent from King Charles II., which will be hard for you to prove, you being far to the southward of his line; yet if done, that is of no consideration with the Indians without a purchase of them; except you will go about to convince them by fire and sword, contrary to our principles; and if that were done, they would ever be implacable enemies, and the land would never be enjoyed in peace.

Seventhly, Please to note, that in Pennsylvania no new settlements are made, without an agreement with the natives; as witness, Lancaster county, lately settled; though that is far within the grant of William Penn's patent from King Charles II.; wherefore you lie open to insurrections of the northern as well as southern Indians.

And lastly, thus having shown my good will to you, and to your new little settlement, that you might sit every one under your own shady trees, where none might make you afraid, and that you might prosper naturally and spiritually, you and your children; and having a little eased my mind of that weight and concern (in some measure) that lay upon me, I at present desist, and subscribe in the love of our holy Lord Jesus Christ *,

Your real Friend,

T. Chalkley.

In the second month, 1701, Connoo-daghtoh, king of the Susquahanna, Minquays or Conestogo Indians; Wapatha (alias Opessah) king of the Shawanese; Weewhinjough, chief of the Ganawese, inhabiting of the head of Potomack; also Ahookassough, brother to the emperor (or great king of the Onondagoes) of the five nations, having arrived at Philadelphia with other Indians of note, &c., in number about 40, after a treaty and several speeches between them and William Penn, in council, the following articles of agreement were solemnly made, concluded, and the instrument for the same duly executed by both parties, viz.:

"Articles of agreement, indented, made, concluded and agreed upon, at Philadelphia, the 23d day of the second month, called April, 1701, between William Penn, proprietary and governor of the province of Pennsylvania, and territories thereunto belonging, on the one part, and Connoo-daghtoh, king of the Indians, inhabiting upon and about the river Susquahanna, in the said province, and Widaagh (alias Orettyagh,) Koqueash and Andaggy, Junckquagh, chiefs of the said nations of Indians; and Wopaththa, king, and Lemoytungh and Pemoyajoaagh, chiefs of the nations of the Shawanna Indians, and Ahookassough, brother to the emperor, for and in behalf of the emperor; and Weewhinjough, Chequittayh, Takyewsan and Woaprashou, chiefs of the nations of the Indians inhabiting in and about the northern part of the river Potomack in the said province, for and in behalf of themselves and successors, and their several nations and people, on the other part as followeth:

"That as hitherto there hath always been a good understanding and neighbourhood between the said William Penn and his lieutenants, since the first arrival in the said province and the several nations of Indians inhabiting in and about the same, so there shall be for ever hereafter a firm and lasting peace continued between William Penn, his heirs and

* Chalkley, pp. 308, 309, 310, 311.

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and successors, and all the English and other Christian inhabitants of the said province, and the said kings and chiefs and their successors, and all the several people of the nations of Indians aforesaid; and that they shall for ever hereafter be as one head and one heart, and live in true friendship and amity, as one people.

"Item. That the said kings and chiefs (each for himself and his people engaging) shall at no time hurt, injure or defraud, or suffer to be hurt, injured or defrauded, by any of their Indians, any inhabitant or inhabitants of the said province, either their persons or estates. And that the said William Penn, his heirs and successors, shall not suffer to be done or committed, by any of the subjects of England within the said province, any act of hostility or violence, wrong or injury to or against any of the said Indians, but shall on both sides, at all times, readily do justice, and perform all acts and offices of friendship and goodwill, to oblige each other to a lasting peace, as aforesaid.

"Item. That all and every of the said kings and chiefs, and all and every particular of the nations under them, shall at all times behave themselves regularly and soberly, according to the laws of this government, while they live near or among the Christian inhabitants thereof, and that the said Indians shall have the full and free privileges and immunities of all the said laws, as any other inhabitant, they duly owning and acknowledging the authority of the Crown of England and government of this province.

"Item. That none of the said Indians shall, at any time, be aiding, assisting or abetting any other nation, whether Indians or others, that shall not at such time be in amity with the Crown of England and with this government.

"Item. That if, at any time, any of the said Indians, by means of evil-minded persons and sowers of sedition, should hear any unkind or disadvantageous reports of the English, as they had evil designs against any of the said Indians, in such case such Indians shall send notice thereof to the said William Penn, his heirs or successors, or their lieutenants, and shall not give credence to the said reports, till by that means they shall be fully satisfied concerning the truth thereof; and that the said William Penn, his heirs and successors, or their lieutenants, shall at all times in such case do the like by them.

"Item. That the said kings and chiefs and their successors shall not suffer any strange nations of Indians to settle, or plant on the further side of the Susquahanna, or about Potomack River, but such as are there already seated, nor bring any other Indians into any part of this province without the special approbation and permission of the said William Penn, his heirs and successors.

"Item. That for the prevention of abuses that are too frequently put upon the said Indians, in trade, the said William Penn, his heirs and successors, shall not suffer or permit any person to trade or converse with any of the said Indians, but such as shall be first allowed and approved by an instrument under the hand and seal of him, the said William Penn, or his heirs or successors, or their lieutenants; and that the said Indians shall suffer no person whatsoever to buy or sell, or have commerce with any of them, the said Indians, but such as shall first be approved as aforesaid.

"Item. That the said Indians shall not sell or dispose of any of their skins, peltry or furs, or any other effects of their hunting, to any person or persons whatsoever, out of the said province, nor to any other person, but such as shall be authorized to trade with them, as aforesaid. And that, for their encouragement, the said William Penn, his heirs and successors, shall take care to have them, the said Indians, duly furnished with all sorts of necessary goods for their use, at reasonable rates.

"Item. That the Potomack Indians aforesaid, with their colony, shall have free leave of the said William Penn to settle upon any part of Potomack River, within the bounds of this province; they strictly observing and practising all and singular the articles aforesaid, to them relating.

"Item. The Indians of Conestogo, upon and about the River Susquahanna, and more especially the said Connoo-daghtoh, their king, doth fully agree to, and by these presents, absolutely ratify the bargain and sale of lands, lying near and about the said river, formerly made to the said William Penn, his heirs and successors, by a deed bearing date the 13th day of September last, under their hands and seals duly executed. And the said Connoo-daghtoh doth, for himself and his nation, covenant and agree that he will, at all times, be ready further to confirm and make good the said sale, according to the tenor of the same; and that the said Indians of Susquahanna shall answer the said William Penn, his heirs and successors, for the good behaviour and conduct of the said Potomack Indians, and for their performing the several articles herein expressed.

"Item. The said William Penn doth hereby promise for himself, his heirs and successors, that he and they will, at all times, show themselves true friends and brothers to all and every of the said Indians, by assisting them with the best of their advices, directions and counsels, and will in all things just and reasonable befriend them, they behaving themselves as aforesaid, and submitting to the laws of this province in all things, as the English and other Christians therein do; to which they, the said Indians, hereby agree, and oblige themselves and their posterity for ever.

"In witness whereof, the said parties have, as a confirmation, made mutual presents to each other; the Indians in five parcels of skins, and the said William Penn in several English goods and merchandizes, as a binding pledge of the premises, never to be broken or violated; and as a further testimony thereof, have also to these presents set their hands and seals, the day and year above written."

After this, in the third month, the proprietary having represented to the council the great abuses committed in the Indian trade, with the dangers and disadvantages which might arise from thence to the province, and having proposed that proper measures should be concerted for

No. 2.
Paper referred to in the Evidence of T. Hodgkin, Esq.

for the regulation thereof, and for redressing certain grievances respecting the same, it was resolved, as absolutely necessary, that some effectual method should be agreed on and used for carrying on the trade by a certain number or company of persons, with a joint stock under certain regulations and restrictions, more particularly in regard to spirituous liquors sold them; which company should use all reasonable means and endeavours to induce the Indians to a true sense of a proper value and esteem of the Christian religion, by setting before them good examples of probity and candour, both in commerce and behaviour; and that care should be taken to have them duly instructed in the fundamentals of Christianity. This appears afterwards to have been in a good degree put in execution, so far as was judged requisite or found practicable*.

Appendix, No. 3.

VAN DIEMEN'S LAND AND SOUTHERN AUSTRALIA.

No. 3.
Correspondence relative to Van Diemen's Land and Southern Australia.

CORRESPONDENCE between the Secretary of State for the Colonies and the Lieutenant-Governor of *Van Diemen's Land* relative to the ABORIGINES.

(No. 1.)

COPY of a DESPATCH from Lieut.-Governor *Arthur* to Mr. Secretary *T. Spring Rice.*

Sir, Van Diemen's Land Government House, 27 January 1835.

I HAVE the honour to acknowledge your circular despatch of the 29th July last, in which, in reference to the humble address presented by the House of Commons to His Majesty, praying that measures may be taken to secure to the natives of the several colonies the due observance of justice, and the protection of their rights, and to promote the spread of civilization among them, and the peaceful and voluntary reception of the Christian religion, you are pleased to assure me that my efforts, in discharge of this important and interesting duty shall be seconded by the utmost support which I can claim from His Majesty. The aborigines of Van Diemen's Land, you are already aware, have retired under the guidance of Mr. Robinson from the main land to Flinders' Island, where a catechist is stationed for their religious instruction, where every kindness is shown, and every effort made to instruct them in some of the more simple and most easily acquired arts of civilized life.

Vide Papers printed by Order of the House of Commons, 18 March 1835, No. 49.

They do not exceed 130 souls, their numbers having been reduced, I lament to say, almost to annihilation, by the animosity which always existed between the different tribes, and by the warfare so long waged, in detail, between them and the white settlers, or rather, I should say, the bushrangers, and convict shepherds. On the first occupation of the colony it was a great oversight that a treaty was not, at that time, made with the natives, and such compensation given to the chiefs as they would have deemed a fair equivalent for what they surrendered; a mere trifle would have satisfied them, and that feeling of injustice which I am persuaded they always have entertained, would have had no existence. The animosity so excited was exasperated into fury by the injuries done them by the convicts, who were then unavoidably permitted to go into the interior to hunt the kangaroo, in order that during the want of a regular supply of food, the settlement might not suffer from absolute famine.

The experience, however, derived from the process of colonizing in Van Diemen's Land may, I think, be turned to the best account in forming the new settlements now projected in New Holland, and also in subjecting to some regulations the settlers who have without authority sent from this colony several flocks of sheep to be depastured on a part of the opposite coast, very near the eastern boundary of the proposed colony of Southern Australia.

Every effort, I submit, ought to be made to come to an understanding with the natives of Southern Australia before operations are commenced by the emigrants, otherwise some cause of offence may unfortunately arise not less detrimental to the interests of the latter than subversive of that future goodwill, without which it will be impossible to prevent a long continued warfare, in which the whites, as well as the aborigines, gradually becoming more and more inflamed as their mutual injuries accumulate, will destroy each other in detail. Such a result, I need

* Proud's Pennsylvania, vol. 1, pp. 428, 429, 430, 431, 432, 433.

No. 3.
Correspondence relative to Van Diemen's Land and Southern Australia.

I need hardly observe, should be prevented by every possible means, and I have, therefore, much pleasure in informing you that Mr. Robinson has offered his services to take the aborigines from Flinders' Island to Portland Bay, which is a little to the eastward of the limits of the South Australian Company's district, in the hope that he might, through them, open a friendly communication with the natives there. He thinks such a scheme very likely to be successful, and I have great confidence in the qualifications which he has so successfully exerted in the conciliation which has been effected here; and I may add, that this project would not entail much expense upon Government, as the blacks must be supported at the cost of this colony whether they remain at Flinders' Island, or emigrate to Portland Bay.

It is my duty, however, to say, that there are certainly grounds for apprehension that the blacks, by whom Mr. Robinson would be accompanied, might quarrel with the aborigines of New Scotland, the consequences of which might be very distressing. This, however, is a result which he does not appear to anticipate as by any means likely to take place. It may be, perhaps, very properly regarded rather as possible than probable.

The beneficial consequences of the measure would, if this evil be avoided, be very great, and, I think, might be promoted by despatching an officer with a small party of troops to Portland Bay, which I should endeavour to spare from this command, if my requisitions for an additional military force be complied with.

I submit, however, that such a measure should not be had recource to without the co-operation, and cordial assent of the governor of New South Wales, to whom, in the expectation of receiving your commands, I shall address myself on the subject.

I have, &c.

(signed) *George Arthur.*

(No. 2.)

COPY of a DESPATCH from Lord *Glenelg* to Lieutenant-Governor *Arthur.*

Sir, Downing-street, 3 August 1835.

I HAVE to acknowledge the receipt of your despatch of the 27th January last, in answer to a circular despatch which was addressed to you in common with other colonial governors, founded on an address of the House of Commons, praying that measures might be taken to secure to the natives of the several colonies the due observance of justice, and the protection of their rights, and to promote the spread of civilization among them, and the peaceful and voluntary reception of the Christian religion.

I have not failed to communicate to the commissioners for carrying into effect the provisions of the Act of Parliament for colonizing South Australia, the observations and suggestions contained in your despatch, founded on your own experience in dealing with the natives.

I trust that your efforts will still be directed to insure to the small number remaining of the aboriginal inhabitants of Van Diemen's Land, who have retired to Flinders' Island, those advantages contemplated in the address of the House of Commons, but I cannot approve of your project of removing those persons to the vicinity of the new settlement. Such an experiment would on many accounts be extremely hazardous, and I should be very reluctant to disturb the present position of those natives, without some very urgent necessity. If, therefore, you have made any proposal of this nature to the Governor of New South Wales, you will lose no time in communicating to him the sentiments of his Majesty's Government on the subject.

I have, &c.

(signed) *Glenelg.*

(No. 3.)

COPY of a DESPATCH from Lieutenant-Governor *Arthur* to Mr. Secretary *T. S. Rice.*

Sir, Van Diemen's Land, Government House, 10 March 1835.

WITH reference to the despatch of the 27th January 1835, in which, with respect to the humble address presented to his Majesty, praying that measures might be taken to ameliorate the condition of the natives of the British Colonies, I stated that the aborigines of Van Diemen's land had retired, under the guidance of Mr. Robinson, to Flinders' Island, where arrangements had been made to facilitate their civilization.

I availed myself of the opportunity thus presented to me, to submit for your consideration the advantages which might accrue from sending Mr. Robinson to the territory about to be occupied by the South Australian Company, where accompanied, as he has proposed, by his sable friends, he might possibly open such an intercourse with the natives of that district, as would lead to the adoption of measures of conciliation, the result of which might be conducive in the highest degree to the prosperity of the new colony.

I have

I have now the honour to transmit a correspondence which has taken place regarding this proposal, between Mr. Robinson and the local government, from which you will perceive that he still regards the measure favourably, and entertains the expectation that his exertions would, were he so employed, be productive of advantage to the public service.

The great importance of the subject, and my experience of the calamities which so long flowed from the course adopted in this colony, as respects the aborigines, in the first years of its history, will I hope be my apology for again drawing your attention to the measures the most likely to conciliate the aborigines of the territory about to be appropriated in Southern Australia.

I have, &c.

(signed) *George Arthur.*

Sir, Colonial Secretary's Office, 7 February 1835.

With reference to the termination of your mission to the aborigines of this colony, I am directed to acquaint you that his Excellency wishes to be informed by you to-day,

First, Whether you think you could be of service to the Government at Norfolk or Portland Bay, in opening a friendly communication with the natives.

Secondly, Whether you are willing to undertake such a mission.

Thirdly, Whether you would be disposed to take the aborigines who are at Flinders' Island with you.

Fourthly, Whether you think the Flinders' Island natives can be depended upon.

Fifthly, Whether you think there is any danger if they go to Portland or Norfolk Bay, that the Flinders' Island aborigines will quarrel with the black natives at that station.

Sixthly, Whether, if the Flinders' Island aborigines cannot be depended upon, those who have usually accompanied you could be more fully confided in.

I am, &c.

Mr. G. A. Robinson. (signed) *John Montague.*

Sir, Hobart Town, 7 February 1835.

I have the honour to acknowledge the receipt of your letter, of this day's date; and, in replication to the queries therein contained, I beg to state,

First, That I am decidedly of an opinion that a friendly communication can be effected, and maintained, with the aborigines of New Holland, at Norfolk or Portland Bay.

Secondly, I am perfectly willing to undertake such a mission.

Thirdly, It would be desirable, for the aborigines now at Flinders' Island, to accompany the mission.

Fourthly, I am of an opinion that the majority of the Flinders' Island aborigines are to be depended upon, and that, with judicious management, not the slightest danger need be entertained.

Fifthly, No danger need be apprehended from the Flinders' Island aborigines quarrelling with those at Norfolk or Portland Bay.

Sixthly, The fullest and most implicit confidence might be placed in those aborigines that have usually accompanied me.

I have, &c.

(signed) *G. A. Robinson.*

P.S.—I purpose doing myself the honour to transmit forthwith a second paper, containing general remarks on this interesting subject, for the further information of his Excellency.

(signed) *G. A. R.*

To John Montague Esq., Colonial Secretary.

Sir, Hobart Town, 11 February 1835.

In my communication of the 7th instant, which I had the honour to transmit for the information of his Excellency, I stated it to be my opinion, that a friendly communication might be effected with the aborigines of New Holland, at Norfolk, or Portland Bay. After mature consideration on this subject, I am convinced as to the practicability of such a measure and feel persuaded it would be attended with very beneficial results, both to the Government, and to the aboriginal natives themselves. No scheme could be better adapted to ameliorate the condition of the aboriginal inhabitants, and of affording protection to the emigrants who are fast crowding to the shores of New Holland than the one under consideration.

If early commenced, the insuperable difficulties to which all former enterprises of this kind

No. 3. Correspondence relative to Van Diemen's Land and Southern Australia.

have been liable, arising from misunderstanding, and from rash and hasty, and I may say, in most instances, unjust representations and wrong conclusions respecting the character of the aborigines will be overcome. For if the mild and benevolent measures pursued by this Government towards the aboriginal inhabitants of this island have proved so successful, how much easier will it be to effect a reconciliation with a people less incensed and not under such particular excitement? The system adopted towards the aborigines of this territory is, I believe, quite unique; history does not furnish an instance where a whole nation has been removed by so mild and humane a policy. To accomplish the before-mentioned purposes, on an extended scale, I would respectfully recommend,

First, That a central station be selected where an establishment or colony for the blacks should be commenced.

Secondly, That the Van Diemen's Land aborigines, now at Flinders' Island be transplanted to the colony at New Holland.

The advantages resulting to the Government and to the aborigines by the adoption of those measures would be manifold; in reference to the first particular, it would afford the Flinders' Island aborigines a more certain and an abundant supply of game of every kind.

Secondly, They would be well supplied with fish, to which they are very partial.

Thirdly, They would be less restrained in their pleasures of the chase, that country being of vast extent, abounding in pasture and grazing land, and possessing large tracts of open forest.

Fourthly, By being far removed from their native land they would be less liable to mental irritation, and would therefore soon become reconciled to their adopted country. It is my opinion that the aborigines of this island suffer much from mental irritation: various circumstances produce this effect, and although the deaths of the aborigines at Flinders' Island may be ascribed to other causes, as catarrh, inflammation, &c., still it will be found that mental irritation accelerates, if not the disease, the suffering of the patient, and in too many instances, I think, has proved fatal. When the Aborigina is first afflicted, either from cold or otherwise, he immediately desponds, refuses natural sustenance, and gives himself up to grief; mental irritation follows, and at length he dies in a state of delirium. And I think I am borne out in my opinion, by the sudden dissolution of the wife after the death of her husband; although at the time she may be in apparent health, or that of the husband after the demise of the wife.

Fifthly, The Van Diemen's Land aborigines would be of essential service in promoting the objects of the mission:

First, By exciting curiosity in the minds of the New Hollanders.

Secondly, In conveying supplies, they being more to be depended upon, than the aborigines of the country.

Thirdly, People of colour and especially the aborigines of Van Diemen's Land, are preferable to white men for this particular duty: they can endure great privations.

Secondly, Their wants are sooner supplied, and

Thirdly, They will seldom repine, when pressed with hunger or overcome by fatigue. On these grounds the aborigines of Van Diemen's Land would be of incalculable advantage in promoting the objects of the mission; especially at its commencement: moreover, being aborigines they would, although at first unacquainted with the language of the New Hollanders, sooner detect any preconcerted act of hostility than Europeans, and when familiar with the language, and which they would soon acquire, they would become efficient auxiliaries in promoting the objects of the mission.

The following are among some of the local advantages:

First, This institution would afford general protection to the aboriginal and European inhabitants.

Secondly, Its chief object would be to ameliorate the condition of the natives.

Thirdly, It would afford an asylum to such of the erratic aborigines of New Holland that might be disposed to settle, more particularly the juvenile branches.

Fourthly, It would become a general rendezvous for the tribes.

Fifthly, The communication kept up with the natives, and the journeys of the missionaries, would tend to develope the resources of the country; this, in a new colony, is most desirable to be ascertained.

In reference to the second particular before mentioned, *i. e.* the transplanting of the Van Diemen's Land aborigines now at Flinders' Island to the coast of New Holland, I would briefly remark, that such a measure would meet with their general concurrence. The aborigines with whom I have conversed on this subject acquiesce in the proposition, are perfectly willing to emigrate, and desire to accompany me.

Secondly, Such a change would be calculated to afford them additional comfort and happiness, and a likely means of prolonging their existence, whereby a remnant of those interesting people would be preserved.

Thirdly, It would be attended with very considerable saving to the Government in reducing the expenditure of the establishment.

In transplanting the aborigines now at Flinders' Island to New Holland, I would recommend that they be removed at separate periods, in two or three divisions, in order to give time for organizing the settlement. No danger need be apprehended from the Van Diemen's Land aborigines coming in collision or quarrelling with the New Hollanders:

First, Because the grounds of these disputes have generally originated in an improper interference with the females of the country; this has been precisely the case in this colony. To the sealers who originally stole the women from the natives, and to the stock-keepers, may be attributed the cause of nine-tenths of the outrage committed in the island. But the Van Diemen's Land aborigines having women of their own, are not exposed to these temptations, consequently, no danger need be entertained on this account. Again, the aborigines of Van Diemen's Land being

being few in number, are not likely to quarrel, even were they disposed, with a superior force, overwhelming in numbers, and superior in prowess.

Secondly, The aborigines of Van Diemen's Land being placed under protection, no danger need be entertained of their being destroyed by the New Hollanders.

I have, &c.

To John Montague, Esq. Colonial Secretary.

(signed) *G. A. Robinson.*

(No. 4.)

COPY of a DESPATCH from Lord *Glenelg* to Lieutenant-Governor *Arthur*.

Sir, Downing-street, 20 Nov. 1835.

I HAVE received your despatch of the 10th of March last, in which you urge upon the consideration of the Government the advantages of transplanting, under the care of Mr. Robinson, the natives of Van Diemen's Land, now settled at Flinders' Island, to the territory which has been apportioned for the proposed settlement in South Australia.

It is satisfactory to me to be placed in possession of the sentiments of a gentleman who has acquired so much experience as Mr. Robinson in his dealings with the natives, and who is so much distinguished by his active and enlightened humanity. It is well worthy of consideration how far it may be desirable to employ his services in any arrangements which may be entered into with the aborigines of Southern Australia. But the proposal in question seems to me, I must confess, open to very serious, if not insurmountable, objections. I am unwilling to express this opinion so briefly, because no suggestion, countenanced by such authority, and originating in such benevolent motives, ought to be dismissed lightly or inconsiderately; nor has it been so dismissed by His Majesty's Government. It has, on the contrary, engaged much thought; but the pressure of other business prevents me from detailing, in this place, the reasons which have led to the conclusion just announced. In communicating that conclusion to Mr. Robinson, you will accompany the communication with this explanation of its brevity; and you will assure him that His Majesty's Government are sensible of the zeal and alacrity with which he has offered to undertake this duty, and duly appreciate the merits of his general conduct, and the value of his exertions in the cause of humanity.

I cannot, however, dismiss this subject without remarking on some of the facts which have particularly struck me in reading the reports of Mr. Robinson, as to the state of the natives located at Flinders' Island.

It does not appear, from any of your despatches, what was the total number of the natives who were induced to accompany Mr. Robinson to that island, although I observe, from your despatch of the 27th January last, that, at that period, their amount was estimated at 130. From the terms used by Mr. Robinson in his communications to you, I gather that their numbers are fast decreasing; and he even speaks of the change to South Australia as necessary to prolong their existence, and to preserve the remnant of them. He would also seem to infer that Flinders' Island does not furnish what to them may be deemed the necessaries of life, an adequate supply of game and fish; and that it does not sufficiently furnish them with the amusement of the chase, the natural antidote to that mental irritation which is represented not only to add to their suffering in sickness, but in many cases to have proved fatal to them.

From the report on Flinders' Island, which accompanied your despatch of the 6th of April, 1833, His Majesty's Government were led to anticipate far different results. The climate is there represented as very fine, and warmer than at Hobart Town. The dimensions of the island such as might be supposed to afford ample scope for the exercise of the chase, while game is stated to be found in abundance.

Vide Papers relative to Aboriginal Tribes, ordered to be printed, by the House of Commons, 14 Aug. 1834. No. 617, Page 164.

Although it was most satisfactory to me to perceive, from your despatch of the 27th January last, that every effort was made for the moral and religious instruction of those persons, I could have wished to have received some more detailed information as to their physical wants and condition. It is the bounden duty of the Government to watch the welfare of those who have placed themselves implicitly under the guidance of the agents of that Government, and it is a duty which cannot be too scrupulously fulfilled.

I should therefore wish, that you would obtain and transmit to me, a full and detailed report of the state and condition of the natives at Flinders' Island; of the actual decrease of their numbers since their removal to that island; of the apparent causes of such decrease of the means of sustenance which the island affords, and of the amount and nature of the supplies which are conveyed to them from the colony: which supplies ought to be carefully adapted to the natural wants of the people. You will also state what advance has been made towards their civilization, and how far they have shewn any disposition to receive instruction. This report, including also any other particulars of interest, you will have the goodness to transmit periodically.

If indeed those unfortunate people are in the deplorable state in which, from Mr. Robinson's report, it is to be inferred that they are, it is highly necessary that some measures should be immediately adopted to recover them from such a condition; and I must rely upon your known humanity and experience to supply such remedies as may appear best adapted to that end.

I rely on receiving from you an early communication on this subject.

I am, &c.

(signed) *Glenelg.*

No. 3.
Correspondence relative to Van Diemen's Land and Southern Australia.

(No. 5.)

COPY of a DESPATCH from Lord *Glenelg* to Lieutenant-Governor *Arthur*.

Sir, Downing-street, 11 February 1836.

YOU are probably aware, that a great advance has been made towards completing the arrangements for the establishment of the new colony of South Australia. Captain Hindmarsh, of the Royal Navy, the first governor, will proceed thither at the commencement of the proper season for the navigation of the seas. He will be preceded by a small detachment of settlers, who propose to establish themselves on Kangaroo Island.

On behalf of his Majesty's government, I have stipulated with the projectors of this undertaking, for the appointment of an officer, who will bear the title of "Protector of the Aborigines," and perform the duties which that title indicates. The Lords Commissioners of the Treasury have authorized the payment for this service, of an annual salary, not exceeding 250 *l.*, a sum moderate indeed when compared with the labour and responsibility of the employment, but adapted to the frugal scale of official incomes to which it is necessary to adhere in the infancy of the proposed settlement.

The report made in your despatch of the 10th March 1835, of the character and pursuits of Messrs. G. A. Robinson and G. A. Robinson, jun., assures me that I could not better consult for the welfare of the aborigines of South Australia, than by requesting you to recommend either the one or the other of those gentlemen to Captain Hindmarsh for the office of protector. That officer will carry out from this country written instructions to be placed on his arrival in the protector's hands. If either of the Messrs. Robinson, whom you may select for this purpose will repair with an introduction from you to the new settlement in Kangaroo Island, directions from Captain Hindmarsh for his further proceedings will await him there. If neither of the Messrs. Robinson be disposed to accept the office of protector, you will then appoint some person, on whom you may have reason to place confidence, provisionally, and report to me without delay. Or if no such person can be found, you will request one of the Messrs. Robinson to undertake the duty till a proper and permanent appointment can be made, it being of great importance that the protector should be on the spot at the very commencement of the settlement.

I have, &c.

(signed) *Glenelg.*

Appendix, No. 4.

WESTERN AUSTRALIA.

(No. 1.)

EXTRACT of a LETTER from Lieut.-Governor Sir *James Stirling* to Mr. Under-Secretary *H. Twiss*, dated Garden Island, Western Australia, 25 August 1829.

THE Natives have kept very much aloof from our parties, and until within a few days such interviews as have taken place have terminated amicably. I regret to say an exception to this has lately occurred. A soldier of the 63d regiment unfortunately quitted his party and lost himself for a week in the woods. In the course of that time he met several parties of natives, and was attacked by one of them. In his own defence he was forced to fire, and, I fear, wounded a man who had thrown a spear at him: they are not, I believe, disposed to be troublesome, nor have they the means to be seriously so, but under any circumstances, I am most anxious to prevent hostilities. I therefore regret this commencement, for I believe they do not omit to resent any injury which they may receive, whether they may have been the aggressors or sufferers in the first instance.

(No. 2.)

EXTRACT of a DESPATCH from Lieutenant-Governor Sir *James Stirling* to His Majesty's Principal Secretary of State for the Colonies, dated Perth, Western Australia, 18 October 1830.

THE natives in general have been harmless. From this, however, two cases must be excepted. At Perth, in May last, they made an attack, a report of which is hereunto annexed. In the second instance, at the entrance of the Murray, they murdered a young man, and have been so repeatedly troublesome to the settlers that I have placed a military force there for the protection of that neighbourhood. The readiness and alacrity which the commandant, Captain Irwin, has always displayed in meeting my wishes on these and similar services, and the general conduct of the officers and the detachment under his command, merit my best thanks.

Sir, Perth, Western Australia, 18 May 1830. No. 4.

Correspondence relative to Western Australia.

DURING the absence of your Excellency to the southward, an affair took place here between the natives and some of the inhabitants, which led to the military being called out. I have now the honour to annex a statement of the transaction, and the measures I thought necessary to adopt.

On the 3d instant, at three P. M., a message was brought to the cantonment, soliciting aid against the natives on the part of inhabitants of the west end of the town. In my absence Ensign Dale proceeded to that quarter with a few of the guard; I followed with more men soon after, on hearing the report. On arrival at the quarter, I learned from Mr. Reveley and other credible testimony, that the natives were decidedly the aggressors; they had been very troublesome in the forenoon; in one place, throwing spears at poultry; at another, stealing pieces of board from workshops; and at last they broke into and plundered the house of a man named Paton, which brought on the rencounter. Three or four neighbours endeavoured to drive the natives from the house which they had collected round; they however threw their spears at them, and drove them back to the next house, following until they recovered their spears. More people coming up, with two or three muskets, they advanced to dislodge the natives from Paton's. Several were drawn up, with spears poised in their throwing sticks; and a tall savage, who appeared the chief, showed unequivocal gestures of defiance and contempt. On the muskets being presented, the people now fired, and this man was seen to fall wounded, falling a second time after rising. The natives now made a rapid retreat, leading him off.

This daring and hostile conduct of the natives induced me to seize the opportunity to make them sensible of our superiority, by showing how severely we could retaliate their aggression, but that we had no wish to injure them. With this view I continued the pursuit, directing that a shot should not be fired but in self-defence.

After proceeding a mile and a half in a N.W. direction we overtook Mr. Dale, near a lagoon, with a few soldiers and settlers. I was concerned to find he had received two wounds from the thrust of a spear by a native, while endeavouring to secure him in the swamp. The savage succeeded in escaping, though severely wounded by a shot in the face, his jaw being seen to hang. He had previously slightly wounded serjeant Smallman, in an ineffectual attempt to secure him, after knocking him down with his fusil.

I now divided the party, taking half with me round the lagoon, and directing Mr. Dale, with the remainder, to go the opposite way, to get the natives between us, should they be in the lagoon. We discovered them by their talking at the upper end, where the breadth was from 40 to 50 yards; but none could be seen, so thick was the cover of tea trees and reeds of seven or eight feet long.

While observing the natives here, several shots were fired towards us from the opposite bank by Mr. Dale's party. On calling out for an explanation, and to order the firing to cease, I learned that a volley of spears had been thrown at them while penetrating the swamp to where the natives were. Three spears had pierced the arm of the acting serjeant major, and the party fired in return. One of the natives now called out from a tree he had ascended, and gave us to understand that their women and children were with them, and seemed earnest in his entreaties that we would leave them. I now told the party to leave the swamp, and for about 20 minutes we held a parley; the natives pressing us to leave them, and we in vain trying to encourage them to come out to us. At this period, hearing a trampling in the lagoon, I proceeded alone down the bank, and distinctly heard the groans of the wounded, whom they were carrying past; but the height of the reeds concealed them, except the tops of their spears. Considering the object I had in view as now fully accomplished, of impressing a salutary dread of our superiority and arms, while we showed them we did not wish to injure them, after getting them and their families completely in our power, we left them, at sunset, apparently on terms as friendly as usual. I was the more anxious to re-establish a good feeling, from a dread that they might think of revenging themselves on settlers in the interior, before they could have intelligence of this affair.

During the night nothing was heard of them, but next morning they were seen to cross the river at the islands, with their families, in considerable numbers.

A patrol I sent out for the purpose, brought in three natives they had surprised. These men had been often in the cantonment, and willingly accompanied the soldiers. They intimated, by signs, that some of their people were dead or wounded in the lagoon, after yesterday's fire. When this was told me, I took them off to the lagoon, but they could show none, and I concluded they meant only to signify that some of their people had fallen there.

On our return we observed a body of about 40, including women and children, moving westerly; some came towards us on being called, and with these and our guides to the swamp we parted on very good terms.

At the cantonment I learned that several natives had come in apparently anxious about the fate of those who had been surprised in the morning. Some days after several natives came into the cantonment, and pointed out their women and children passing along the outskirts, evidently to make a show of their confidence in us, I desired that they should be received in the usual friendly way, but ordered a sergeant and a file of the guard, with their muskets, to watch their motions. At seeing the arms they looked alarmed, and made signs to put them away. The good effect of this precaution was afterwards apparent; for on their moving to the western extremity, the sergeant kept out of their view, till he saw a considerable number collected round Paton's house, (which they had before rifled) trying to push

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open the door and windows. On this he made his appearance, when the natives all ran off to the rear.

Since that time they have not visited the cantonment; and I am happy to learn that they have committed no act of aggression against the settlers in any part of the country.

I have the honour to be, &c. &c.

To His Excellency
Lieut. Governor Stirling,
&c. &c.

(signed) *F. C. Irwin*,
Captain 63d Regiment,
Commandant in Western Australia.

A correct Copy.

(signed) *Peter Brown*,
Secretary to Government.

(No. 3.)

EXTRACT of a DESPATCH from Governor Sir *James Stirling* to Viscount *Goderich*, dated King George's Sound, Western Australia, 30 November 1831.

THE only annoyance which has been experienced has arisen from the hostile conduct of certain native tribes inhabiting the district around Swan River. The pertinacious endeavours of those savages to commit depredations on property having called forth the determined resistance of the settlers, (and in cases where they are repelled by force, it being a rule with them to resort to revenge), they have in three or four instances succeeded in sacrificing the lives of white persons to their fury. In such attempts they display great cunning, patience and determination, and it requires the utmost vigilance to guard against their attacks; while with the small military force at present in the settlement it has been found impossible to afford protection to every point. Previous, however, to my quitting that district about a month since for the purpose of inspecting this station, confidence had been much restored by the organization of a yeomanry force, and by proper arrangements for mutual assistance and co-operation among the settlers.

(No. 4.)

EXTRACT of a DESPATCH from Viscount *Goderich* to Governor Sir *James Stirling*, dated Downing Street, 16 August 1832.

I REGRET to find that the natives have begun to manifest an hostile disposition towards the settlers.

The arrangements which you have made for organizing a yeomanry force will no doubt have tended to restore confidence to the latter, and will also, I hope, have been followed by less aggravating conduct on the part of the natives. The aborigines of Van Diemen's Land have for a long period past been the terror of the settlers of that island, from the frequency of their predatory incursions upon the settled districts, and the barbarous murders with which they have generally been attended; but from a despatch received from Lieut.-Governor Arthur, of which the enclosed is a copy, it appears that he has at length succeeded in conciliating one of the principal and most sanguinary of these tribes, which he confidently expects will be followed by the submission of the rest. And as it appears to be the opinion of that officer, that a little kindness and attention shown towards these people in the first instance would have prevented much of the annoyance which the settlers have subsequently experienced, I trust you will lose no opportunity of cultivating a friendly intercourse with the natives of Western Australia, by adopting the course which Colonel Arthur's experience has pointed out as the most likely to avert the evils to which a different system has exposed the settlers in Van Diemen's Land.

Vide Lieut. Governor Arthur's Despatch, 7 Jan. 1832, printed by Order of the House of Commons, 14 Aug. 1834, No. 617, page 168.

(No. 5.)

EXTRACT of a DESPATCH from Governor Sir *James Stirling* to Viscount *Goderich*, dated Western Australia, Perth, 2 April 1832.

ANNOYANCE to the settler of a very serious description proceeds from the depredations of the natives on property, and the murders which they commit from time to time. We are safe enough in our houses or when prepared for attack, but we are never so when absent from home or unprepared. Stock are also safe when there are two or three white persons on the spot; but when the cattle or sheep stray, they are but too likely to be attacked. It is true that greater alarm than injury is occasioned by this species of hostility, but it is a great drawback, for it occasions the necessity of military posts at considerable expense; and even

even with every precaution outrages can neither be in all cases prevented nor punished. I have endeavoured to open an amicable communication with the tribes in this district, but hitherto with little success. I would wish to persuade them that it is safer and better to obtain those things they desire by free gift on our part, than to take them by force, but I am still unsuccessful in this endeavour. At King George's Sound, where I found a good understanding established, I have caused it to be preserved and cultivated, and there the natives confide in, and in fact live very much with the Europeans. In the Swan River district they sometimes visit us in amity, and perhaps on the following day they commit a robbery or a murder.

(No. 6.)

COPY of a REPORT from Dr. *Collie*, His Majesty's Resident at King George's Sound, to Governor Sir *James Stirling*.

Sir, King George's Sound, 24 January, 1832.

IN stating, in conformity with the wishes of your Excellency, what I consider, from the intercourse and acquaintance I have had with the aborigines of this neighbourhood, the best plan to be adopted in order to secure a continuation of their amicable conduct to the English, and to ameliorate their own condition, I am happy in being able to give my strongest recommendation to the general principle so successfully pursued by the late and much lamented Captain Barker; a principle never to be lost sight of in the intercourse between the foreigners and natives; this was to observe an uniformly kind and steady demeanour towards the latter, with occasional and well-timed gratuities of provisions and other articles of essential benefit to them.

In extending upon this plan, it may be most proper first to adduce what I consider to be the ruling principles, the chief springs of action in the minds of those for whom it is recommended. These appear to be cunning, revenge, caution, acquisitiveness, love of ease, superstition and vanity.

Their cunning leads to every sort of lying and deception, and therefore, among no tribe of savages is it required to be more constantly on guard against unforeseen and unsuspected pillage, surprise and attack. The constant preparation to prevent trespass, aggression or violence, is of the most essential importance in preserving the friendly intercourse that has been happily established. The wild savage, whose animal passions preponderate far over either his philosophic morality or human benevolence, must be expected to take advantage of the weak, unprotected or unprepared. This ought to be engraven on the heart of every settler in Western Australia; and he should, if possible, be made fully aware, that the blood that might be shed, the human lives lost, the flocks destroyed, the crops and habitations demolished, and himself and brother settlers reduced from prosperity and contentment to poverty and despair, and to drag out a life of poverty, distress and anxiety, far worse than death itself, through his inattention to this precaution, would raise up against himself such an enormous mass of guilt that nothing could remove or extenuate.

Revenge urges the savages headlong to the instant resentment of any conceived affront or personal ill-treatment, unrestrained by cautiousness, which at other times forbids them from exposing their persons to the least danger, and prompts them to approach under cover, and inflict the fatal wound on their unsuspecting victim. Their acquisitiveness, aided by caution and cunning, renders them formidable aggressors on those articles of property which they can appropriate the most readily to use.

Their vanity is perhaps a beneficial quality, even in their intercourse with each other, and certainly so, to a considerable degree with us. They make a boast of the learning obtained from the white people among the more distant tribes; and if I have deduced a correct inference from the details which some of them, Nakuia especially, have given me, this ostentation not only affords them delight at the time, but the bare recollection of the astonishment, wonder and envy it excited, gives them an ecstacy of pleasure. Their vanity, too, prompts them to procure those things which distinguish the learned, admired and envied foreigner from the ignorant and despised savage; and this may be advantageously cultivated until the capricious hunter grows into the steady labourer; if their love of ease, or perhaps more properly slothfulness, be not too powerful to counteract this beneficial conversion. This love of ease will tend to prevent their combining in active and continued hostility, but it must be a great drawback to their ever forming themselves into associations, or attaching themselves to any thing like civilized society. At any moment they can obtain the necessaries of life in the wilds of their own country, with less trouble than at the house of the settler; at that moment they will be ready to desert those who may have been considering themselves as their protectors and benefactors, without the ceremony of applying for permission to depart.

Their superstition, which I have had sufficient opportunity of knowing to be extreme, may, in addition to the powerful influence it always gives civilized nations over savage tribes, be the great means of ensuring the latter's admiration of our actions and contrivances, their respect for our incalculable superiority over them, and fear of incurring our dire displeasure and awful vengeance. And it will finally lead them to revere and adopt the pure doctrines of the Christian faith.

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In filling up the details of the preceding plan upon the principles I have mentioned, I would humbly suggest, that in the change of authorities and individuals that is liable to take place, but which is not likely to recur to so great an extent as at the transferring of the settlement from the colony of New South Wales to that of Western Australia, it is highly important that no very marked change should be experienced by the natives, unless indeed some one incontrovertibly advantageous to them, the permanence of which could readily be insured. The reasons for such uniformity of treatment are so obvious, that it is almost superfluous for me to say, that the more savage the being, the more difficult it is for him to reason himself into the propriety of any reverse in his situation; and his alienated feelings would at this time be deprived of the control of a most powerful influence, the individual tie of gratitude, to attach him to the new comer. It is also unnecessary for me to state, that in order to preserve this uniformity of treatment, a public record should be left with the chief authorities of the district by their predecessors, in addition to the more essential personal information to be obtained, whenever it is possible, of the customs and manners, and, as far as may be known, of the individual disposition of such natives as frequent the settlement.

It would be advisable to retain, at the chief seat of authority of each district, one of the natives who has the greatest influence in the tribe, who is the most intelligent, and best disposed towards us. A concentration of these qualities in one person may be difficult to find at first; but, as they may be generated and increased by our treatment, it will always be proper to afford every encouragement to the fittest candidates for the situation.

This person ought to be the medium through whom all inferior punishments should be awarded, and through whom occasional donations should be made or rewards bestowed. He will act as interpreter and guide to expeditions into the interior.

With respect to punishment for the most grave offences, I do not conceive there is any thing so exclusively applicable to those tribes as to demand particular notice, and I hope that the conduct towards them which I have the honour of recommending will long prevent the necessity of having recourse to any action so much to be deplored.

In the general intercourse between the native and new comer, the former will be ready to perform certain services for a slight remuneration in victuals, tools, clothing, &c., and the latter will be too glad to avail himself of any the smallest assistance at so cheap a rate, however irregularly given. But during this service the natives have too many opportunities of committing acts of petty theft, which require to be guarded against and highly disapproved of, if not punished, when detected; thus laying the foundation of frequent quarrels, and endangering a total rupture of the good understanding that has been established. And again, were this mutual interchange of labour and reward not admitted, the native would have very little inducement to visit the foreigner; there would be a bar against any attachment between them, and the distant settler and explorer, instead of meeting a friend in the desert, when far from home and in want of that assistance which the natives could best afford, would encounter perhaps an enemy, or at best an indifferent person, or even a horde of savages to whom he was unaccustomed, and who would have no friendly or interested motive to check their barbarian rudeness, insult and actual offence. There can then be little objection to preferring to countenance this intercourse to its prohibition; and the abuses attending it are to be avoided as much as possible, in not admitting the indiscriminate service of every stranger, but encouraging such as are known to be of good or tolerable character, observing the strictest justice in all dealings with them, the utmost punctuality in performing promises, the greatest equanimity and forbearance in remonstrating on impropriety of conduct, and the greatest caution and temper in imposing slight punishments for minor offences which have been obviously committed; for in any other case, no private person ought ever to think of inflicting punishment at all. The native in this respect ought to be considered as much under the protection and enjoying the privilege of our laws as the colonist himself; and unless the latter be firmly impressed with the importance of observing this regulation, which has been so properly inculcated and proclaimed in the colony a considerable time ago by your Excellency, he will be in constant danger of rupturing the harmony which the enforcement of such a rule of conduct has done much to originate and promote. The colonist, in order to preserve a right understanding with the natives, in order to act to them as a man of civilization, morality and religion, and in order to insure his own and family's tranquillity, success and safety, must constantly bear in mind the facts that it is he who is the primary intruder, that it is he who is usurping the ancient grounds, the undoubted property of the aborigines, who are entitled to every international law, to a full compensation, to entire satisfaction, for what they are so insidiously deprived of. The colonist must also dispel from his mind the illusion that he is, by his migrating, conferring such an obligation on the mother country as to entitle him to look to her for a protection and security, which he is every moment forfeiting by his own actions and conduct. He must dissipate the idea that it is perfectly just and right in him to neglect every conciliatory measure, every beneficent thought for the native, who has a strong claim on our pity and compassion for the lowness of the scale in human nature in which he is unfortunately placed. Generous and exalted man delights in ennobling human nature, in raising the inferior grades to an equality with himself. The very little trouble, the slight expense of constant kindness, of occasional alms to the houseless and hungry owner of the soil, the great advantages which these observances will soon confer in the security of the lives of the colonists, in the protection of their flocks and herds from depredation, their crops and houses from destruction, must surely be considered as trivial sacrifices to gain such ends. To make these sacrifices still lighter, indeed to do away with them altogether, and substitute in their room an actual acquirement of pleasure, it is only requisite to be ever mindful of the great facts that

we

we are all men; that the hue of the skin gives no preference of the white over the black, and that however much we may fancy this effeminate and sickly hot-bed colour to confer, the swarthy savage prides himself, and with a greater semblance of reason, on his healthful and manly darkness, that has been acquired by free exposure and arduous exertion in the open air. Whatever can be done to remove from the minds of the illiterate of our countrymen the mistaken idea that the black is so far an inferior being to them, under all circumstances, as to render him undeserving of the kindness of humanity, of the compassion of Christian benevolence, incapacitated for ever for rising to a state of civilization and intelligence, should be most strenuously enforced, for such mistaken idea is the never-failing source of difference, disturbance and quarrel; and without this cause be removed, these effects must follow in a greater or less degree, as they shall be controlled more or less by the other agents which I have adduced.

On the other hand, Christian kindness and civilized ideas induce many of the colonists to clothe such natives as enter their service with goodwill, and a pretended determination to remain. But disappointment in the service expected makes the employer in a short time dismiss the adopted domestic, sometimes without the clothing that had been given; or if with it, in such a state as to be little fitted to withstand the tearing of the thick shrubs, or to keep out the inclemency of the weather, now more necessary than before the temporary enjoyment of the warmth of the settler's fire and house. The wandering native, little provident of to-morrow, never thinks when he exchanges his kangaroo skin for a dress of cotton or worsted, and the open country for the sheltering habitation, that his newly acquired clothing is only calculated for his newly assumed situation, and that he will at no distant period, in returning to his original haunts, feel the want of his primeval covering: he has given it to some of his friends, less lucky, according to his idea, than himself in being taken to the full board and warm dwelling of the colonist.

Were this change of clothing merely uncomfortable it would be little deserving of notice, but as I have ample evidence of its baneful influence in laying the foundation of organic disease that has often had a fatal termination, I must deem it worthy of every endeavour to rectify. When the colonist, therefore, gives European clothing, he should either keep the native dress that he thus supersedes till his fickle servant may want it again for the bush, or provide him with such substantial covering as shall be adequate protection when exposed anew to the inclemencies of the weather. Every one who presents himself should not be immediately metamorphosed into the European, but taken on trial for some days without change of dress; for many who do not know the restraint of being anything like the servant of another will soon find their new situation so irksome, and the colonist, little accustomed to neglect of his orders or awkwardness in performing them, be so disappointed, that both will readily agree to a separation that can by this means take place, without the one losing his clothes and the other his health.

When, however, the natives' health has suffered, from whatever cause, and they apply for medicine, there is some difficulty to say what is the best plan to be recommended. The patient is like a thoughtless boy; it is only the severity of the pain that makes him wish for relief. Despair in these cases enters not into his thoughts, all is hope that he will speedily be well. His sole idea is that a dose of medicine, one single application, must be successful without the aid of confinement or restraint. He cannot be prevented from exposing himself improperly. The humane settler who has allowed the invalid a place at his fire is chagrined at his imprudence, and perhaps turns him off; and better it is to do so at first than to permit him to remain to have the same exposure repeated, and consequent relapse occur over and over again until all chance of recovery be lost, when the settler and family are constrained to be eye and ear witnesses of the moanings, wailings and ravings for days and nights, and ultimately of the death of the miserable object of their unavailing care. It would be highly laudable for Government, and still more for private persons, to establish an institution for such cases, an asylum for the sick native, where he might, in some measure, be compelled to be cured.

There is one precaution which is generally the foremost to demand attention, and the soonest to be evaded in the communications of civilized with barbarous nations; that against the introduction among the latter of the custom and habit of indulging in ardent spirits, and which, I sincerely hope, will continue to be as successful in succeeding years as it has been since the formation of the settlement. The beverage which the natives have been happily taught to prefer, is the agreeable and innocuous tea, and few of them will drink spirits when offered, and none to excess.

The preceding remarks have reference chiefly to those natives who have common intercourse with the settlers. But it will be also requisite to conciliate and gain the goodwill of the more distant tribes, who only visit King George's Sound at long intervals. They are not unfrequently at enmity with the tribe of the Sound, who do not seem at ease when a number of strangers come in, and they are more importunate and dishonest with us. For these reasons it is desirable that their visits should be confined to certain periods, yearly or half-yearly, at which they might receive decided proofs of our good intentions towards them, and encouragement to cultivate our friendship, in a full feast of tea, biscuit, rice, or such like, and a donation of such articles as could readily be obtained by us, and be most serviceable and most esteemed by them. These would be, at the present time, small tomahawks, knives and blankets; and the most appropriate time for the periodical convention would be about Christmas, or the month of May, as at those seasons the more distant tribes approach the vicinity of King George's Sound.

Particular marks of favour and reward should be bestowed on those who render any essen-

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tial service, and also on those who visit the settlement for the first time, or from such a distance as to render it unlikely their visit will be repeated within the year.

Should any of the hostile tribes solicit an alliance offensive and defensive, it should not be granted in the present state of the settlement and colony; for, by showing favour and affording protection to one we should indubitably compromise our good understanding and friendship with the other, an event most sedulously to be avoided, whilst by non-interference we should preserve the goodwill of both. I need scarcely add, that under all circumstances we should endeavour to prevent any hostile acts being committed at our own places of habitation.

It will not be till several years of free and friendly intercourse and acquaintance has subsisted between us and the aborigines that any hope can be entertained that the latter may be raised from their present very primitive and nomad life, to become cultivators of the soil, or induced to remain permanently in fixed places of abode. It is not, however, too much to expect that this amelioration of their condition may succeed to a plan of conduct and treatment on our part, based on the principles I have the honour of submitting for your Excellency's consideration. I am well aware of the obstacles, almost, if not wholly, innate in the savages of Australia to making this first, grand and leading step on the way to their civilization, and of the practical difficulties which have been experienced in similar laudable attempts in other places; but here, although the materials may be nearly the same, the primary preparation is more perfect, and for this reason the final success less problematical. Whilst in our steady and uniform endeavour to obtain this consummation so sincerely to be wished, we shall be most effectually promoting and preserving the amity, goodwill and security on both sides, the paramount importance of which I have humbly endeavoured to demonstrate.

I have, &c.
(signed) *A. Collie*, Resident.

(No. 7.)

EXTRACT of a DESPATCH from Acting Governor *Irwin* to Viscount *Goderich*, dated Perth, Western Australia, 26 January 1833.

IN the month of August the natives made repeated attacks on the flocks of the settlers at York, evincing a decided resolution to effect their object of spearing and carrying off the sheep, and it was not until after more than one encounter with the few soldiers there, aided by the settlers, that they were forced to give up their purpose, and leave the neighbourhood. I regret to say that on this occasion the natives are said to have had several men killed.

At King George's Sound the best understanding continues to be maintained with the aborigines, two of whom have lately arrived here by sea. Mr. M'Leod, the Government resident at the station, informs me that (on the vessel which brought them touching there) he had acceded to an earnest request from the tribe that these two men might be permitted to pay a visit to Swan River by that opportunity, and to return back by the next that offered. They expressed at the same time a wish that others might be permitted to go on the safe return of these two. They have already had interviews with the tribe in this neighbourhood, who gave them a cordial reception, though, from the dissimilarity of their dialects they appeared to have but imperfectly understood each other. The tribe at King George's Sound having some knowledge of our language and manners, and having exhibited a docile and very friendly disposition, there is good reason to expect that they may render essential service towards forwarding the object the local government hope to effect, viz., the placing on a permanent basis the good understanding now maintained with the tribes in these districts. I have, in consequence, directed these two natives to be clothed and rationed while they remain here, and have had them attached to the superintendent of native tribes. This officer, with an assistant, was appointed by Governor Stirling on the eve of his departure, for the purpose of keeping up a continued intercourse with the tribes. He has been nominated a magistrate that he may afford protection to both European and aboriginal inhabitants, from aggression on either side. I beg to refer your Lordship to the Minutes of Council of July 31, where the objects had in view by the Governor and Council in this nomination are detailed.

The superintendent and assistant superintendent of the native tribes are mounted and attended by two soldiers attached to them. Unexpected difficulties appear to have prevented Governor Stirling from dispatching from the Cape the Hottentots and horses intended for this service.

The settlers in the districts of the Swan, Canning and Avon Rivers, for several months past, have been entirely free from any molestation on the part of the natives, few of whom have ever been visible for that period in these districts.

I regret to state, that at the Murray River, in August last, a private of the 63d Foot was assassinated by these savages, having waylaid him when unarmed in the vicinity of his post. This man, the first soldier they have killed, was doubtless marked as an object of revenge from having some time before made himself conspicuous in chasing the tribe from the station.

The concurrent statements of several respectable settlers, supported by affidavits, having represented a native generally known by the name of Yegan as the actual perpetrator of a murder

murder committed some months since on the body of a labouring man named Gaize, resident on the Canning, and as the chief leader in other aggressions on the persons and properties of the settlers, a proclamation was issued by Governor Stirling offering a reward for the capture of this native, dead or alive. In October this man was secured unhurt, together with two others of his tribe, and considering it a fair opportunity for gaining a knowledge of the language and habits of the aborigines, and for imparting to them a knowledge of ours, and of the benefits of civilization, I had them transported to the Island of Pulo Carmac in Cockburn Sound, guarded by two soldiers, and placed under the superintendence of an intelligent and well informed individual, a Mr. Lyon, who had volunteered his services for the accomplishment of the object contemplated. I intended retaining all the prisoners until they should appear to understand the conciliatory design of the local government towards their tribes, and until some progress should have been made in the objects above enumerated, after which it was intended to release them, with the exception of the above-named individual, whose outrageous conduct rendered it necessary to prolong his confinement to an indefinite period. After a detention of some weeks on the island, where accommodation had been provided for their reception, the prisoners, through the neglect of the person in charge, effected their escape in a boat by night. They have since been frequently met in company with others of their tribe, but I have deemed it advisable to leave them at liberty, as the principal offender, who severely felt his imprisonment, has shown an anxiety to make known his intention of abstaining from future acts of aggression, and I expect his apprehension will secure his future harmlessness.

At a Meeting of the Executive Council held at the Council Chambers, Perth, on the 30th day of July 1832.

Present:—His Excellency James Stirling, Esq. Governor and Commander-in-Chief, the Honourable F. C. Irwin, Esq. Senior Officer of His Majesty's Land Forces, the Honourable Peter Brown, Esq. Colonial Secretary, the Honourable J. S. Roe, Esq. Surveyor-General, the Honourable W. H. Mackie, Esq. Advocate-General:

The Governor stated, that from the repeated attacks of the natives, he was of opinion that some measures should be adopted for gaining an influence over them, and that on a future meeting he should bring the subject more fully before the Council, with the view of sending some intelligent persons amongst the natives for obtaining that object.

At a Meeting of the Executive Council held at the Council Chambers, Perth, on the 31st day of July 1832.

Present:—His Excellency James Stirling, Esq. Governor and Commander-in-Chief, the Honourable F. C. Irwin, Esq. Senior Officer of His Majesty's Land Forces, the Honourable Peter Brown, Esq. Colonial Secretary, the Honourable J. S. Roe, Esq. Surveyor-General, the Honourable W. H. Mackie, Esq. Advocate-General:

The Governor called the attention of the council to the subject of the natives, as notified on the last day of meeting, and submitted the following plan on the subject:—

"An intelligent, active and zealous person to be employed as superintendent of the native tribes; to be a magistrate, to have an assistant superintendent, and eventually a small body of policemen under his direction; the whole to be mounted and properly armed, and kept not only in constant readiness, but to be almost constantly in motion: to visit and communicate with all out-stations, to observe the natives, acquire a knowledge of their haunts, numbers, dispositions and personal qualifications, and their movements; to become acquainted by degrees with their chiefs and leading men; to secure them from aggression and bring those to punishment who injure them, except in self-defence, but on the other hand to apprehend and bring to punishment any native or native tribe committing outrage; to visit them frequently, showing the power of doing so whenever requisite, and to acquire influence over their minds by celerity of movement, irresistible power and certainty of punishment if they commit outrage.

"To aid in these matters, it is intended to apply to the Government of the Cape for a detachment of the mounted Hottentots, and in the meantime to appoint the superintendent and his assistant that they may acquire a knowledge of the services expected from them, supporting the measures and proceedings of the superintendent by a small party of military for the present, until horses shall be obtained from the Cape, should the Hottentots be found unattainable.

"The duty of the superintendent will be to protect us as well as control the natives; allowing no act of hostility unsanctioned by the law; but in the event of resistance or show of resistance to his authority as a magistrate, he will, of course, be justified in proceeding to extremity. The closest application to the study of their habits, and frequent communication with them, will probably enable him to acquire authority and influence, particularly when these shall rest on their conviction of irresistible powers: and the best proof of his ability in his office will be by his securing effectually the lives and property of the whites in the least injurious way to the natives."

Captain Irwin and Mr. Brown were of opinion, from the consideration they had given the subject, that the plan then detailed by the Governor appeared to be the best that could be adopted.

Mr. Roe considered such a measure decidedly called for, and that the appointment of efficient persons to fill these situations was likely to be attended with great benefit to the colony at large, giving confidence to the settler, at the same time protecting the native.

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Mr. Mackie considered such a measure necessary, and the plan proposed the only method at present that could be adopted.

The Governor represented to the council that the person he considered, from the various qualifications he possessed, to be best fitted to hold this important situation, was Captain T. T. Ellis.

In this opinion the council concurred.

The Governor proposed as assistant superintendent, Mr. Charles Norcott, in which the council concurred.

The Governor proposed that a salary of 100 *l.* per annum should be allowed the superintendent, and 50 *l.* to the assistant, until the pleasure of His Majesty's Government should known; as also the following daily ration, viz. one pound and a half of flour, one pound of meat, quarter of an ounce of tea, three ounces of sugar, and one gill of rum, or an equivalent for such ration, when not actually provided.

The Governor also proposed that these gentlemen should be accompanied by two private soldiers from the detachment of the 63d regiment (to be under the direction of the superintendent) who should be allowed the same ration, or an equivalent, and sixpence per day additional pay, with such clothing as should be found necessary.

The Governor further proposed that arrangements should be made for equipping the superintendent and assistant with one horse each.

The council concurred, and the honourable the colonial secretary was directed to prepare the necessary instructions, and to lay the same before council that day week.

(No. 8.)

EXTRACT of a DESPATCH from Acting Governor *Irwin* to Viscount *Goderich*, dated Perth, Western Australia, 10 April 1833.

I PROCEEDED in the "Ellen," in the month of February last, on a tour of inspection to King George's Sound and Augusta. I am happy in being able to inform your Lordship that the persons located at each of these settlements are perseveringly engaged in prosecuting the various and appropriate pursuits of a settler's life, are apparently contented with their prospects in the colony; have continued without intermission to preserve the most amicable intercourse with the neighbouring aborigines, and have found their respective climates remarkably healthy.

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When at King George's Sound I directed the issue of trifling presents of knives and provisions to the natives there, which were promised them by Governor Stirling on a former visit.

In my despatch of January 26th, I reported to your Lordship the arrival of two natives from King George's Sound; after a residence here of several weeks they returned with me in the Ellen, when their arrival was hailed by their tribe with great satisfaction, and increased confidence in our good faith and friendship. On my departure from the settlement the same two natives, with four others, eagerly availed themselves of permission to accompany me here, on the clear understanding that they were not to return before the lapse of 12 months. When at Augusta, which I visited on my return, one of them chose to remain with the tribe there; the remainder since their arrival have been stationed at Perth, where they have had almost daily intercourse with the Swan and Canning River tribes, with the most perceptibly beneficial results; so much so, that I have directed three of them to be clothed and rationed at the public expense, and attached to the superintendent of the native tribes, and I attribute to their intervention no inconsiderable share of the success which I am happy to say has attended his daily intercourse with the tribes of these districts. The two remaining natives, not appearing calculated to be equally useful, I took an opportunity of sending back to their tribe at their own request. The conduct of all of them has been highly satisfactory and encouraging. Though they have a difficulty in conveying their meaning to the tribes here, the dialects differing considerably, yet both parties are becoming more and more intelligible to each other by repeated intercourse, and I feel warranted in saying that we can obtain by means of the King George's Sound natives, earlier and clearer information of the existing feelings and intended movements of the local tribes than from the most friendly and familiar of the latter. In my despatch of January 26th, I had the honour to inform your Lordship of the appointment and duties of the superintendent and assistant superintendent of native tribes; since that period these officers have been posted at Perth, but I intend their station to be on a small eminence in the vicinity of the town which commands the only ford across the Swan in this neighbourhood, and being nearest the mouth of the river is much used by the natives in passing to and from the Canning District.

In order to give the superintendent an influence with the tribes, and to encourage a continued intercourse with them, I sanctioned the occasional issue to them of small quantities of bread, at the discretion of the superintendent, which has been diminished to a trifling amount on the object being attained. To prevent any disappointment from the discontinuance of the issues the superintendent was instructed to encourage the natives to bring in fish, (of which they can obtain a plentiful supply with facility), and by barter to obtain from the inhabitants of the town the bread before issued from the Government store. The plan has

has so far succeeded. While traversing this town in the prosecution of this barter, the aborigines have received all the protection within the limited means of the local government, through the medium of the superintendent and those under his orders, who are instructed to maintain a strict surveillance to prevent any misunderstanding likely to result from savage cupidity, curiosity or ignorance of our customs. I regret to say, notwithstanding this protection, remonstrances, and the obvious dictates of self-interest, instances occasionally occur among the dissolute of the lower order of Europeans of unnecessary and even wanton harshness and hostility towards these native visitors. Such occurrences usually take place in the outskirts and other parts of the town least exposed to observation, and there is reason to fear do not always meet the public ears. To some such secret or partially divulged acts of cruel cowardice are to be attributed, I fear, several inconsistent acts of vindictive hostility committed within the last few months on various parts of the Swan, at the very time when numbers of the tribe believed to be peculiar to those parts have been apparently on the most cordial terms with us at the seat of government, where the population deters them from attempting revenge.

Upon the whole, however, their reception at Perth has been so far grateful to them as to have induced numbers to spend within the town the greater part of the day for some time past; while a few have extended their confidence so far as to sleep in the town. The consequence has been a rapidly progressive acquirement of the more familiar terms of our language, and in some few instances a conformity with our modes of dress, and our customs in other particulars. One of the most intelligent has attached himself to the superintendent, and from his youth and tractable disposition, promises to become the means in time of gaining over many others to a settled and civilized life. With this view I have directed him to be fed and clothed on the public account. I have alluded above to some late acts of hostility supposed to be committed by the natives. These acts were the destruction by fire of an uninhabited house at Port Walter on Melville Water, and of three stacks of hay at the head of the Swan, and more recently the spearing of a few pigs and sheep. The two acts of arson (if really such) have by no means been satisfactorily traced to the natives as the perpetrators. They have, there is no doubt, destroyed considerable numbers of pigs and sheep, the latter being too frequently left under the charge of boys; and the former of necessity being mostly allowed to seek their food in the woods. But losses of this description must become more and more unfrequent, in proportion as the means of feeding live stock in the usual state of confinement become more abundant, and a reasonable prudence in not exposing sheep without proper attendants effectually armed will secure their safety. Above all, the conciliatory measures now systematically attempted by the local government, and which it is hoped the liberality of His Majesty's Government will soon enable it to prosecute more extensively and vigorously, will afford the most humane and effectual means of putting an end to these depredations. This most desirable object would be greatly accelerated should His Majesty's Government be pleased to sanction the establishment of the superintendent of native tribes on the footing proposed in the Minute of the Executive Council of 31st July, to which I have already referred.

Your Lordship's Despatch of 16th August 1832, attaching much importance to the foregoing subject, and calling the particular attention of Governor Stirling to the method pursued in Van Diemen's Land towards the natives (as stated in an accompanying despatch from Lieutenant Governor Arthur) has occasioned my occupying your Lordship's time with so lengthened a detail.

(No. 9.)

EXTRACT of a LETTER from Captain Sir *R. Spencer* (Resident at King George's Sound) to Mr. Under-Secretary *Hay*, dated King George's Sound, 19 March 1834.

I HAVE the honour to acquaint you that this district is in a very improving state, the number of settlers having increased since my arrival from 17 to 61, besides the military detachment. The natives are on the most kind and friendly terms with us, many acting as servants, and to fetch wood and water for the different families. I have seldom less than eight employed as agricultural labourers, some by the day, having the same provisions as my English servants, others at job-work to cut down so many trees, for a portion of flour and suet to make pancakes, their favourite food.

(No. 10.)

COPY of a DESPATCH from Governor Sir *James Stirling* to Mr. Secretary *Stanley*.

Sir, Perth, Western Australia, 1 November 1834.

ON my late return to this settlement, I learned that a soldier of the 21st regiment had been recently killed by the natives on the Swan River. In consequence of this the leading man of the tribe, named Weeup, had been outlawed, and his son having been apprehended, was in confinement. There were some circumstances connected with this transaction which led me to consider it advisable to grant Weeup a pardon, and to release his son upon a formal

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explanation with the tribe, that such proceedings on their part should never again be repeated. Up to the present time this arrangement appears to have had a beneficial effect, and I hope may stop the repetition of similar outrages by the same party.

In addition to the case above mentioned, I also learnt that in July, the circumstances detailed in the accompanying deposition had occurred on the Murray.

The duplicity and unprovoked ferocity of the aborigines on that occasion were in accordance with the practices of the same tribe throughout the last five years, in the course of which they have murdered four white men, and dangerously wounded two others, independent of sundry robberies of valuable horses, and of a mill near Perth. The distance of their usual abode had made it almost impossible to bring the members of that tribe to any account for these atrocities, and grown bold by impunity, and by the smallness of the force at that remote station, they threatened, after the murder in July, to burn the barracks and houses on the Murray, and destroy all the whites in their district. There was danger that their success in this species of warfare might tempt other tribes to pursue the same course, and eventually combine together for the extermination of the whites; it therefore became of the most urgent necessity that a check should be put upon the career of that particular tribe. Perceiving this, I availed myself of the first occasion to proceed to the Murray River quarter, accompanied by a party of the new corps of mounted police, and by the surveyor-general, for the purpose of inspecting the country at the same time; and having arrived at Mr. Peel's station on the 25th ultimo, we proceeded thence on the day following, reinforced by a corporal's party of 10 men and Mr. Peel. In the forenoon of the 27th we reached the upper ford at Daulgauup, on the Murray, and had just crossed the river when we heard the natives shouting. Keeping the party out of sight, Captain Ellis, the superintendent of mounted police, was sent with Mr. Norcott and three of his corps to recross the ford, and advance towards the natives, for the purpose of ascertaining whether they were the offending tribe. This he accomplished with great celerity, and on his approach towards them he recognised several of them to be of those who were present at Nisbett's murder, and amounting in all to about 60 or 70. He accordingly made a preconcerted signal to me, and advanced towards them. The natives very resolutely stood their ground, as I am informed, and threw a volley of spears, by which Captain Ellis was wounded in the head, and one of his men in the right arm, and another was unhorsed. Stunned and dismounted by the blow, and having his horse speared, Captain Ellis's party was thus put into great peril; but at this critical moment the men with me got into position and commenced firing, and threw the natives into confusion. They fled to a ford about 100 yards below the other, but being headed by the corporal's party, they were forced back into the bed of the stream. The upper ford being also occupied by Mr. Roe, as well as the two banks, they were thus completely surrounded and overpowered. The number killed amounted probably to 15 men. The women were kept until after our company had been collected round the two wounded men; they were then informed that this punishment had been inflicted, because of the misconduct of the tribe; that the white men never forget to punish murder; that on this occasion the women and children had been spared, but if any other person should be killed by them, not one would be allowed to remain on this side of the mountains. Upon this they were dismissed, and after a long march we succeeded in getting the wounded men back to the station. I trust Captain Ellis's wound will not prove to be of serious import to him, and beg leave to state that I cannot too much commend his conduct on the occasion, as well as that of all the persons engaged in this skirmish.

I have been thus particular in the detail of these circumstances, because doubtless this affair will have considerable effect upon our future communications with the native tribes. My hope is that it may impress them with the conviction of our power to defend ourselves, and to avenge violence, and restrain them from those practices which have repeatedly threatened the existence of the settlement. But if, unfortunately, the effect be otherwise, the most decisive measures must be resorted to for the protection of life and property. In the meanwhile, I have reinforced the post at the Murray, and have given orders for the frequent examination of the country around by patrolling parties, and for the apprehension of those who were concerned in Nisbett's murder, and not present on the 27th ultimo.

I have, &c.
(signed) *James Stirling*, Governor.

Colony of Western Australia.

DEPOSITION of *Edward Barron*, of Perth in the said Colony, yeoman, respecting the circumstances attending the death of —— *Nisbett*, a private in his Majesty's 21st Regiment, taken the 23d day of July 1834, before the undersigned Justice of the Peace.

The said Edward Barron being sworn, saith:

Early last week I went down to the Murray River to get possession of a mare which I had purchased of Mr. Peel. When I got there, I found the mare had been in the bush for several days; and Mr. Peel advised me to stay, until some of the natives should come to the barracks, when he would get them to guide me to where the mare was. On this day week, being Wednesday the 16th instant, two of the natives came to Mr. Peel's cottage, viz. a man called "Soldierman," and a boy who had been long living at Lieut. Armstrong's quarters. They agreed with Mr. Peel to go and show where the mare was, as soon as they had got their wheat ground in the mill at the barracks. Mr. Armstrong's servant, Nisbett the deceased, told Mr. Peel that if he would lend him (Nisbett) his (Mr. Peel's) brown mare, he (Nisbett) would

would accompany the natives in search of the missing mare, to which Mr. Peel consented; and accordingly Nisbett mounted on Mr. Peel's mare, and myself mounted on a horse of my own, accompanied by the two aforesaid natives, set out into the bush between one and two o'clock in the afternoon of that day (Wednesday the 16th instant). When we had got about a mile from Mr. Peel's cottage, in a northerly direction from the cottage, but inclining inland towards the great lake, the native "Soldierman" began to coo-ee; no answer was given, but several natives soon made their appearance; Nisbett told them we were in search of Mr. Peel's horses. An old native, blind of one eye, immediately said we should find them there, pointing to the large lake. We moved on towards the large lake, and on looking round me I found that another party of natives had come about us: and I counted 19 in all. In particular I remarked Calyute, and when my eye met his, (which was gazing on me, his countenance immediately fell, and his eyes were turned to the ground. I also saw "Jack" the native who was confined in the guardroom at Perth along with Calyute for robbing Mr. Shenton's mill. I remarked too, a remarkably tall man, whom I had frequently before seen at Perth and Fremantle, and to whom Mr. Norcott gave a kangaroo dog, whilst I was stationed at Fremantle. After I had caught Calyute's eye, he went up to the very tall native and said something to him in a low tone of voice, and then they all began to jabber one to another, and appeared for some time in confusion, as if they were all anxious to hear some story which Calyute had been telling the tall man. Before Calyute spoke the tall man was speaking to me in a friendly way, and walked by my horse's side, patting it on the neck, but as soon as Calyute spoke to me, the tall man's countenance immediately changed, and he spoke no more, and drew off from my side; and the natives then divided into two parties, one walking alongside Nisbett, who was about 30 yards in front of me, and the other walking alongside of me. On observing all this I called to Nisbett that I thought there was something wrong, and that the natives meant us no good. He said, "Oh! don't be afraid; they are all friends of mine, and would not harm us if we slept all night in the bush with them." We proceeded on towards the large lake, when the old man blind of one eye cried to us that we should soon see the horses, for that he had come on the track, pointing out to us the mark of a horse's foot. I immediately saw that it was a very old track, and directly said to Nisbett that I thought the track was left six months ago, and that I feared that the natives were only decoying us into the bush, and that we had better gallop off at once; Nisbett again said; "Oh! don't be afraid; they will never take any advantage of us." We again went on, and I had just got on the border of the lake (Nisbett being still before me) when I heard a noise behind me, as of two sticks clattering together: I looked round, and saw Calyute and the tall man in the act of shipping their spears. I called out instantly "Nisbett, Nisbett, set spurs to your horse or you're a dead man!" At the same instant I spurred my own horse on straight in the same direction in which we had before been going, but before the horse got into speed, I saw the tall man fling a spear, which struck me in the kidneys, and saw Calyute throw another which entered my left side a little below the short ribs, and also saw the old man, with one eye, fling another spear which entered my right arm. I dashed on through some very thick wattle, for about a hundred yards, and then turned round, and heard Nisbett utter a loud cry and say "God have mercy on me!" and at the same time the mare which he had been riding came galloping through the wattles, with a spear in her hip. I pulled the two spears out of my side; but while I was doing this, which did not take me a minute, six natives came through the wattle bush running towards me, and were almost within spear's throw when I saw them. I galloped off again, until I had gained several hundred yards upon them, when I pulled the third spear out of my arm, and bound up my side with my handkerchief. I again saw the six natives running towards me; and taking my direction by observing the sun, I again set off for Mr. Peel's cottage; and I saw the natives continue the pursuit of me until within a mile of Mr. Peel's cottage. The tall man and Calyute were two of the six, and led the pursuit. The tall man continued the pursuit last of all, for several yards after the other five had stopped. The following morning (it being nearly five o'clock in the afternoon when I reached Mr. Peel's) a party went out in the direction pointed out by myself, and found Nisbett's body, and brought it into the barracks. I know every one of the 19 natives who accompanied myself and Nisbett, by sight; and if I saw them again could swear to every one of them without the least hesitation, but I do not know the names of any except Calyute, Jack, and "Soldierman." I should know them again the more easily, because the changes in all their countenances were so great after Calyute had spoken to the tall man, in the manner I have before mentioned, that I was afraid they had heard something they did not like, and watched their countenances more carefully, in order to see if they appeared disposed to do us any mischief. I was not concerned in the capture of Calyute, nor am I aware of ever having done anything to make him an enemy to me in particular. I gave the tall man a loaf of bread while I was stationed with the 63d regiment at Fremantle, and never did anything to my knowledge to offend him. I was once stationed, while I was a serjeant in the 63d regiment, at the post at the Murray, when the natives came close to the barracks and raised a kind of war-cry in a very hostile manner (having before that committed some acts of depredation); on which occasion I took the military out, and chased the natives some way, and broke the arm of one of them with a musket shot. I did not get near enough to them on that occasion to see whether the tall man or Calyute was among them. Nisbett had the greatest confidence in them, although I repeatedly told him that I did not like their looks, after Calyute spoke to them. The large lake where the above occurrence took place is four good miles from Mr. Peel's house.

(signed) *Edwd. Barron.*

Sworn before me at Perth, the 23d day of July 1834.

(signed) *W. H. Mackie*, J. P.

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(No. 11.)

EXTRACT of a DESPATCH from Lord *Glenelg* to Governor Sir *James Stirling*, dated Downing Street, 23 July 1835.

I perceive with deep concern that collisions still exist between the colonists and the natives.

With the information now before me, the only conclusion at which I can arrive is, that the measures which you took through the whole course of these transactions were such as the occasion required and justified.

It is impossible however to regard such conflicts without regret and anxiety, when we recollect how fatal, in too many instances, our colonial settlements have proved to the natives of the places where they have been formed; and this too by a series of conflicts, in every one of which it has been asserted, and apparently with justice, that the immediate aggression has not been on our side. The real causes of these hostilities are to be found in a course of petty encroachments and acts of injustice committed by the new settlers, at first submitted to by the natives, and not sufficiently checked in the outset by the leaders of the colonists. Hence has been generated in the minds of the injured party a deadly spirit of hatred and vengeance, which breaks out at length into deeds of atrocity; which, in their turn, make retaliation a necessary part of self-defence. To this subject I beg to call your special attention, because it is important; and I am naturally led to it in this place, most certainly not with the intention to imply that the admonition is in this instance needed, on the contrary, I must repeat that, as far as I have the means of judging, you could not have remained passive under the circumstances detailed in the despatch under consideration.

It will be your duty to impress upon the settlers that it is the determination of the Government to visit every act of injustice or violence on the natives with the utmost severity, and that in no case will those convicted of them remain unpunished. Nor will it be sufficient simply to punish the guilty, but ample compensation must be made to the injured party for the wrong received. You will make it imperative upon the officers of police never to allow any injustice or insult, in regard to the natives, to pass by unnoticed, as being of too trifling a character; and they should be charged to report to you with punctuality every instance of aggression or misconduct. Every neglect of this point of duty you will mark with the highest displeasure.

I am aware that the colonists, in their dealings with the natives, will sometimes have to encounter conduct, which in civilized society would be looked on as highly offensive, but it will be the duty of the settler to practise forbearance and moderation; and by exactness in the fulfilment of his engagements, to set an example of justice and good faith.

Whenever it may be necessary to bring any native to justice, every form should be observed which would be considered necessary in the case of a white person; and no infliction of punishment, however trivial, should be permitted, except by the award of some competent authority.

It seems clear that the act of violence on the part of the natives, which led to the late conflict at the Murray River, was an act of retaliation, and was suggested by Calyute in revenge for some injury, real or supposed. It would be satisfactory to me to know that there was no previous misconduct on the part of any of the colonists, no act of harshness or injustice, which provoked that revenge.

It is with pain that I notice your holding out to the natives a threat of general destruction, extending even to women and children. That threat of course was never meant to be executed in any case. Mere menace is in itself always to be avoided; but the course threatened falls too much into the practice of native warfare, and was likely to create an impression among your uncivilized adversaries that the English, like themselves, regarded this as a legitimate mode of warfare.

The firmness and decision shown by Captain Ellis and Mr. Norcot during the conflict are much to be commended; and the service rendered by the small party of the mounted police under their orders is a proof of the utility of that corps.

The regulations and instructions which you have drawn up for the guidance of the superintendents of police are generally judicious, and well calculated to preserve the efficiency of the establishment; and I am glad to perceive that you have made it a leading principle in those instructions to cultivate a friendly intercourse with the natives. That principle cannot be too strongly kept in view; and after what I have already said, I need scarcely now add how important a part it is of the duty of the police, not only to observe with the utmost watchfulness the conduct of the settlers in their dealings with the aborigines, but to make it their aim and study to gain the confidence of the natives, and to teach them to look to the representatives of British authority for support and protection, rather than to regard them with feelings of apprehension.

(No. 12.)

COPY of a DESPATCH from Governor Sir *James Stirling* to the Earl of *Aberdeen*.

No. 4.
" Correspondence relative to Weste Australia.

Western Australia, Perth,
10 July 1835.

My Lord,

IN the present despatch I propose to do myself the honour to lay before your Lordship a report upon the state of our communications with the aboriginal tribes of this country, and with the view of rendering this as full and comprehensive as circumstances at present admit, I shall endeavour to explain the general views which have regulated my conduct towards them, the means employed in promoting those views, the effects already produced, and the further prospects of the colony in regard to that race.

One of the earliest measures adopted in this colony was to issue a proclamation, in which the right of the natives to the protection of the British laws was formally declared. On every possible occasion their equality in this respect with all His Majesty's subjects has been urged upon the notice of magistrates, and repeatedly explained to those classes of the community who might be most prone to act offensively towards them. The intercourse which for a long time subsisted between the colonists and the natives was necessarily imperfect; their ignorance of each other's language, the fears of both parties, and the occasional ruptures which took place, precluded the possibility of explaining the principles of those laws under which the white men lived; but the hope which I entertained of more intimate communication with the natives, and of the gradual effect of time and of a steady and constant course of conduct in all the transactions of the Government, induced me to persevere in this principle of action. It may be supposed and admitted that there is apparent injustice in thus imposing the municipal regulations of an invading people upon the aboriginal inhabitants of a territory, but no minor objection seemed to be of sufficient weight when compared with the benefits resulting to the less civilized party, from the adoption of an uniform mode of treatment, and even of the application to them of certain fixed rules of action, by learning and adhering to which they might gradually come to live in harmony with their more powerful neighbours. In following up this course, the first step to be accomplished was to confide to some intelligent and competent person the general superintendence of the nearest tribes, to place them under his protection, and to cause them to be instructed by acts as well as by words in the general principles of our laws. The late Captain Ellis, superintendent of native tribes, was extremely successful in this service; and Mr. Collie, the present colonial surgeon, while resident at King George's Sound, was no less zealous than his predecessor, Captain Barker, in the advancement of these views. In consequence of these proceedings the natives came to understand that murder was sure to draw down upon them sooner or later the severest penalties, and that robbery could not be effected with impunity. On the other hand they found themselves protected by those whom they have latterly styled "grown-up men" or "gentlemen" from injury, whether committed by the white people or by their countrymen of adjoining tribes; and that although the districts more densely peopled by the Europeans became denuded of game and other articles of support, they could obtain by peaceable demeanor, and by rendering themselves useful to the settlers, a corresponding recompense for their deprivations and services.

In those parts of the colony which we first occupied the effect of these measures was soon felt, although obstructed for a long time by the ferocity and influence of two particular natives in the Swan River tribe, named Yagan and Midgegeroo, and by the long-continued hostility of the tribe inhabiting the banks of the Murray. The death of Yagan and of Midgegeroo, as heretofore reported to your Lordship's predecessor in office, by Captain Irwin, and the subsequent punishment of the Murray natives at Pinjarra last October, as represented in my despatch of the 1st November 1834, removed, or at least lessened the chances of future interruptions from these particular causes; and, although in each of these accidental transactions there may be, at a distance from the scene of action, some difficulty in reconciling the conduct of the Government to the letter of the law of England, there cannot exist, I am convinced, any doubt, on a full examination of all the circumstances, as to the strict accordance with the principle of law and of genuine humanity. By these lessons, although they were severe, the natives learnt practically to respect the power and fear the vengeance of the whites, two points on which, it may seem strange to assert, that they were beforehand incredulous or ignorant. In proportion to the advancement of our intercourse it became necessary to take additional measures for its improvement. On my return last year I accordingly selected a person of the name of Armstrong, who had become an excellent interpreter, and to whom the Perth tribe had attached themselves, as the director of an institution for their further instruction in our language, and in the more simple arts of cultivation, and production of food. The plan which seemed most advisable with this intention will be found detailed in a communication made by me to the Executive Council on the 10th December 1834. I had also decided on the appropriation of funds to the superintendents of mounted police in the districts of York, King George's Sound, and the new station in the interior, but the Legislative Council having refused the funds for this purpose, as detailed in my despatch dated 4th May 1835, my general plan was thereby, at least for a time, defeated. On this point it may be suggested by me, as the result of my observation, that no new position should be occupied by the colonists until a proper person be appointed as the guardian and controller of the natives. Much of the future welfare of both parties depends upon a fortunate commencement in their acquaintance with each other, and this cannot be accomplished except through the manage-

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ment of some one person especially appointed, instructed and empowered to follow up a systematic course of treatment.

Having thus glanced at the general measures pursued or contemplated, and at the means made use of for their completion, I shall proceed to remark upon the actual position in which we stand in relation to this people.

I am much afraid that I should not succeed if I were to attempt to lay before your Lordship an intelligible picture of this peculiar race. It is sufficient to observe, that we have found them in this part of Australia very formidable enemies, and if they could avail themselves of the advantages of combination it would be useless to attempt a settlement in this quarter with our present members. But although as individuals they are shrewd, active, vigilant, persevering and fearless, they are incapable of acting together upon any preconcerted plan. It is worthy of remark that this want of concert has been lately commented upon by certain individuals amongst themselves in their conversations with the interpreter. They state that they considered the white people, on their first arrival, as inferior to themselves, that they saw them going about unarmed, and open to attack, and felt sure of success whenever they wished to spear them, but that now they are more apprehensive than they were of giving offence, from perceiving that the cause of every person is taken up by the whole.

Our present condition in reference to this people is preferable to that which existed in previous years. The tribes on the Swan River and at King George's Sound are scarcely ever known to commit outrage, and many of the men have become almost constant residents at the houses of the settlers, and make themselves useful in return for food. They are becoming excellent stock-keepers, and rely with confidence on the good intentions and honest practices of the superior class of colonists.

An illustration of this is furnished by the following statement of facts:—

In the latter part of May an inhabitant of Perth, of the name of M'Kail, after sustaining repeated losses of provisions from his hut, while absent in the prosecution of his trade, returned at a late hour of the night and found he had been again robbed; he immediately sallied out with his gun, and on searching an out-house he found a party of natives asleep; without consideration he proceeded to inflict vengeance, and in a scuffle which ensued he shot a lad through the thigh, and which eventually proved to be a mortal wound. On the following morning the natives, in a body, lodged their complaint against the perpetrator, M'Kail, and attended all the subsequent hearings of the case until the prisoner was regularly committed for trial at the ensuing quarter sessions. The lad who had been killed was the son of the principal man of the tribe, and a great favourite; but, although they grieved beyond measure at his loss, they never threatened retaliation upon the whites in general. They were urgent that M'Kail should be punished, and once or twice before the time of trial they assured themselves by visiting the gaol that the prisoner was safe in custody, but testified no hostile feeling towards any other person. It gradually came out that the theft had been committed by a native who was not present on the occasion of the attack of the sleeping party, all of whom were innocent; and it also appeared that no evidence could be procured on which M'Kail could be convicted of murder, and it became eventually advisable not to bring him to trial because his acquittal and subsequent enlargement without any punishment seemed certain to draw down upon him the infliction of their vengeance, and the consequent breach of their friendly intercourse. Such being the case I granted him a pardon on condition that he should quit the colony on being enlarged, and on condition that the natives should receive from him, in atonement for their loss, a considerable present in blankets and bread. Having being previously sounded on this point, they suggested themselves that the origin of the boy's death was to be attributed to the native who had committed the robbery, and that there might be some excuse for M'Kail in the provocation given, and therefore that punishment short of death would satisfy them. In the end they accepted the present, and have returned to their usual good humour.

Only one other event has occurred within the last six months of a nature likely to lead to hostilities. Two men returning from the district of York were visited on the way by a party of natives. The latter asked for bread, and on being refused they struck their spears into the two whites. This was doubtless an unpremeditated act, for they did not attempt to kill them afterwards, although entirely in their power, but returned to the spot several times in the course of the day, and expressed great commiseration for them. The men were afterwards brought to their homes, but the wound of one occasioned his death in the course of a fortnight. On this occasion I dispatched a party in search of the offending tribe, and aided by the information obtained from an intelligent native, who has long acted as companion and interpreter to the superintendent of police, a young man was apprehended about 70 miles from Perth, charged by many of his compatriots as one of the individuals concerned in the murder of Murphy, the white man above referred to. There is still some doubt as to whether the native in custody was or was not present on that occasion, but he is still in prison, and the members of his tribe seem at present disposed to leave the case to the justice of the white men.

From the preceding circumstances your Lordship will be enabled to judge of our relative position, as well as of the general tenor of the conduct of this government towards them, and I trust you will perceive an anxious wish on my part to carry into effect the instructions urged upon my notice in former communications on this subject from your Lordship's predecessors.

On a general view of the future prospects of the colony, in relation to the subject of this letter, I am of opinion that the evils which have been inflicted upon the earlier settlers are on the

the decline, and will be practically unknown in the course of a few years. The aboriginal race must gradually disappear as the country is occupied, and I fear that neither the humane intentions of His Majesty, nor the most anxious and judicious measures on the part of the local government to carry the Royal wishes into effect, can prevent the ulterior extinction of that race. It is nevertheless indispensably necessary that all practicable means be employed for their civilization and welfare. For this purpose I propose to attempt by degrees their settlement in fixed residences, under competent instructors in cultivation, net fishing, and the supply of fuel to the towns, and I shall take every opportunity of encouraging their employment under the agricultural settlers, in keeping stock, and other simple avocations.

I have, &c.

(signed) *James Stirling*, Governor.

At a Meeting of the Executive Council held at Perth on the 10th day of December 1834.

Present:—His Excellency Sir James Stirling, Governor and Commander-in-Chief; the Hon. Richard Daniell, Esq. Senior Officer of the Land Forces; Peter Brown, Esq. Colonial Secretary; J. T. Roe, Esq. Surveyor-General; G. T. Moore, Esq. Advocate-General:

The minutes of the last meeting were read and confirmed.

The Governor stated, that the subject he proposed to bring forward was one that he had no doubt had often been considered by the members individually. It related to the civilization of the aborigines. His Excellency conceived that much good might be done, and benefit derived by the formation of an establishment in which, under a proper superintendent to be appointed for that purpose, the natives might be employed in various useful ways, such as fishing, procuring wood, clearing ground, making paths and roads, and eventually, when in some degree advanced in civilization, in the cultivation of the soil, and stock keeping; and after a few observations on the subject, and submitting a rough draft of such instructions as he would consider it necessary and advisable to establish for the general guidance of the individual on whom the charge might devolve, his Excellency requested the opinion of the council on the propriety of forming such an establishment.

Mr. Moore considered we were called upon to make some attempt towards the civilization of the natives, and conceived that the measure promised to be beneficial to the settlers as well as to the natives, therefore recommended its adoption. Mr. Roe considered that both policy and humanity pointed out the proposed measure to be very desirable; and therefore recommended its adoption in furtherance of the instructions received from the Secretary of State.

Mr. Brown concurred with Mr. Moore and Mr. Roe as to the propriety of making some attempt towards the civilization of the natives, and conceived the settlers generally would be benefited by the formation of such an establishment; as by concentrating the natives, which this measure would to a certain extent effect, their visits would be less frequent at the several farms, and the settler would not therefore be so often required to administer to their wants, which had always been deemed a very grevious burthen. In advising the adoption of the measure, however, Mr. Brown would strongly urge their employment being strictly confined to such operations as were actually necessary for their subsistence, and that they should on no account be permitted to perform such services as would interfere with the daily avocations of the industrious fishermen and labourer.

Captain Daniell concurred in the plan about to be adopted, as he thought it would be of great benefit to the natives, as well as of great advantage to the inhabitants of the district.

The Governor then stated, that as he considered Mr. Francis Armstrong well qualified for the situation of superintendent, from his acquaintance with the natives, and his knowledge of their language, he would propose to give him the appointment, with a salary of 90 *l.* per annum.

Mr. Moore considered Mr. Armstrong well qualified for the services, both from the knowledge of their language, and the reliance they placed in him.

Mr. Roe, Mr. Brown, and Captain Daniell concurred.

(No. 13.)

COPY of a DESPATCH from Lord *Glenelg* to Governor Sir *James Stirling*.

Sir, Downing-street, 16 March 1836.

I HAVE received your despatch of the 10th July last, containing a report on the condition of the native tribes in Western Australia, and showing particularly the state of their intercourse with the colonists.

No. 4.
Correspondence relative to Western Australia.

It is most gratifying to me to hear of the adoption of any measures which may tend to create and to maintain a good understanding between the natives and the colonists. I am glad to find that some success has attended your endeavours to lead the natives to appreciate the protection which the law affords to them in common with the settlers. It is of the greatest importance that that confidence which appears happily to have been created amongst them should not be weakened by any act of wrong or oppression; and I especially approve of your suggestion that no new position should be occupied by the settlers, until a proper person has been appointed to act as guardian and protector of aborigines in the occupied district.

I shall be happy to receive from time to time reports of the progress and state of the institution which you have established under Mr. Armstrong, for the purpose of instructing the Perth tribe in the English language, and in the cultivation of the soil, and the production of food.

Having already in my despatch, No. 3, of the 23d July last, conveyed to you my sentiments with regard to the course to be pursued in dealing with the natives, I have now only to urge upon you the necessity of adhering to that course, and of following up those measures which you have so judiciously adopted for improving the condition of the aborigines in Western Australia.

I have, &c.

(signed) *Glenelg.*

Appendix, No. 5.

No. 5.
Expenses incurred by the Commissariat Department at the Cape.

Sir, Treasury Chambers, 5 April 1837.

In compliance with the request contained in your letter of the 20th ult., I am commanded by the Lords Commissioners of His Majesty's Treasury to transmit herewith, to be laid before the Committee on Aborigines (British Settlements), the enclosed copies of a Report from the Audit Board, and of the accompanying Statement of the Monthly Expenditure incurred by the Commissariat Department at the Cape, from June 1833 to December 1834, and from January 1835 to July 1836.

The Committee will observe that it is not possible to separate the items of the expense incurred for the Caffre war from the general expenditure of the colony, but my Lords apprehend that the account now transmitted contains sufficient information.

I have, &c.

The Chairman of the Select Committee on Aborigines (British Settlements.)

(signed) *F. Baring.*

My Lords, Audit Office, 30 March 1837.

With reference to Mr. Baring's communication to this Board of the 22d instant, directing us to furnish your Lordships with the best statement that can be prepared, from the Commissariat or other accounts, for the information of the Select Committee of the House of Commons on Aborigines in the British Colonies, of the expenses incurred by the British Government in the late Caffre war, we beg leave to represent to your Lordships that the distinguishing, with any degree of correctness, the expenses incidental to the Caffre war from the general expenses included in the Cape of Good Hope accounts during the period of that war, is in many instances difficult, and that the extracting, in every instance, from the accounts and vouchers in our possession such particulars as may appear to appertain to the expenses of that war, (a selection which cannot but be somewhat conjectural) would be attended with considerable labour, and could not for some time be completed.

It has therefore appeared to us, that an estimate of the expenses in question, derived from a comparative statement of the general expenses of the Commissariat at the Cape during a period of 19 months' peace, preceding the hostilities with the Caffres, and the period of war of 19 months, from January 1835 to August 1836, the latest period to which the accounts have been rendered to this department, might in all probability answer the purpose which the Select Committee of the House of Commons have in view. We accordingly beg leave to enclose a statement of the monthly expenditure incurred by the Commissariat Department at the Cape from June 1833 to December 1834, and from January 1835 to July 1836, by which it appears that the excess of expenditure during the last period of 19 months, after deducting the advances on account of services not connected with local circumstances, and adding thereto the sums advanced by the colonial government in 1835 on account of the expenses of the war, amounts to 241,884 *l.* 14 *s.* 8½ *d.*

We beg leave to add, that it appears by a letter from Mr. Petrie, the Commissary-general at the Cape, lately received at this office, that his estimate of the expenses of the Caffre war very nearly agrees with the above statement.

We have &c.

The Right Hon. the Lords Commissioners of His Majesty's Treasury.

(signed) *H. F. Luttrell.*
J. Osborn.
Edward Romilly.

No. 5.
Expenses incurred by the Commissariat Department at the Cape.

STATEMENT of EXPENDITURE included in the Commissariat Accounts of the *Cape of Good Hope* for the undermentioned Months, including Payments on account of Ordinaries and of the Ordnance and other Departments, which Statement is referred to in a Report of the Commissioners of Audit to the Lords of the Treasury of the 30 March 1837.

PRIOR TO THE CAFFRE IRRUPTION:	£.	s.	d.
1833, June	6,313	16	4
July	11,330	3	-¼
August	6,342	4	4½
September	6,605	17	7
October	8,319	-	8
November	5,211	1	5¾
December	10,558	7	-¼
1834, January	7,552	10	8¾
February	9,038	4	3¾
March	7,552	15	3¾
April	16,139	12	2½
May	9,893	7	-¼
June	11,476	16	5
July	14,685	11	7½
August	7,231	18	7½
September	6,439	18	10½
October	19,653	15	7¼
November	6,482	-	5
December	6,064	3	11½
	176,891	5	6¾
Deduct advances to the Naval Departments, &c. and consignments of specie to other stations	43,751	-	-
£.	133,140	5	6¾

SUBSEQUENT TO THE CAFFRE IRRUPTION:	£.	s.	d.
1835, January	22,436	19	7½
February	15,504	4	3½
March	30,990	18	7½
April	13,143	10	9
May	13,202	18	-
June	22,593	3	3½
July	16,416	5	7½
August	18,151	19	11¾
September	31,937	13	6½
October	23,188	11	4½
November	17,337	10	-¾
December	24,886	14	10½
1836, January	21,790	4	6½
February	15,371	-	5½
March	19,583	1	3¾
April	26,825	6	10
May	15,600	5	8¾
June	23,763	11	-¾
July	21,239	12	8
	393,963	12	7
Deduct advances to Naval Departments, &c., Debentures paid off about 10,500 *l.* and Slave Compensation Commissioners about 4,500 *l.*	36,899	10	-
	357,064	2	7
	133,140	5	6¾
	223,923	17	-¼
Add amount of Charges in the Colonial Accounts for the Year 1835, on account of the Caffre war, including 12,150 *l.* advanced on account of Provisions, &c. to be accounted for hereafter	17,960	17	8⅝
Probable Amount expended in consequence of the Caffre War £.	241,884	14	8¼

Appendix, No. 6.

To His Excellency the Hon. Lieut.-Colonel *Wade*, Acting Governor, &c. &c. &c.

No. 6.
Letter from the Rev. *J. Philip* to the Hon. Lieut.-Col. *Wade*

Sir, Cape Town, Cape of Good Hope, 10 October 1833.

WHEN I had the honour of introducing Mr. Wright, the missionary, from Griqua Town, to your Excellency, last Thursday, your Excellency requested me to furnish you with my views on the subject which then engaged your attention. The critical situation of the northern frontier of the colony at this moment, and the need that there is for the prompt interference of the Government to prevent the numerous and great evils which threaten it, have induced me to comply with your Excellency's request without loss of time; and I have now sat down to give you my thoughts on the subject, as they may occur to me while the pen is in my hand. If the style and arrangements my statement and thoughts may assume in the course of this letter may require an apology, for the facts that may be contained in these statements, and the opinions I may suggest, I have no apology to offer; as I shall confine my statements to what has come under my own observation, and any opinions I shall advance shall be such as have been formed on an intimate and a long acquaintance with the subjects. As in a communication of this nature more is to be apprehended from too much brevity than from a prolixity that may border on tediousness, I shall preface my remarks on the measures I would recommend to be adopted at present, by a brief review of the origin of the disorders that now afflict and threaten the neighbourhood of the colony on its northern boundary. In 1822 Mr. Melville was appointed government agent at Griqua Town; in consequence of a disaffection created by that appointment, and the line of policy

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pursued by him, 10 men left the station in the following year, and after visiting several Coranna kraals, where they got several of the Corannas to join them, they proceeded in a southerly direction, and fixed their residence amidst a cluster of mountains on the border of the Philippolis district, and about two days' journey from Allman's drift, on the Craddock. They were not long in this situation when they began to carry on a regular system of plunder on the defenceless Bechuannas, and their number was very speedily augmented by the success which attended their predatory excursions, and the abundance of guns and gunpowder and brandy, which they got in exchange for their stolen cattle. The Bechuannas on the Hart River and on the Yellow River, and those living south of them on the Caledon Rivers, were in a short time reduced to the greatest distress by their depredations. Aroused by the distress in which these people were involved, and the cruelties committed on them by this banditti, who were called Berghannas or mountaineers, from the mountainous character of the place where they resided, and from their manner of life; hoping to put a stop to their proceedings, Waterboer attacked them, took from them 4,000 head of cattle, and took the Bechuanna chief and his people, from whom the cattle had been taken, under his protection. Waterboer, as on other occasions, acted very honourably in this instance; he took the whole of the Bechuannas, which he found in a starving condition at the camp of the Berghannas to Griqua Town with him, and distributed among them all the cattle which they claimed, and where they still are protected and cherished by this chief. This affair operated as a check upon the Berghannas for some time; but they never forgave Waterboer this act of justice he executed upon them, nor have they at any time since then abandoned their nefarious practices. In 1825 I visited that country, and tried what persuasion would do with them; they met me on the Alexander River, where I spent some days among them, reasoning and remonstrating with them on the iniquity and impolicy of their conduct, and they made many promises at that time, that they would abandon their evil courses, and settle at a missionary station; but I was not so sanguine as to expect that they were all sincere in their declarations. Some good was, however, done; a few of them were induced to withdraw from their vicious association, and the murderous operations of the others were suspended for some time. It was on this journey that the chief, Adam Kok, solicited leave to settle with his people at the missionary station of Philippolis, and to this I gave my consent for reasons I need not now enumerate. The conditions on which these arrangements were agreed to on my part were, that his residence in that place should be approved by the colonial government, and that he should protect the Boschmen. When this measure was laid before General Bourke he approved of what I had done, and sanctioned the continuance of Adam Kok and his people in that district, on the condition that he would protect the Boschmen. On the same journey I had occasion to come in contact with Kriezer and a number of his people, in consequence of some cruel murders and robberies they had committed on two Boschmen kraals in the neighbourhood of Koma, a place on the Craddock River, about half way between Philippolis and the Yellow River. Kriezer was the chief of a large Coranna kraal then in that neighbourhood, and on the colonial side of the river. After spending a day with them, they gave up the women and children they had captured, and restored to them, and to their husbands and sons, whom they sought out, the cattle and the goats they had taken from them. The children, whose parents had been murdered, were sent to the missionary institutions at Philippolis, where they were provided for; the chief, Adam Kok, never gave any open countenance to the Berghannas, but some of his family were among them, and he never did anything as a chief to check them or their proceedings. When Adam Kok came to settle at Philippolis a considerable number of his people joined him, and they appear for some time to have refrained from committing any great outrages against the Bechuanna tribes. Barend Barends, a Bootchnaap, who had been joined by a party of the same people, who did not place themselves under Adam Kok, formed an expectation to go against Matsilikatsie.

On this occasion Berends was joined by the Coranna tribe of Kreizer, with a few other tribes of the same people, and had about 75 men, including all the Berghannas from Philippolis, returned. Adam Kok declared that they had joined Berends without his sanction, and that they should never again return to live in his district. This resolution, however, the old man did not keep, and the body of his people under him were very much grieved at the weakness he discovered, in the manner that he again received them, and allowed them to gain their former ascendancy over him. In the month of October 1832 I visited this district, on my last journey into the interior.

On my arrival at Philippolis I found the missionary and his family, and all the respectable part of the people, in very great distress. Kreizer had been killed in the affair between Barends Matsilikatsie, but the remains of some other tribes of Corannas had settled about two days' journey on horseback from Philippolis, and from the period of their return from that commando to the period of which I am speaking, they had been employed, as the Berghannas were, in murdering and plundering the Bechuannas to a great extent. Their kraals were the resort of most of the traders who crossed the Great River; and from the manner with which they had been supplied with guns and ammunition and brandy, and the practice they had had in those plundering expeditions, they had become reckless. A few days before my visit to Philippolis, this body of Corannas had entered Adam Kok's district, robbed one of his field-cornets of all his cattle, and they had threatened to return and take all the cattle of the Bechuannas, whom they robbed on a former occasion of the greater part of their property, and who were then under the protection of Adam Kok. They had been followed by Joseph de Bruin, and a few of the respectable part of Kok's people, and part of the property had been recovered, but the Berghannas would not join in the pursuit, and the chief himself took no interest in the affair. The people were not so much

much grieved on this occasion at the amount of their cattle that had been taken from the district, as they were at the conduct of the chiefs and the Berghannas, whom they believed to be parties to the robbery of the Corannas.

They believed, and they had reason for their surmise, that the Berghannas, among themselves, encouraged the Corannas in what they had done, and that it was the commencement only of a system of robbery that was to be carried on until all the good people in the district should be driven away, that the Berghannas and Corannas together might have the whole country in their power, when they would be able to do as they pleased.

At my solicitation the chief, Kok, sent for the principal men of the banditti, and they came to Philippolis to meet me, but my arguments had not the same effect upon them which they had in 1825. I could make no impression upon them; and it was evident to me, from the reception they received from the Berghannas, and the manner in which they associated with them, that the people of Philippolis were correct in the suspicion that they entertained, that they were in league with them. From my conversation with them, they entertained an opinion that I would report their conduct to the colonial government, and that, immediately on my return to the colony, they would be called to account for their past doings; but finding that no steps have been taken they have become more audacious than ever, and they are now threatening that they will not leave one of the people whom they wish to drive away in possession of a single head of cattle. I did everything possible while I was among them to induce them to lay aside any evil designs they might have against the peaceable and respectable part of the community, and the chief, Kok, promised to protect them; but he is entirely under the influence of Hendrick Hendrick, his son-in-law, who is one of the leading men among the Berghannas, and the worst and most dangerous man among that party. Hendrick is clever, and he is plausible, but he is a thorough scoundrel; and such is his power over the old chief, that whatever resolution he may form, and whatever declaration he may make concerning it, in half an hour Hendrick can make him change his mind. The present is the most favourable opportunity that can possibly occur for putting an end to the disorders of that country, and putting the affair of the northern portion of the colony upon a good footing. The great body of the people at Philippolis are sound at bottom, and will be very glad to be included within the limits of the colony, or to have any system the colonial government may think proper to establish among them, that will deliver them from their present chief, and afford them security. They will be very happy to be placed upon the same footing with the Kat River, and to pay their taxes the same as the other colonists pay theirs.

Cornelius Kok, the chief of Campbell, has no people whatever on the station. The whole of the fountains on the station are running to waste, except that which the chief himself uses, and that on the mission premises. He has literally driven all the people away, and the people who formerly used them are wandering about the country in a state of banishment. This is not the only evil that arises from his conduct; he knows he is hated; and hatred, in such a country, is always accompanied with danger to the object against whom it is directed; and it is to be feared that the alarm which he feels leads him to encourage the disorderly people of the country, in the hope that they will assist him, should he be in distress. For the security of the frontier, and to put an end to the disorders that have taken place, and now threatens it more than ever, I would submit to your Excellency, whether it would not be advisable that both those chiefs should be superseded, and that others should be appointed in their places. There can be no injustice in such a proceeding towards the chiefs themselves; they were appointed to their present situations by the colonial government at the recommendation of the missionaries; and having forfeited the confidence placed in them, when they were appointed to their present situations, government could not be blamed for withdrawing that confidence from them, and appointing others in their places, who will do their duty, and look after the interests of the colony, which cannot be separated from the interests of the Griquas themselves, and the interest of the Bechuanas within their territory, and beyond them.

We have said that there would be no injustice in superseding him; and I am certain that it may be now done without any danger, and with great advantage to the colony. More than three-fourths of the people at Philippolis are attached to the government of the colony, and wish to live under its protection, and Waterboer and the whole of his people are of the same mind. By taking those people into the colony, or making proper arrangements with them, the colony would thus have 400 or 500 men who are well acquainted with the country, who are accustomed to live in it, and endure all manner of hardships when they are under arms, who would be always ready at a call to execute any commands the government might require to be executed, and at a trifling expense. Should the Berghannas, on the contrary, succeed in destroying and driving away the respectable people at Philippolis, it would occasion a loss to the colony that could not easily be repaired. Were the people of Philippolis at this moment under Joseph de Bruin, instead of Captain Kok, and united under Waterboer as their commandant, there is no force that Matsilikatsie could bring against the colony that they would not be able to repel; but if, by the union of the Berghannas and the Corannas, we lose the 200 or 300 good men now at Philippolis, it may require as many British troops to supply their place, and English soldiers can never traverse such a country to destroy banditti as these people can do. The good people of Philippolis do not fear being openly attacked by the Berghannas and the Corannas. They know that their enemies will never face them in the field; they would fly at the appearance of any efficient number of them together; but they fear, lest they murder them separately, and before they shall have time to rally. There is nothing now that keeps them from putting them down but their respect for the office of their chief; and their respect for that office

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arises entirely from their respect to the colonial government, by whom he was appointed to fill that office. The whole of the peaceable and industrious people of this district would consider anything done against their chief as done against the colonial government, while he retains the insignia of office conferred upon him by the government; and it is on this principle that they have hitherto borne their condition, and the sufferings they have had to bear from the weakness of their chief, and the influence of the Berghannas over him. It is not for me to dictate to the government as to the plan to be adopted in present circumstances; but, with your Excellency's leave, I shall suggest what I think might be done to remedy the evils deprecated, and to introduce a new and better order of things on that part of the colonial frontier. It has occurred to me, after having given the subject all the attention I have been able to bestow upon it, that either of the following plans might be employed with effect in this case:

1. The people belonging to Griqua Town, Campbell and Philippolis might be received into the colony on the same footing as that on which the Kat River stands in its relations to this colony.

2. If there are any difficulties to prevent the above plan being immediately carried into effect, or anything that would make it necessary to delay it for a time, the object of the colonial government might be gained at this moment, and every evil that all now dread, prevented, without deviating, in the slightest degree, from the principles on which the government has hitherto acted in relation to the Griquas. The right of the government to interfere in their affairs is a principle with which the people are familiar. The government appointed all their chiefs on the recommendation of the missionaries. The captains of Philippolis and Campbell have proved themselves unfit for the situations they hold; the present state of disorder in that country has arisen out of their incapacity, and nothing can be done effectually to remedy the existing and threatening evils till they are superseded, and a more efficient magistracy appointed to succeed them. Should the above plan be thought of any use by the government, I would recommend Joseph de Bruin as the successor of Adam Kok at Philippolis. J. de Bruin is a man of good sense and of courage, and such is the opinion of all the good people in that district of his abilities and virtues, that were they left to their own election in the choice of a leader, they would choose him. Campbell might be annexed to Griqua Town, it is within a short distance of it, and were it annexed to Griqua Town, Waterboer would very soon make an important station of it. If, however, it is thought desirable to have a chief at that place, Abraham Kok, the brother of the two chiefs of that name, might be appointed to succeed his brother Cornelius. Abraham Kok is a respectable man, he is opposed to the views of his brother, and he coincides with Waterboer in his sentiments, and all general subjects relating to the colony and the country at large. Should the government think proper to appoint De Bruin to succeed Kok at Philippolis, and Abraham Kok to succeed his brother at Campbell, it might be well to consider whether it might not be advisable to make Waterboer commandant over the whole district, such a measure would give unity and strength to the operations of the government on that frontier, and by making a man like Waterboer the responsible individual of the district, it would exceedingly simplify the business of government with the district. Waterboer would by this means be brought into immediate contact with the colonial government, and he being an intelligent and active, as well as a benevolent and just man, the fullest reliance might be placed on his superintendence, and on his communications. Should the government resolve to act on the plan recommended, I have to submit to your Excellency's consideration whether it would not be advisable to give to each of the chiefs a small salary, the chief of Philippolis might be allowed 50 *l.* sterling per annum, and should Abraham Kok be appointed chief of Campbell, he might be allowed a similar sum; should Waterboer have the superintendence of the whole district confided to him, he might, in consideration of the expenses that would be incurred by the journies he would have to undertake, be allowed about 150 *l.* per annum. I need not say what a trifle such a sum would be compared to the advantages that would arise out of such an arrangement. The expenses of the late commando under Mr. Ryneveld, would cover all the expenses of the system recommended for half a century, and there can be no comparison between the old commando system and the plan of defence proposed. The Griquas placed under such circumstances would be a wall of iron on that frontier of the colony, and they would be the most effective police that the government could employ to see that all the orders of the government were executed, and to apprehend evil-doers either within or without the colony. The Griqua country may extend about 300 miles along the banks of the Craddock and the Orange River. About 50 miles beyond Griqua Town the great desert commences, which stretches to the western coast, a distance perhaps of 400 or 500 miles or more from Griqua Town, along the whole extent of the river from that place to the sea; it is well known that the boors are in a very exposed situation from the banditti that shelter themselves on the islands and thickets on those rivers and its banks. It is on this part of the river where Sturman, the murderer of the families of the boors, and his party, conceal themselves, and still continue to threaten the colonists with fresh murders. Should the proposed plan be adopted, Waterboer's assistance in rooting out such nests of murderers might be most efficient. In short, the Griquas are the only people that are fit for such a work. All the parts of the river are known to them, and there is not a party of those marauders that would remain on its banks, did they know that Waterboer was in pursuit of them; thus, by the introduction of a proper state of things at this moment among the Griquas, and a trifling annual expense, the Griquas might be made the defence of the colony, along a line of frontier of about 700 miles in length. Should the sum in question be any objection to the plan, the thing may be done without costing the government 1 *s.*

Let

Let the arrangements proposed be adopted, and let the government give the people a tariff, and taxes may be levied in the district to defray the expense of the whole scheme; in the event of any such scheme as that proposed being realized, the utmost confidence should be placed in the chiefs, and they should have ammunition and some additional arms always at their disposal, and the ammunition might be given them on this ground, that it was never to be used, except when they might be employed in public service.

That no confusion may possibly arise from the introduction of the plan proposed, I would recommend, that before the intentions of government should be made known, that an officer with 25 or 30 of the Cape cavalry should be stationed at Philippolis. No class of troops not mounted would be of any use in that country, and I recommend that they should be of the Cape corps in preference to any other, from reasons I need not stop to specify. The officer commanding the corps might have his instructions with him, but he might be advised to conceal them for a little time, and to introduce them by degrees. On this subject he might be advised by Mr. Kolbie with great advantage to himself, and Mr. Kolbie is decidedly friendly to the measure recommended. The Berghannas have lately been attempting to drive him away from the stations. They have recently deprived him of his cattle, which could not have been done with any other intention than to induce him to leave the station. Had they succeeded in this, they know that the best of the people would have accompanied him, and they flattered themselves that they could have done as they pleased with what remained of them. The Berghannas, their friends the Corannas, would not dare to attack a British officer with 25 or 30 soldiers. On this subject there would be no occasion for any apprehension, as the officer commanding the party would be supported by perhaps 200 good men in the district, who would instantly rally round him. With such a force, under such an officer, there is no opposing power among the Berghannas and Corannas that would make a show of resistance, and an officer with such a party might be continued there till all the proposed arrangements should be completed, and then the government might, as it might judge proper, either continue or withdraw them. Were the government to erect a permanent military fort in the neighbourhood of Philippolis, and to place such a man as Lieutenant Warden in the command of the party, there would be no harm in such a measure. I have no personal acquaintance with Mr. Warden; I never saw him in my life, but I have heard on the Kat River, and in Caffreland, that he is a prudent, humane man, and has the confidence of the natives of the country; features of character of great importance in a military officer among such people as the natives of the country are on the other side of the Orange River. The stationing of a military post in such a situation, even should government afterwards withdraw it, would, in the first instance, establish the authority of the new chiefs, and convince the enemies of order beyond the boundaries of the colony, that they would be supported by the colonial government.

After what has been stated, and from what is known to the government respecting the state of the country beyond the Orange River, it is unnecessary for me to enlarge any farther on the importance of some prompt and decided measures being taken, to introduce a system of order that will be permanent and useful on the northern frontier of the colony; but long as the article is, and much as I have written on the subject, I cannot conclude without noticing a few things bearing upon the subject, that occur to me at this moment. The horrid murders that have been recently committed on the borders of the colony, the well-known fact that the murderers escaped in the presence of Mr. Ryneveld and a very large commando of boors, that they are yet on the Orange River, emboldened by the success of their daring, and ready to repeat the crimes they have committed with impunity on the helpless boors within the colony, and the deteriorating of the native character by the influence of the traders, and their intercourse with the country beyond the Great River, as well as the daring robberies lately committed by the Corannas and Berghannas, unite in showing that something must speedily be done to encourage the good men on that frontier, intimidate bad men, and to protect the insulted boors from a repetition of those scenes of horror that have so recently taken place, and that must soon be greatly multiplied, if effective measures are not adopted. There is another motive for supporting the Griquas at this moment that I cannot at present avoid mentioning. It is well known that Matsilikatsie has nothing more between him and the colony but the Griquas; and should the strength of that people be weakened, we know that he will immediately seat himself in the country upon the very borders of the colony. From what is known of the man, and of his mode of conducting war, I cannot conceive a greater calamity to the colony than such an event would be. From the Griqua country he could send forth his bands over the colony in such numbers that he would make desolate every part of it beyond the Snewbergh, and the boors would fall before him like sheep under the knife of the butcher.

With the same facility that he could invade the colony, he could retreat before an English army, where no English soldier could follow him, because he could go into deserts where they could have no water or forage for their horses. The Griquas are the only kind of troops that could follow up such a man, and chastise him in his own country. In addition to the considerations which have been urged to recommend to the colonial government a liberal and enlightened policy in relation to the Griquas, I cannot do justice to my own feelings without noticing another regarding the views the colonial government may entertain as to the future state of the northern frontier of the colony, which will have its weight with your Excellency.

The measures recommended at this moment have become more necessary than ever for the future safety of the colony, from the change which is about to take place in the condition of the slaves. From various causes we need not stop to explain, many of the slaves, and those, perhaps, the most talented of them, may be induced to cross the boundaries of

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the colony. There is something in the character of a freebooter in those wild regions that has great attractions to many of the human race, and such men will be welcomed by the disorderly persons already too numerous in those districts. Laws may be made, and penalties annexed to them, to prevent such persons leaving the colony; but such laws and penalties will be of no effect, if there is not upon the frontier a cordon of troops, or a people spread over it, who will make it their business to see them observed. The Griquas have hitherto served the colony in returning runaway slaves; and we have this security, that they will render all the service to the colony in their power in this respect also; because people of this description joining the banditti, that have always annoyed them, might, especially if they collected in any number, endanger their own safety. If it is not the intention of the colonial government to extend the northern frontier line of the colonial boundary any further into the interior, it will be presumed that the preservation of the Griquas will be found necessary to assist the government in confining the boors within their present limits. The manner in which the limits of the colony have been extending in the Craddock district, where the encroaching boors have nothing to check their progress but the wandering Bushmen, the manner in which they have covered and appropriated 42,000 miles of Boschman country, on the northern frontier of the colony, within the last 12 or 13 years, and the impatience which those recent settlers have discovered to cross the Orange River, and divide among their children and nephews in the Griqua country, clearly evinces that no ordinary circumstances can long confine them within any given limits. No class of the natives I have seen in this country are so partial to a nomad life as the boors; accustomed from their infancy to associate every happiness they look for in the possession of a large country, on which they can find game for the consumption of their families, to enable them to spare their flocks and herds, they have no idea of teaching them any trade, or of dividing their own estates among them, so long as they can get fountains of water and farms as large as their own for them beyond them. Had it not been that the Griquas were in possession of the country, in spite of all ordinary barriers, before this time the boors would have spread themselves far beyond their present limits, and have come in contact with Matsilikatsie. On my late journey into the interior, I found some boors in the Philippolis district who had persuaded the chief, Adam Kok, to allow them to reside among his people. A petition containing 1,800 signatures, praying that the Griqua country might be given to them, was either presented to government, or was to be forwarded to it. For some days during my journey, before I reached the ford of the Craddock, the prospect they entertained of getting possession of the Griqua country was the only subject of conversation in which they appeared to take a lively interest. The circumstance of one boor having been sent over the river filled the greater part of the boors over that district with the most lively indignation; and I saw two families of boors, near that river, waiting there, in hope that government would soon give them, along with the other boors in the district, authority to cross the river, and take possession of the Griqua fountains. One boor, of the name of Pinnar, refused to allow me to unyoke my oxen, that they might drink and feed for a few hours upon his ground; and the only reason he could assign for his incivility and threatening language he used to my servants was, because I was opposed to the boors getting possession of the Griqua country.

The Griquas have been for years very singularly placed; on the one side they have the boors wishing to drive them from their country, that they may get possession of it, and on the other they have all the banditti of the country, who would destroy them if possible, that they might carry their system of murder and robbery to any extent they may think proper; and if the Griquas shall fall between them, the boors and the banditti must of course meet, and it is unnecessary to say what must follow if such a state of things shall be permitted to take place. Among the boors of this district who have manifested this narrow selfish spirit, I met with some exceptions and heard of more. I believe almost all the boors of the district are ready to acknowledge the integrity and talents of Waterboer, and the services he has rendered to the colony. The field-cornet Jaubert, who is near the Philippolis district, remarked to a gentleman from whom I had my information, "I never go to my bed one night without being thankful to God that we have the Griquas between us and danger." Had the sentiments of such men had much influence on their neighbours around them, things would have been in a more favourable state in that country than they now are; but the generality of the boors do not look forward to consequences, and they stand in need of a wise government to think for them, and to prevent the destruction they would bring on themselves and their families by the precipitancy with which they are always ready to sacrifice the future to a present gratification. I have never seen or heard of any of them near the Great River who have not been willing to admit, that the character and position of the Griquas is of great advantage to the colony; yet there are very few of them, I presume, that would not be glad to hear to-morrow that the government was disposed to give them possession of the Griqua country. The prospect of possessing a new country, and that of an immediate harvest which they might reap from the droves of cattle they might obtain by the sale of guns and gunpowder and brandy among the natives, would effectually blind their eyes to the terrible reaction that such a system would in a short time bring upon themselves and their families. It is but justice, however, to the character of the frontier boors to modify the above strictures made upon them by remarking, that the greatest degree of virulence against the Griquas I met with in the colony, I generally found amongst those that were farthest from them, who know least about them, and who stood in least need of their protection; while those of the boors on the Craddock and the Orange River envied them their situation for the advantages that have been specified; they generally allowed that the Griquas had afforded them no small share of protection, but the

boors

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boors at a greater distance from the danger envied and hated and calumniated hem, and could see no propriety in allowing them to remain in that country while they were in want of more room for their increasing families. If, on the other hand, it is the intention of the government to extend the northern frontier of this colony, the preservation of the Griquas would be as important to the colony as if no such extension was contemplated, as in either case it would be necessary to supply the service they might render to the colony by that of the regular troops, and a line of military posts. Were the boors put in possession of the Griqua country, it is impossible that they could be of any use as a military defence to the colony. The boors have no wish to the Griqua country, but for the purpose of having large farms; and the whole of the country belonging to Griqua Town, on which are 2,500 Griquas, and 5,000 or 6,000 Bechuanas, would not satisfy 50 boors. The boors should they spread over the country must be protected. The Griquas, by a proper understanding between them and the government, are not only able to protect themselves, but also the whole of the colonial boundary, extending from the Caledon River to the western coast, including a line of demarcation perhaps 700 miles in length. If a body or bodies of armed men are necessary along this extended line of frontier, the Griquas are certainly in more favourable circumstances for forming an efficient body of this kind than the boors. The Griquas have been all their lives accustomed to a kind of military service; they are well acquainted with the country, they can make themselves merry in situations where the boors would become a prey to despair, and they live in villages, and not like the boors, scattered over an immense country, in solitary farm-houses, and they may readily be called out on any occasion of emergency. The Griquas never trouble themselves about a commissariat, and they never, as has been the case with commandos of boors, allow their enemies to escape while they are making elaborate preparations to follow them. If, on the perusal of this article, your Excellency shall wish for further information on any topic that has been introduced, if any principles advanced require further illustration or confirmation, and if any objections to the principle of interference recommended are suggested, I shall deem it a particular privilege to have your Excellency's wishes communicated to me in writing, that I may have the opportunity of meeting them as soon as possible, and of throwing all that light upon the Griqua affairs and their relation to the colony, which my long and intimate acquaintance with the subject may enable me to impart to it. I have heard but one objection to the principle of interference recommended that has in it a shadow of an argument, and as your Excellency may have heard the objection in question, I shall very briefly dispose of it before I conclude.

It has been said by persons who have a great interest in the continuance of the present system of disorder on that frontier of the colony, and some who have received their opinions from them, that the Griqua chiefs have as good a right to their chieftainship as any other independent chiefs have to the territory, and the authority they exercise over their people, that the colonial government has no right to interfere in their concerns. Were this the fact, that those chiefs had all the rights which belong to the Bechuanna chiefs, the principles advanced on this fact is contrary to all the principles of international law among civilized nations, which allows one nation to interfere with the affairs of another, so far as its own safety is concerned; but the assertion that the rights of the Griqua chiefs stand upon the same footing with those of the chiefs of the independent tribes of the interior beyond them, is an assumption that could not have had any place in the minds of persons at all acquainted with the history of this people. It is to be observed that the Griquas did not receive the missionaries into that country, but that the missionaries found the country for them. When the missionaries, Anderson and Kramer, first went among this people, they found them wandering on the borders of the Beaufort and Clanwilliam districts; after accompanying them five years and a half, and their instructions began to have an effect upon them, the people wished to give up their wandering life and become cultivators of the soil; but they wanted springs of water in that country to enable them to live in one society, and it was to effect this object that the missionaries undertook the journey in which the springs of water where Griqua Town now stands were discovered, and they took possession of them, not in the name of any individuals, but in that of the London Missionary Society. On the return of the missionaries to the people, they informed them that they had found a place for a missionary institution, and from the first day of their settlement at this place, it was agreed to by the people that they were to be there as at an institution which should be subject to the regulations of the missionaries. The only chief which the Griquas had among them, previous to this period, was old Kok, and he was so far from being an independent chief, that he had the staff of a Hottentot captain, which he had received from the colonial government, and he did not then accompany them to the new territory, but retired to his friends at the Kamissberg. Some years afterwards he came to Griqua Town, and wished to be recognized as the chief of the place, and his pretensions were rejected by the missionaries and the people. Previous to Kok coming among them, the missionaries had discovered the springs of water at the place called Campbell, and had fixed upon it as a place to relieve the population at Griqua Town, and the old man was at his own request allowed to go and settle with his family at this place, where he lived and died as a private person. When the missionaries saw it proper to separate the civil from the religious affairs of the institution, they recommended it to the people to make choice of a chief as a civil magistrate; and Adam, or Dam Kok, as he is commonly called, was the person chosen on that occasion; but the missionaries, who always inculcated upon the people submission to the colonial government, did not allow his election to be valid till they had solicited and obtained the sanction of the colonial government to it, and, at their request, a captain's staff was sent to him from Graaf Renet. In 1826, Cornelius Kok, of Campbell, was appointed as a chief at

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that place by the government, by Waterboer. In 1825 I found Adam Kok at the Alexander River; he then pressed me very much to allow him to go with his people to settle at our missionary station at Philippolis. After due consideration, I consented to his occupation of the grounds of that institution on the terms which have been stated in the preceding part of this article.—(*See* page 144). The communication to which reference has been made was sent him from Cape Town in 1826, a few days before I sailed for England, and while he was yet on the Alexander River, waiting for my reply to his application. I never heard whether he ever applied to the government for leave to settle at Philippolis, and I did not hear, till I had been some time in England, that he had removed to this district; but General Bourke, in reply to a letter from Mr. Clarke, who then had the charge of the Bushmen station, approved of the arrangements I had made, and thereby sanctioned Kok's occupation of that country on the conditions I had specified to him. A brief notice of this origin of the Bushmen missions will throw a little additional light on these subjects. When the Toorn Bergs and the Kephzebah missions were put down, and the country in which they were was given to the boors, a number of the old people who had been at those missions, lived in great distress; and out of compassion for them, and as some compensation to us, the government sanctioned the revival of those missions which had been put down, by allowing us to begin the mission at Philippolis.

The power exercised by the government in this case does not involve in it any question of abstract rights. The Boschmen were the original possessors of this country; it was with the approbation of the proprietors of the country that our mission was began in it; and the sanction of the colonial government was received as a recognition of this people's right to this country. With these facts before us, the question at issue is brought within a very narrow compass. Adam Kok's right to this country is not a right of the same nature with the right of those chiefs who live in the country of their ancestors; his right to reside here is merely one of sufferage. He was allowed to occupy this country so long as it should be found that he protected the mission, and was a safe neighbour to the colony and the colonial government which consented to his occupation of that country while he should be found to fulfil the condition of agreement on which he was permitted to come into it, has not only a right, but is, I conceive, under some obligation to the Boschmen, as well as to the colony, to appoint another chief or magistrate in his place when he is found pursuing a line of conduct injurious to the interests of both. In corroboration of the views I have advanced, in relation to the origin and nature of the power of the Griqua chiefs in general, I beg leave to subjoin the following extract from a letter of the Chief Waterboer, which will satisfy your Excellency on this point. This letter is dated Griqua Town, 11th December 1832, and is addressed to the Rev. Mr. Wright, missionary:—

"My dear Sir,

"My views respecting the origin and nature of the power of the Griqua chiefs are in perfect agreement with those of Dr. Philip, as stated in his letter to you, dated

We owe everything to the blessing of God upon the labours of the missionaries in the service of the London Missionary Society. We were no people when the missionaries found us, and it was under these circumstances we became a people. We had no country of our own when the missionaries came amongst us; but were wandering about as fugitives, without a settled abode; and it was the missionaries that found a country for us, and persuaded us to settle on it, and cultivate the land. Adam Kok's father was originally a Hottentot captain in the colony, and came to Griqua Town with a pass from the colonial government; his son, Adam Kok, had previously the mission at Griqua Town, not as a captain, but a private individual. It was not his father's captainship in the colony that was the origin of his office, as a captain at Griqua Town, but the choice of the people, and the recommendation of his appointment, by Mr. Anderson, to the colonial government. I consider the captainship among the Griquas as originating with the people of the missionary station, and recommended by the missionaries, as a necessary step to preserve order at the station. I likewise consider the whole of the power of the Griqua captains as a delegated power, to be assumed for the benefit of the people, and the spread of the Gospel in the country, and among the heathen beyond the Griqua country. For the proper exercise of this power, I consider the chiefs of the Griquas responsible to the people and the London Missionary Society in everything that has a relation to the well-being of the missions, and the promotion of religion and morals among the people. It was at the recommendation of the missionaries that the sanction of the colonial government was asked and obtained to our election as the chiefs of the Griqua people; and this sanction could not have been asked on any other principle than that on which our election was recommended, the well-being of the missions and the people in general. I consider the circumstance of the chiefs taking office from the colonial government as an acknowledgment of their dependence upon the government for their office as captains; and I consider the government which sanctioned my appointment as having a right, "reason being shown for such a step," to withdraw that sanction, and to withhold from me any immunities the office of captain may entitle me to, as far as my political relation to the colony is concerned. Agreeable to your request, before I close this letter, I shall give you a brief account of the origin and progress of Campbell station down to the period at which the appointment of Cornelius Kok received the sanction of the colonial government. In the month of November 1804 I accompanied a party of our people who escorted Mr. Kok, a missionary, to the Bechuanna country, and on our return to Griqua Town we journeyed to the eastward, and in the month of March 1805 we came down upon a number of excellent fountains situated in a large valley, running north and south, which we gave the name of Knoval Valley: after our return home it was frequently a subject of conversation

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conversation among us to commence agricultural pursuits at this new place, but nothing was commenced till the year 1811, when Mr. Jauze, one of our missionaries, accompanied by Mr. Burchell, Adam Kok, chief of the Griqua Town, and a number of his people, went as far as Knoval Valley, and at their arrival at that place Mr. Jauze took possession of the fountains and valley in the name of the London Missionary Society. On the return of Mr. Jauze to Griqua Town, he and the other missionaries made arrangements with a respectable Griqua, who went by the name of Short Adam Kok, uncle of Adam Kok, the chief, and brother of old Kok, the father of the said chief, who, with a party of his friends, went soon after to occupy the said Knoval Valley as an out-station of Griqua Town; Short Adam Kok with three of his own brothers, *viz.* William Kok, Gert Kok and Abraham Kok, also two of his brothers-in-law, Dirk Boer and Jager Boer, and likewise a nephew of his, named Adam Bailie, these persons removed to Knoval Valley 'agreeeably to the recommendation of the missionaries.' In the year 1813 Mr. Campbell visited the Griqua country, and Knoval Valley was called after his own name, Campbell. In 1815, old Cornelius Kok, who was a Hottentot captain within the colony above referred to, removed to the Griqua country with a pass from the Governor, Lord Caledon; he first took up his residence for a short time at Griqua Town, but at the recommendation of Short Adam Kok he removed to Campbell, and here he took up his fixed residence as a private individual merely, and was allowed to possess an unoccupied fountain, with lands for his own personal use. In the year 1816 Cornelius Kok, the present chief of Campbell, came to the Griqua country in order to reside near his father; on his arrival he was not put in possession of any fountain or lands of his own, but was granted some agricultural privileges or suffrances. Owing to the chief, Adam Kok, abandoning Griqua Town and going to reside at the Black River, I was chosen chief in 1820 by the people, in Adam Kok's stead: this choice was recommended by the missionaries and approved by the directors of the London Missionary Society, and received the sanction of the colonial government in the year 1822. Owing to the difficulties of the country, and the distance of Campbell from Griqua Town, with some other parts of the territory towards the Vaal River, in 1824, I thought it a desirable thing to have a chief at Campbell to preserve order in the country, and to promote the interest of the missionary labours in that district. I thought it advisable, with the concurrence of the missionaries and the people, to recommend Cornelius Kok as chief of Campbell, and on application being made by me to the colonial government to sanction the appointment, the government was induced to accede to the proposal, and since that period he has continued to sustain the designation of Captain of Campbell.

"*Andreas Waterboer*,
Chief of Griqua Town."

I have, &c.
(signed) *John Philip*.

Appendix, No. 7.

VAGRANT ORDINANCE.

Reports of the Civil Commissioners.

No. 1.—Cape District.

Civil Commissioners' Office, Cape Town,
Sir, 23 June 1834.

No. 7.
Vagrant Ordinance.
Reports of the Civil Commissioners.

1. I have much difficulty in reporting on the memorial addressed by the Rev. Dr. Philip to his Excellency the Governor in Council, and transmitted to me under cover of your letter of the 6th instant, because, after having repeatedly and attentively perused it, I really find few or no facts, or even alleged facts, in it to report upon.

2. Memorialist's object seems to be, to show that the 50th ordinance had the effect of relieving the Hottentots from the oppressive weight of former laws; that since the promulgation of that ordinance their condition has rapidly improved, and that the measure now in contemplation is calculated to operate to their disadvantage, and bring them back to their former state.

3. That the 50th ordinance was intended to improve the condition of the Hottentots, and was highly calculated to have that effect, had it been accompanied by an Act such as is now contemplated, is most certain; but it is equally true, that, as it was, it proved highly injurious to the cause it was intended to benefit, and the universal desire for a vagrant law at the time, as stated by memorialist, shows this to have been the public opinion. The desire for a Vagrant Act was not, however, attributable to the causes to which memorialist ascribes it; it was not expected or wished that such Act should have the effect of preventing Hottentots from leaving the service of the European colonist, nor was it feared that they would assemble "in regular banditti," to attack the lives of their former employers; but a people prone to habits of wandering, of idleness, and of drunkenness, as the Hottentots proverbially are, when suddenly freed from all control, was expected, and with reason too, to pursue those courses which could not but be injurious to property, and destructive of their own comforts, morals, and lives; it was with a view of preventing those evils that a vagrant law was so loudly called for; and to no class of persons in the colony did the non-existence of such law prove so hurtful as to the Hottentots themselves.

4. During the winter immediately following the promulgation of the 50th ordinance, Hot-

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tentots of both sexes were seen in numbers, at all hours of the day and night, in a state of drunkenness and entire nakedness, in the vicinity of Cape Town and along the Wynbug and Simon's Town roads, exhibiting scenes the most indecent and disgusting; and the lives of many of them were actually sacrificed from exposure, in a state of insensibility from drunkenness, to the inclemency of the weather, whilst any efficient interference of the magistrates or police was prevented by the provisions of the 50th ordinance; nor were similar occurrencesl ess frequent or less pernicious in their effects in other parts of the colony, and a reference to the records of the circuit and magistrates' courts, will show the increase of crime attendant on the promulgation of that ordinance.

5. That the condition of some Hottentots is, however, recently improved, is perfectly true; but this is chiefly to be attributed to the encouragement held out by government to well-conducted Hottentots, in making them grants of land; the settlement at the Kat River is an instance. In the residency of Simon's Town, and some parts of the Cape district, many of them obtained grants at my recommendation; and all, or nearly all of these, have proved themselves highly deserving of such encouragement; but no class of persons complain so much, or have so much cause to complain of the want of a vagrant law, as the Hottentots and other people of colour who are proprietors of land. Crowds of wanderers from all directions flock round them, on the plea of relationship or acquaintanceship, paralyzing all their endeavours at improvement, and rendering every exertion to better their circumstances absolutely abortive.

6. On the circumstances which memorialist states to have come to his knowledge whilst on a visit to the frontier, I cannot of course venture an opinion; but I believe that alleged facts, said by Dr. Philip to have been communicated to him by others, ought not to be allowed to operate in any way, either for or against so important a measure as that in contemplation.

7. I do not see the grounds on which memorialist rests the assertion, "that the proposed law would bring things back to their former state." A Hottentot, or any other person possessing the means to maintain himself and family, or who, wanting the means, voluntarily works, and applies the proceeds of his labour to that purpose, will not in any way be affected by the measure; but such as neither possess the means, nor are willing to work, must indubitably maintain themselves by dishonest practices,—such as, I am sure, the reverend memorialist could not for a moment think of countenancing. The whole of this and the succeeding paragraphs appear to me mere declamation, opposed to reason and common sense. Memorialist wishes in fact to maintain, that so long as the Hottentots are suffered to wander through the colony without any fixed residence, without property, and without work, they will be honest, industrious, and must improve; but that so soon as they are compelled to gain an honest livelihood by their own labour, they must either steal or starve.

8. I deny the justice of the inference which the memorialist draws from the recent proceedings of some of the field-cornets of the Cape and Stellenbosch districts; it does not follow that, because they, as individuals, concurred in such measures as the inhabitants deemed necessary to adopt for the protection, as they conceived, of their private property, they should be expected to act unjustly in executing a law which will not even come into operation until after such private property shall have ceased to exist. It cannot, however, be denied, that the power of the field cornets ought to be limited to apprehending vagrants, and bringing them before the nearest magistrate; and that therefore, under present circumstances, much inconvenience may be found to arise from the great distance at which many of the people reside from the seat of the magistrate; but this may be obviated by appointing justices of the peace from among the most respectable farmers in the distant parts of each district; and I feel assured that a sufficient number of men of high character may be found, willing to undertake these duties gratis, and who are incapable of cruelty and injustice, of which the memorialist gratuitously accuses all of them.

9. The complaint that the farmers do not allow the Hottentots to graze their cattle in their neighbourhood, as they did formerly, is positively absurd. I can see no injustice in the farmers not allowing Hottentots' cattle to trespass on their lands, since the Hottentots will neither work nor pay for their grazing: the complaint, in fact, like the 50th ordinance, militates against the cause which the memorialist endeavours to support; for it admits, that whilst the Hottentots were in the service of the farmers, they had the benefit of grazing their cattle, besides their wages and maintenance, an advantage of which the 50th ordinance has virtually deprived them; and that any farmer or field cornet had ever attempted to prevent the cattle of Hottentots from grazing on Hottentots' own lands, is absolutely untrue.

10. Having thus endeavoured to follow Dr. Philip through his memorial, it remains only for me to express my surprise, that a person professing to entertain principles of impartiality and justice, should have viewed but one side of this most important question, and that side only in as far as, in his idea, the interests of one class of individuals alone are likely to be affected. To the approaching period for emancipating the slaves, and to the changes that that measure will produce, memorialist does not advert; a measure alone, even if a single Hottentot did not exist in the colony, which obviously points at the necessity for a vagrant law.

11. I have ascertained the opinions of the inhabitants on this subject, and those fully support my own; and the people trust that no opposition will induce his Excellency the Governor in Council to abandon a measure which the circumstances of the colony render absolutely indispensable.

The Hon. the Acting Secretary to Government.

I have, &c.
(signed) *W. M. Mackay*, Civil Commissioner.

No. 2.—STELLENBOSCH.

Sir, Civil Commissioners' Office, Stellenbosch, 27 June 1834.

No. 7. Vagrant Ordina

1. I HAVE the honour to acknowledge he receipt of your letter of the 6th instant, transmitting, for my report, copy of a memorial addressed to his Excellency the Governor and Legislative Council, by the Rev. Dr. Philip.

Reports of the C Commissioners.

2. I do not hesitate to say that, as far as I had opportunities of judging, the ordinance No. 50 was followed by evils to many, but more especially to the Hottentots themselves.

3. Whatever may have been the effect of that ordinance in other districts, I can safely venture to assure his Excellency, that in this it had the effect of encouraging that people to lead a wandering, idle and dissolute life, causing losses to other inhabitants, and indescribable misery and wretchedness to themselves; and the memorialist, I think, cannot be ignorant of the fact, that many lives fell victims to those excesses which, after the publication of that ordinance, the free people of colour were permitted to commit, and which, in the absence of a vagrant law, could not have been prevented. The consequence is, a decrease in the number of Hottentots in this district, at the average of 131 in each year since 1828, as is shown by the enclosed return.

4. Up to that time, I know the Hottentots, as far as regards this district, to have been better off than at present. They had a home for themselves and their families, and were provided for according to the means and circumstances of their employers, and crime among them was of much less frequent occurrence, as the criminal records will show.

5. I believe there is no part of the world where vagrancy is less excusable than in this colony; there are none who may not find employment, and be well paid for it. The average rate of wages in this district, per mensem, for Hottentot men contracted for 12 months, with one, but more commonly two suits of clothing during that period, is 4*s.* 3*d.*; ditto, ditto, without clothing, 10*s.* 6*d.*; for Hottentot men, contracted for shorter periods, to proceed on journeys to the interior, 15*s.* 7*d.*; ditto, women, two suits of clothing per annum, or per mensem, 2*s.*; but idleness is innate in the Hottentot, and, generally speaking, he will not work unless compelled, but will rather have recourse to any other mode, however dishonest, of procuring the means of maintenance; and to check this evil alone a vagrant law is necessary.

6. With respect to memorialist's statement as to his visiting every district in the colony, with the exception of Graaf Reinet and Beaufort, and his having ascertained from farmers and magistrates "that crime was on the decrease," &c., I am bound to report, that if he, in mentioning every district, includes this one, neither the present magistrate nor his predecessor ever had any conversation with memorialist on the subject, nor could they possibly have given him the information he states himself to have received.

7. The memorialist assumes that all Hottentots will be compelled to enter the service of the farmers: the proposed ordinance cannot be said to be intended to have this effect, or to interfere with any one who maintains himself by honest means.

8. It is calumnious to assert that injustice to Hottentots was ever countenanced by authority in this colony; during my public service of nearly 30 years, I have never known an instance of the kind. Cases of ill-treatment by individuals have certainly frequently occurred in the colony; but instead of being encouraged by authority, justice was invariably administered with impartiality.

9. The construction put by memorialist on the conduct of some of the field-cornets of this and the Cape district, on a recent occasion, is most illiberal and unjust; very great excitement prevailed at the time, and some field-cornets may have joined others in expressing their feelings in a matter in which their own interests were so deeply involved; but the memorial recently addressed to his Excellency the Governor by the slave proprietors, and among them the field-cornets alluded to, was so moderate as completely to disprove the alleged facts stated by memorialist: at all events it does not appear to me, from the draft of the intended ordinance, that the field-cornets are intended to be invested with any power in deciding in cases of vagrancy.

10. It is not true, (at least as far as regards this district), that the Hottentots have become alarmed on account of the proposed ordinance. Some of them still quietly occupy lands as they have hitherto done, and these, with all others honestly employed, do not dread, and have no cause to dread, the effects of the measure.

11. I feel it my duty to mention, that "the unsettled state of the Hottentots has caused injury to the revenue; during the period fixed for collecting the taxes, they leave each division in succession as the civil commissioner proceeds, and often return as soon as he has passed, thus evading the payment of their taxes, and their poverty precludes the possibility of prosecuting them, the expense to government being found to exceed the amount claimable."

12. I have only now to add, that the inhabitants of the district generally agree with me in opinion that a vagrant law has become necessary, and that it will be more especially indispensable from and after the time fixed for the emancipation of the slaves; it will give security to property, it will benefit industry, and effectually check idleness and vagrancy, now so generally and justly complained of.

I have, &c.

(signed) *D. W. Ryneveld*, Civil Commissioner.

No. 7.
igrantOrdinance.

:ports of the Civil
ommissioners.

RETURN showing the Hottentot Population of the District of Stellenbosch, as taken from the Official Rolls of the Field-cornets, between the Years 1828 and 1834:

YEARS.	Males.	Females.	TOTALS.	Decreases.
1828	915	731	1,646	—
1829	875	737	1,612	34
1830	785	649	1,434	178
1831	709	576	1,285	149
1832	677	543	1,220	65
1833	583	405	988	232

Decrease in five years, or 131 each year, 658.

No 3.—UITENHAGE.

Civil Commissioners' Office, Uitenhage,
26 June 1834.

Sir,

IN reply to your letter of the 6th instant, relative to a paragraph of the Rev. Dr. Philip's memorial, I beg to inclose herewith, for his Excellency the Governor's information, copy of my letter to the resident magistrate and the clerk of the peace of George, dated 12th instant; copy of Mr. Wentzel's communication to Mr. Anderson, dated 17th instant; Mr. Anderson's replies thereto in original, both dated 20th instant, and an affidavit from Cathryn Moos; and which documents I humbly trust his Excellency may deem sufficient in the case in question.

I have, &c.
(signed) *J. W. Vander Riet,*
Civil Commissioner.

Civil Commissioners' Office, Uitenhage,
26 June 1834.

Sir,

1. WITH reference to your circular letter of the 6th instant, I beg to state that the sentiments set forth in the memorial of the Rev. Dr. Philip on the proposed ordinance to suppress vagrancy, seem to coincide with the opinion entertained by persons here, who, from their local knowledge, long experience, impartiality, &c. are capable of judging on the subject, and as I concur in the view they have taken of the case and expressed in the accompanying memorandum, I therefore respectfully beg to submit the same for the consideration and to the better judgment of his Excellency the Governor and Legislative Council, as far as my districts are concerned.

2. With the view of insuring a due collection of the annual taxes, also to have a better check on persons of a roaming disposition, and likewise easier to detect deserters, &c., it appears to me to be desirable that every individual, whether of the white or coloured population, free black, &c., coming to reside (for whatever period) in or leaving any of the field-cornetcies, should be obliged to give notice thereof to the field-cornet, provincial field-cornet, or to the chief missionary in such ward, and removing to another district, to obtain from the civil commissioner or magistrate the usual certificate of removal.

That no government lands be occupied without special permission.

That no canteens be allowed beyond the limits of towns or villages where there is a proper police.

That the outspan places be exclusively reserved for the use of travellers, who will, however, not be allowed to remain there longer than 24 hours, unless in extraordinary cases; and

That in the event of theft or other crimes being committed, the field-cornets and inhabitants should use more diligence to detect the perpetrators, in order to be dealt with according to law.

In conclusion, I beg to say, that what I have stated is merely my humble and candid opinion, which I have formed from my local knowledge of the Uitenhage and George districts only, being unacquainted with the local circumstances of the other districts.

I have, &c.
(signed) *J. W. Vander Riet,*
Civil Commissioner

MEMORANDUM.

1. I consider that the effect of the proposed ordinance to suppress vagrancy would be to revert precisely to that state or condition in which the Hottentots were existing prior to ordinance 50, that of compulsory service, which compelled one portion of the community to serve the other at a minimum remuneration of wages. It prevented the Hottentots ever emerging

emerging from a state of degrading servility, and had, at the same time, the most baneful consequences on the character and habits of the privileged class.

2. The release of the Hottentots from this state of thraldom had no doubt generally, at first, the effect of depriving the farmers of the labourers who had become indispensable to them in the management of their farms; but this disadvantage has, in a great degree, been ameliorated by its having become an incentive to more industrious habits on their part, as well as their children; and they now, in most ways, perform themselves those very services which devolved on the Hottentots while they were existing in a state of inactivity.

3. I feel convinced that a better order of things are daily beginning to appear, from the operation of the 50th ordinance. The wholesome relations which should exist between the master and servant are beginning to be established where the services of the Hottentots are wanted; his wants and comforts and feelings are not so utterly disregarded as they were in past days, when they could be arbitrarily obtained; and I should think that any general improvement in the country, which will enable the farmers to give fair wages, will have the natural tendency of inducing the Hottentots to enter their service.

4. Another effect of ordinance 50 has been to raise the price of daily labour of Hottentots in the villages, which has in many instances furnished the profligate with the means of gratifying their addiction to ardent spirits, and in others to clothe themselves better, and partake of many comforts they never before had the means, or even the desire to obtain. This point can be fully established by reference to any shopkeeper in this town, who cannot deny that, seven years ago, a Hottentot was scarcely permitted to cross the threshold of the shop-door, while at present their custom is, in many respects, studiously sought for. I would also request any impartial person to contrast the appearance of Mr. Messer's congregation, on Sundays, with what was the condition and feelings of the same class five years ago.

5. Besides, vagrancy is a very vague or indefinable offence in a colony where there is no begging, enjoying a fine climate, and cheap provisions. In England, the curse of vagrancy is, that the industrious are called upon to support idleness. In this country, the ordinance 50 has not caused any tax to be laid on the public to support the poor; and if what may be considered vagrant habits lead to stealing and marauding, let the vigilance of the local authorities, combined with a greater degree of exertion on the part of the inhabitants, be actively used to apprehend the transgressors. But I see no cause why the public at large should be exposed to the encroachment on their liberty, because in all cases robberies are not detected, or that farmers cannot get servants, or that the Hottentots are contented with a mode of existence repugnant to the ideas of the white population.

6. I also consider the ordinance would open a door for oppression, and for the exercise of illiberal or vindictive feeling, not only against the class held in such contempt by the mass of colonists, but towards strangers, say European labourers, &c., men of irregular habits, which, according to the ideas or interpretation of some country functionary, might be deemed vagrant. In a country like this, there should be no check to locomotion. The more Englishmen get accustomed to mix with the farmers, whether as servants, or for whatever purposes, the better.

7. If the Government consider that any measures are necessary on their part, consequent on the working of ordinance 50, I should conceive the most effectual mode would be in maintaining the police, in the country districts, in a more efficient condition than they are at present, in regulating canteens, providing a better system of prison discipline,—in diffusing education and religious instruction for all classes in the field-cornetcies. These, combined with the opening of new channels of industry, so as to raise the demand and value of labour, would be the best corrective for existing evils.

8. I also think that sufficient allowance is not made for the gradual improvement of the Hottentots. Among the rising generation, from the effect of schools, and their present improved position, they imbibe ideas which their parents never have had the opportunity of doing. Those who advocate a system of coercion for the improvement of men, in preference to the influence of education and mild and impartial laws, argue against facts which the world at large is now maintaining with more zeal than in any former age.

Civil Commissioners' Office, Uitenhage,
12 June 1834.

Sir,

In transmitting to you the annexed copy of a Government Letter addressed to me, under date the 6th instant, relative to that part of a memorial from the Rev. Dr. Philip, mentioning the circumstances which had lately brought not less than 200 Hottentots to Pecaltsdorp, you will perceive that I have no other alternative but to request of you the favour to make, as early as you conveniently can, the most minute inquiry as to the truth of that statement, in order that I may furnish his Excellency the Governor with a detailed report thereon.

I have, &c.
(signed) *J. W. Vander Riet.*

W. A. Wentzel, Esq.,
Resident Magistrate, George.

P.S.—I have requested Mr. Kugs to assist in making said inquiry, should you require his co-operation.

Civil Commissioners' Office, Uitenhage,
12 June 1834.

Sir,

No. 7. Vagrant Ordinance. Reports of the Civil Commissioners.

The resident magistrate of George having, by my letter of this day's date, been requested to institute inquiry into a certain statement made by the Rev. Dr. Philip, I shall therefore feel obliged if you would assist in making that inquiry, should Mr. Wentzel perhaps stand in need of your co-operation in this respect.

I have, &c.
(signed) *J. W. Vander Riet*, C.C.

W. C. Kugs, Esq.,
Clerk of the Peace, George.

George Town, 17 June 1834.

Sir,

It having come to the knowledge of government that an unusual number of Hottentots have recently located themselves at your institution, I have received a communication to ascertain the truth of the said statement; and if so, the number, and what cause can be assigned; the more so, as a report has been made that a field-cornet had said to them, that they were no longer to be allowed to remain without masters; that they must enter into service, or leave their habitations, and that the 50th ordinance was to be taken from them.

I have, &c.
(signed) *W. A. Wentzel*, Resident Magistrate.

Pecaltsdorp, 20 June 1834.

Sir,

In reply to your communication of the 17th instant, I beg leave to state the following: The number of individuals belonging to this institution previous to April last was 516, including men, women and children; the number at closing my return to government, was 895, making an increase of 379. With regard to the causes to be assigned for this large increase, it is not in my power to specify, as an order for a return to be made to government was general in all the field cornetcies: this appears from a circular from government, a copy of which I received. Many who came for admission here were formerly belonging to the institution, but had been long absent. Many came from George Town and places adjacent, requesting admission. The reasons assigned were various, and it would be impossible for me to offer a specific statement; I can only say, a very unpleasant feeling and sensation seemed to prevail, *i.e.*, that if they did not now enter the institution, they would not be able to do at a future period; that they would have to enter into contract service with the farmers. This idea seemed to prevail, but to trace the source thereof I cannot. I can only say, I used no influence whatever, nor gave the least encouragement to their seeking admission. I did all I could to allay the impression which seemed to have caught hold of them. In three cases it had the effect that the persons returned, seemingly satisfied. With regard to my act of admitting, I pursued my usual course, not thinking it to be my duty to reject any who (upon inquiry) had no legal hindrance, and requested admission.

In reference to the report of the field-cornet, I did hear of a case related by a woman from Droog Veld, who came here for admission. She said the field-cornet told her, "You must go to the school, or engage somewhere in contract." With regard to any remark upon the 50th ordinance, I have not heard any such remark.

I have, &c.
W. M. Anderson.

To W. A. Wentzel, Esq.,
R. Magistrate, George.

Cathryn Moos, of Pecaltsdorp, maketh oath and saith, that she, deponent, with the consent of Paul Fouché, lived on the place, "Klein Brak Rivier," situate in the ward of Mossel Bay, district of George, now occupied by Michiel Van Breda and said Paul Fouché, about two years without being engaged to any one; that she, deponent, at times cooked and washed for the family of Paul Fouché, for which she received food and clothing for herself and her six children. Previous to the last annual opgaaf, and shortly after last new year, the field-cornet of the said ward, "Jan Meyer," came to said place with property-declaration billets; at that time deponent gave up a list of property to said officer, and on that occasion said Breda signified to said field-cornet that he and his co-occupier of said place were resolved not to allow any person to remain on it without entering into contract, whereupon said field-cornet asked deponent what her intention was; and upon her replying, that she should not contract with any person, the field-cornet mentioned to her, that it would be advisable for her to look out for another habitation. Deponent remained some time at said place before she removed to the missionary institution at Pecaltsdorp, where deponent went of her own free will; neither the said field-cornet or any other person ever said to deponent that she would be obliged to go to a school, or engage somewhere under contract.

Deponent chose Pecaltsdorp for her residence, in order to have the benefit of resorting to church and to have her children educated.

(signed) the mark
+
of *Cathryn Moos.*

Sworn before me at George Town,
this 21st day of June 1834.

No. 4.—Graaf Reinet.

Sir, Civil Commissioners' Office, 28 June 1834.

No. 7.
Vagrant Ordinance
Reports of the Civil Commissioners.

1. In reply to your letter of the 6th ultimo, directing me to report on the memorial of John Philip, D.D., I beg, in the first place, to express my regret that other public business and the great importance of the subject upon which I have to report, have hitherto prevented me from complying, in this respect, with the desire of his Excellency.

2. I have given the most undivided attention to every statement and argument contained in the memorial, and, keeping in view the true state and existence of the lower orders in this district, I do not hesitate to express my conviction that the proposed ordinance for the suppression of vagrancy is not only at present imperatively called for, but that it does not even go far enough for what the present state of the vagrant population would seem to require.

3. I must confess that it is possible that the proposed law might be attended with temporary inconveniences to persons not strictly vagrants; but for a single case of that nature, I think that any similar law would reclaim at least 10 idle and vagrant persons, who would otherwise remain in a state of actual and immediate loss to the community in general.

4. I am not of opinion that the proposed law can, with reason, be compared with those laws that were in force previous to the ordinance No. 50, as those were applicable to a particular class only, while the proposed law extends to the indolent of every class, without distinction, and the pretence that all vagabonds belong to a certain class, seems a very insufficient and unsatisfactory reason for permitting vagrancy; one might with equal reason say, that because all those who steal are vagabonds, the punishment for theft presses with undue severity on one class.

5. I agree with the memorialist, that many irregularities were expected to follow the promulgation of the ordinance, No. 50, but the conclusion I came to differed materially from that which the memorialist himself says was forced upon him; for he says, that after proper inquiry, he had found that the alarm had no other foundation but in the minds of the inhabitants, whereas it is a fact which I can testify, that thefts of horned cattle and sheep were at that time daily committed, and to a great extent; and in the same year of memorialist's journey, no less than 183 persons, falling under the usual term of vagrants, were convicted before the magistrates and circuit courts of "vagrancy and cattle theft."

6. The description given by memorialist of the state of the servants in this district in the year 1825, as compared with 1832, appears to me partial and very much disguised, by such expressions, for instance, as "living on offal;" whereas want of meat for food is the last thing of which a cattle farmer's servant can complain; and I have it from my own observations, that offal is generally considered as a delicacy, and seldom given to the servants. Another figure of speech calculated to mislead is, "standing erect in the presence of their master." I am not aware that such a humiliation as must be inferred from this expression has ever been the state of the servants in their deportment. With respect to the dejection and wretchedness which he says to have observed among the servants under forced labour, it is true that such might be expected, but I am fully convinced that this has never reached that misery to which those were exposed who have since led a vagabondary life.

7. I have not the least doubt but that thestate of those who, after the promulgation of the 50th ordinance, were prevailed on to take service, has been in many respects improved; but the low rate of wages which continues to be paid shows that either the services of that class are not considered of more value, or that their continuance is of too uncertain a nature.

8. It is to be hoped that the ordinance will not affect any persons who can honestly support their families in a state of independence, as is presumed by the memorialist, who pretends that the law will be abused in every case; and it is to be wished that, either by proper provisions against abuses, or from the improved feelings of the inhabitants, abuses may be rare; at all events they must be considered as exceptions.

9. I would be able to name many persons, scattered at great distances over this district, who, I am convinced, would conscientiously discharge the duties of magistrate, and would free the law from the greatest difficulty I can presume at present, namely, the distance from the district towns.

10. It is only a small portion of the Hottentots who, as memorialist states, know the value of money, or would work better for higher wages.

11. With respect to such of those people who may be scattered over the colony, and possess both property and a good character, and I know several instances of this nature, I have not the slightest doubt but that if they could be assisted with small grants of land, either in villages or elsewhere, that they would prosper, and that it would contribute to the improvement of others; and, if authorized by Government, I could settle with advantage on Government River in this town several industrious tradesmen who reside here.

12. With respect to the Hottentots flocking to the missionary institutions from fear of being compelled to earn their livelihood by their own industry, I must confess, if this be the truth, it is lamentable; but his Excellency will not fail to remember, that a similar complaint, as was said to have been made at Pecaltsdorp, was made at the Kat River by certain Hottentots of this district, which, upon inquiry, was found totally groundless; but it seems no argument against this law that industrious persons have been misinformed as to its object; and if vagrants have, in consequence of being alarmed thereby, fled to the institutions, I consider this a direct argument in favour of the law, as it would enable those persons upon whom they encroach to compel them to take service if they cannot support themselves otherwise.

No. 7. Vagrant Ordinance. — Reports of the Civil Commissioners.

13. My report relative to the commando, as well as similar reports from this district during a series of years, will show that great numbers of bushmen and others are in the habito assembling together in the vicinity of the frontiers, until they, after having consumed their scanty supply, are driven to the necessity either to disperse and to go and steal, or to join in possessing themselves of all the cattle of any weak-defended place, by murdering all the people they may find there, and then proceed over the boundaries to consume the cattle they have stolen; this state of things, and the want of any well-understood provision respecting vagrancy, leads to the necessity of commandos, which are often of necessity accompanied with the shedding of blood.

14. I am humbly but firmly of opinion, that all the mischief resulting from arbitrary power will much sooner arise from this state of things than from a simple law against vagrancy, which would have the desired effect of preventing these bands from collecting together in such dangerous numbers.

15. I cannot possibly conceive how this ordinance can be said to establish arbitrary power over servants; arbitrary power corrupts and destroys the mind, but not to that degree as is caused by the present lawless state of affairs on our frontier. I do not know what people could suppress their feelings, if they were exposed to the attacks of bands of vagrants who roam about unrestricted by any law, who murder defenceless families in the most cruel manner, and often destroy with poisoned arrows what they cannot consume.

16. His Excellency will perceive from the before-mentioned report, that I have distributed the people whom I have on that occasion found together, until I shall have received instructions how to act. According to strict law, I could only interfere with those who were suspected as having been accessory to the murder and robbery; but his Excellency will no doubt admit the difficulty in which I was placed. I saw that they had not even enough to subsist upon for a week; I knew, by long experience, that they never exercised any judgment or precaution; if left to themselves, they must have joined in a fresh attack on some place. In the eye of the law of this colony they were free burghers, subject to payment of taxes, and to serve on commandos (neither of which is done in this district by one out of 500 of this people); they are, for the purposes of deceit, held up as beings greatly improving in civilization; in as having attained a higher degree of civilization than even the colonists; but with the facts before me, I was forced to do that which a vagrant law would have effected; namely, to place them where they could honestly support themselves, even with the sacrifice of that share of their liberty which they have misused, and I am fully convinced that this was the best arrangement I could make, under existing circumstances, as the depredations they commit would justify any future commando in extirpating them.

17. A reference to the case which has lately occurred will show, more than any argument I can adduce, the state of affairs in this district, and the necessity of a law against vagrancy.

18. The feelings of the inhabitants, respecting which I am desired to report, can be imagined, when it is considered that they were the principal sufferers from the present state of the laws. It is possible, as the memorialist states, that some persons might have expressed those feelings which he attributes to the inhabitants in general, and it is also possible that persons who never saw any other system than that of compulsory labour, when they experienced the difficulties which accompanied the releasing the Hottentots from all restrictions, might have expressed a desire for the repeal of the ordinance, No. 50, but I can safely say that such narrow ideas have never been cherished by any person of influence of this district, even among the most ignorant of the farmers.

19. The inhabitants were perfectly convinced that an equality of all lawful rights would be extended both to the slaves and Hottentots, and their wish has always been for laws against vagrancy which would sufficiently check the irregularities that have been experienced.

20. I last week had the honour to state that, at the request of several inhabitants, I had sanctioned a public meeting, when the inhabitants might express their sentiments on the subject; this I thought the best mode to get at the true state of their feelings. I have now the honour to transmit copy of a memorial, grounded upon the resolutions taken by the meeting, which memorial is now lying for signature, and will, as I have been informed, be transmitted by the next post to his Excellency and the Honourable the Legislative Council, and from what I previously knew of the general feelings of the inhabitants of this district, as well as from what has transpired at the meeting, which was well attended, and where all the resolutions passed without a single dissentient voice, I hesitate not to state that the memorial may be taken as expressing the true feelings of the inhabitants of this district.

21. It is with great satisfaction that I am able to report that those resolutions which recommended the encouragement to industry among the coloured classes were adopted with loud applause, in a meeting of more than 170 persons, and in a place where the supposed prejudices of the colonists were considered by such writers as the memorialist to be so inveterate as to be utterly inextirpable.

22. I have further the honour to state, that when it was proposed at the meeting that the memorial should be transmitted to the several field-cornets for signature, an amendment (the only one proposed) was adopted unanimously, to the effect that this course ought not to taken, as it might afterwards be said that the memorial had been got up in an improper manner, and that the signatures were solicited thereto.

23. I also consider it of importance to state, that the memorial must be taken to express not only the feelings of the inhabitants accustomed to slavery, but also the sentiments of many persons who abhor slavery, who were always favourably inclined towards the lower classes, but who consider the checking of vagrancy absolutely necessary for their improvement.

24. With reference to that part of the memorial where the memorialists appeal to their loyalty

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loyalty and ready acquiescence in the Slave Abolition Bill, when the same was, in obedience to the Governor's circular, communicated by me to them, I consider it my duty to avail myself of this opportunity to state, for the information of his Excellency, that this good inclination of the inhabitants was greatly promoted by Mr. D. Moodie, the protector of slaves of the Eastern Division.

25. In the discharge of the critical duties of his office it became his duty to decide disputes between different classes of society, namely, between master and slave, the difficulties of which can be better comprehended by those who are acquainted with the relative situations of those people, than here expressed; but through the mildness of his manners and the moderateness of his character, he succeeded in convincing the culpable of his guilt, without at the same time creating any exasperation either on the part of the master or the slave: good faith was thereby established, and I hesitate not to say, that he was thus in a measure the cause of that good understanding which at present so happily exists in this district among the slave owners.

26. In general, I have to report that it is my considerate, positive and conscientious opinion, that the memorial on which I now report contains a dishonest and partial review of the circumstances of the lower classes, and of the feelings of the inhabitants; and that, even with the prejudices with which the memorialist commenced his tour of inquiry, it is quite impossible that he could have come to such conclusions if he had had a proper source of information, or had availed himself thereof. He seems totally blind to anything which appears unfavourable to his previously formed ideas. As an example, I have been authorized by the resident magistrate to state, that while Dr. Philip was in this town in January 1833, at a time when he says the state of the Hottentots exhibited so many signs of improvement, the bushes and ravines in the neighbourhood of this town were infested with persons of that class in a state of the greatest wretchedness, caused by their own indolence; and that some days before memorialist left Graaf Reinet, the magistrate gave directions in open court, that any vagrants that were discovered were to be apprehended and brought before him, as they would have the advantage of so able an advocate; in consequence of which order about 40 persons were apprehended, while memorialist was still in Graaf Reinet, a proceeding which could scarcely have escaped the observation of a person who was practically engaged in inquiring into the state of the Hottentots; but when they were the following morning brought before the magistrate for examination, it was affirmed that memorialist had left this place that same morning, and yet he ventures to assert "that he inquired with all diligence, and made use of all the sources of information to which he had access."

27. After the most mature consideration, therefore, I have to state as my humble opinion, that the memorial upon which I have now reported was dictated by enthusiasm, and is calculated to mislead, and that the same does not contain a single fact or argument of any importance, which, in my humble opinion, should move the council to delay the making of proper provisions against vagrancy in this colony.

I have, &c.

The Hon. the Acting Secretary to Government, Cape Town.

(signed) *W. C. Van Ryneveld*,
Civil Commissioner.

No. 5.—ALBANY.

REPORT on the Memorial of the Rev. Dr. *Philip*, on the subject of a proposed Vagrant Law.

Graham's Town, 4 July 1834.

Paragraph 2.

1. FROM my own observation during a period of 14 years, and from the representations made to me by a great number of persons, I am deeply impressed with the conviction that an ordinance is absolutely indispensable.

2. The laws from which the Hottentots were relieved by the 50th ordinance were not "similar to that now in contemplation." Those were partial enactments, applying expressly to the Hottentots; that which is now proposed is general, and applying to all equally.

Paragraph 3.

3. Soon after the promulgation of the 50th ordinance, a public meeting of the inhabitants of Albany was convened for the purpose of considering the expediency of petitioning his Excellency the Governor to relieve them from the depredations to which the supposed removal of all restraint upon vagrancy had exposed them. The petition then addressed to Government was signed by upwards of 600 persons, chiefly English proprietors in this district, and I have no reason to believe that any of those persons have since altered their opinion respecting the necessity of an ordinance for the better suppression of vagrancy in this colony.

4. The evils sustained in consequence of the want of a vagrant law were fully as great as had been anticipated.

Paragraphs 4 & 5.

5. It does not appear from what particular sources the petitioner drew his information; my own observation, the representations so frequently made to me by many of the most respectable inhabitants of the district, and the great number of convictions, (considering the serious inconvenience which attends the prosecution of offences from the remoteness of the seats of magistracy,) all convince me that "vagrancy and crime" were not on the decrease at the period referred to by the petitioner.

Paragraphs 6 & 7.

6. These paragraphs refer to a transaction with which I am totally unacquainted.

Paragraph 8.

7. For the reasons stated in my observation on paragraph 4, I regret that I cannot concur in the petitioner's opinion, that "ever since the publication of the 50th ordinance the character and condition of the Hottentots have been rapidly improving."

Paragraphs 9 & 10.

8. I do not feel myself called upon to make any observation on the condition of the Hottentots

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tentots and the conduct of the farmers in the district of Graaf Reinet; but no such change as the memorialist states to have obtained there is visible in these eastern districts. Not withstanding the declaration at the commencement of the memorial, regarding the knowledge of the memorialist of the past and present state of the colony, it is evident that he is unacquainted with the present condition of the eastern frontier. He does not appear to know that within a few years back a great influx of Bechuanas, Fingos, Mantatus, and other native tribes have been driven in upon the colony by the devastating wars in the interior, thus affording a valuable supply of servants, who are esteemed as herdsmen and shepherds beyond what the Hottentots ever were, and who have superseded them in these situations in the district of Albany, and very generally in the district of Somerset also; hence the desire to retain the Hottentots in these capacities, either by kindness or severity, does not exist.

Paragraph 11. 9. See observations on paragraphs 9 and 10.

Paragraphs 12&13. 10. In this district the rate of wages varies, according to the employment of the individual, from 5 to 14 rix-dollars per month; the labourer, his wife and children being invariably lodged and fed at the expense of the employer. The unconquerable laziness of the women, and the resistance which they generally make to the employment of their children, occasion a heavy charge on account of subsistence (notwithstanding the low price of provisions) to those who receive Hottentots into their service.

11. To the opinions expressed in these paragraphs it need only be replied, that a vagrancy law is desired, because it is supposed that here, as in other countries, it will afford security and encouragement to the industrious, by compelling the idle and the vicious, not to "steal" or "starve," as the petitioner supposes, but to desist from stealing, and to betake themselves to some employment by which they may earn an honest livelihood.

Paragraph 14. 12. Poor persons here, as in other countries, may find it convenient to apprentice their children; but it does not appear to me that there is anything in the proposed ordinance to warrant the apprehension felt by the petitioner, that it will entail upon any person any of the "evils of slavery." See observations on paragraphs 9 and 10.

Paragraph 15. 13. There are a considerable number of individuals, as I have lately had occasion to witness, at the Kat River, in utter destitution, and who cannot give any satisfactory account of the means by which they obtain a livelihood. There are also, unquestionably, industrious persons to be found there, chiefly among the Bastards, who are the children or descendants of the children of the Dutch farmers, (though included under the general name of Hottentots at the settlement,) and they have generally kept clear of the schools and missionary institutions. Some few of them, however, have been there, and still preserve their industrious habits.

14. There are no individuals in the community more desirous that a vagrant law should be enacted than the industrious and well-doing among the settlers, and few would benefit more by that enactment.

15. I transmit herewith a return from the resident justice of the peace there, showing the number of examinations and committals since last February; and with respect to the number of crimes brought before the courts in Albany, it should be borne in mind that the far greater portion of them were committed by Hottentots.

Paragraph 16. 17. To this paragraph I must express my most unqualified dissent. So far from there being reason to apprehend "great hardships and suffering" from the circumstances under which the officers whom the petitioner supposes will be charged with the execution of the ordinance are placed, I am apprehensive that unless there be some special provision for its enforcement, that the trouble and loss of time which it will occasion to the public officers in question, will cause it to pass quickly into desuetude, even though it should not prove a dead letter from the moment of its promulgation. But there is a further reason for believing that neither "hardships" nor "suffering" will result from the promulgation of the proposed ordinance, either to persons within the colony or to the natives beyond the border. They employ the latter in preference to the Hottentots, and as they can obtain them in sufficient numbers, it is to be presumed that there would be no other object in enforcing the law against Hottentots than to remove them from their neighbourhood.

Paragraph 17. 18. Requires no observation from me.

Paragraphs 18&19. 19. I am not aware that any of the "class of people" herein described are to be found in this district; and it certainly has not come to my knowledge that any well-conducted Hottentots have been disturbed in the occupation of unappropriated Government lands in consequence of the 50th ordinance.

Paragraphs 20&21. 20. The Hottentots in this district have very generally declined, since the passing of the 50th ordinance, entering into long contracts of service, engaging only from month to month; but as they will be equally protected from the operation of a law to suppress vagrancy if engaged in a lawful occupation, whether they live at the missionary institutions or in any other part of the colony, I cannot admit that there is the slightest reason to suppose that the passing of the proposed ordinance would throw, as is anticipated by the petitioner, any but the most worthless characters upon the missionary institutions.

21. I have not felt myself called upon to offer any observation upon many of the opinions and arguments introduced into the petition, because they affect only the general question of the expediency of laws against vagrancy. The present state of the labouring classes in this district, and a knowledge of the Hottentot character acquired during a residence in this part of the colony for a number of years, have not permitted me to express myself doubtfully respecting the effects of the existing law; and I feel it equally my duty to state distinctly that, in my humble judgment, the welfare of the whole community, but especially that of the coloured classes, requires that the proposed ordinance should be passed into a law.

22. I transmit

22. I transmit herewith the following documents, as having reference to the subject under review:

1st. An Extract of a Report on the general state of the Frontier, addressed by me to the Secretary to Government, under date 27 January 1832.

2d. A Statement made on oath before me by P. Van der Westhuisen, a farmer residing in the district of Albany, on the 5th May 1834.

3d. Depositions taken before W. Waddel, Esq., resident magistrate, on the 11th June 1834.

4th. Report from Provisional Field-cornet J. Lombaard, dated 22d June 1834.

5th. Deposition taken before A. B. Armstrong, Esq., Justice of the Peace at Kat River, and the Declaration made before him by W. Spogter, on the 20th June 1834.

6th. Report from Field-cornet J. P. Dreyn, dated 1st July 1834.

7th. Statement made this day (4 July 1834) before me by T. H. Eastland.

The Hon. Acting Secretary to Government, Cape Town.

(signed) *D. Campbell*, Civil Commissioner for A. & S.

(No. 1.)—Extract of a Report on the State of the Eastern Frontier, addressed to the Secretary to Government by the Civil Commissioner for Albany and Somerset, under date 27 January 1832.

"Fourthly. The insufficiency of the law, or its defective administration, which does not afford a remedy against the numerous depredations by idle and disorderly Hottentots, who wander throughout the border districts without any other means of subsistence than what they obtain by pilfer from the inhabitants."

Note B.—"When the ordinance for improving the condition of the Hottentots (No. 50) was promulgated, the most erroneous interpretations were put on its provisions by that people; the general opinion entertained (and which may be gathered from their subsequent conduct) was, that it raised them from the condition of servants and exempted them from labour, that being the only meaning which they attached to being made free agents by the removal of those restrictive enactments annulled by that ordinance. The consequence was, that instead of re-entering into service when their contracts had expired, they betook themselves to a wandering life, for which they have always appeared to me to have a very strong predilection.

"While in this unsettled state, a rumour reached them that a tract of country near the eastern boundary of the colony was to be appropriated for their occupancy, upon which they poured forth from all parts of the colony to the eastward in quest of the promised land. Many of them had no property nor means of subsistence, consequently no lands could be assigned to them, and the great bulk of those who were thus disappointed have continued either loitering about the Hottentot settlement, to the injury of the more industrious of their own class, or rambling through the frontier districts subsisting by dishonest means.

"This grievance is more complained of by the farmers, as it is more extensive and of more frequent recurrence than any other to which they are liable, and from which they have no hope of being freed but by an alteration in the laws, or in their administration.

"Herewith is transmitted a communication addressed to me by Mr. Retief, corroborative of the depredations to which I have alluded, and of the difficulties of checking them. It is not, however, selected as containing anything peculiar, nor from its being better calculated to elucidate the subject than many others that have been received, but merely because it reached me while writing this note.

(A true Extract.)

"4 July 1834."

(signed) "*D. Campbell*,
"Civil Commissioner for A. & S."

(No. 2.)—Prit Van der Westhuisen, residing at Vaal Krantz in the district of Albany, appeared before me this 5th day of May 1834, and made the following declaration on oath:

On Thursday the 1st instant, I missed two horses, my property, and searched for them the whole of that day without finding them. On Friday the 2d instant, my son Christian Van der Westhuisen resumed the search, when I met my neighbour Klaas Muirand, who told me that he had seen the spoor of four horses and some goats. Thinking that these traces might be that of my horses, I followed them, and was joined by a Hottentot in the service of Conrad Schupus, who lives a short distance from me. The Hottentot told me that he was in search of some goats that had been stolen from his master on the 1st of the month. We followed the spoor till we came near the Fish River, when we saw a Hottentot sitting by some goats; as soon as the Hottentot perceived us, he jumped up and fired a gun at us, and immediately ran into a bush; two other Hottentots, whom we had not seen at first, ran into the bush also, but they were not armed. My son Christian fired in the direction the Hottentots had gone, but the Hottentots were not injured. We then proceeded to the place where the goats were, and found 55 belonging to Conrad Schupus, besides two that had been killed and partly eaten by the Hottentots. We also found a horse there that had evidently been recently ridden, which we took possession of and sent him to the field-cornet to be owned.

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I then returned home with my son, and Schupus's Hottentot proceeded to his master's place with the goats.

On the 4th of the month I sent my son to Jacob Bestus's place, where he found my horses and brought them home: I believe they had strayed there.

(signed) *P. Westhuisen.*

Sworn before (signed) *D. Campbell,*
C. C. & J. P. for A & S.

(A true Copy.) (signed) *D. Campbell,*
Civil Commissioner for A. & S.

(No. 3.)—At Graham's Town, upon the 11th day of June 1834, in presence of William Waddel, Esq., resident magistrate for Albany, and also in presence of Willson Platjes, Jan Windoogel, Steenje Afrikandu and Seentje Hithaaldu, charged with sheep stealing,

Appeared,

1. Simon Christoffel Bosch, residing at Groot Fontein in the district of Albany, agriculturist, duly sworn, deposes:

On Monday the 9th of June 1834, I saw the prisoners Willson Platjes and Jan Windoogel drive some goats past my place, which belonged to my son Jan Bosch; I and Jan Bosch followed these persons and retook 12 goats from them.

(signed) *S. C. Bosch.*
W. Waddel.

2. Johannes Hendrik Bosch, residing on the Fish River, duly sworn, deposes:

On Saturday morning the 7th of June instant, I saw the prisoners Willson Platjes and Jan Windoogel pass the place of Hans Van der Bruck, having neither sheep nor goats with them, except two horses. On the evening when I returned home I found that my kraal had been entered. On Sunday morning, the 8th instant, I counted my flock and discovered that I had lost 33 sheep and goats, but I cannot say how many of each.

Yesterday morning I found 12 goats in the possession of Mistje Hithaaldu and Steenje Afrikandu. When my father was taking the two women to the prison at Graham's Town, the two prisoners Willson Platjes and Jan Windoogel followed him, and he took them also into custody.

(signed) *J. H. Bosch.*
W. Waddel.

(A true Copy.) *P. M'Rosty,* Clerk of the Peace.

(No. 4.)—To *D. Campbell,* Esq., Civil Commissioner.

Sir,—On the 16th June two Hottentots entered my kraal in the night during my absence, and stole therefrom 54 sheep, which were recaptured by the burgher J. Van Dyk, in the poort (or pass) of Heen er Werrom.

I am, &c.
(signed) *H. J. Lombaard,*
Provisional Field-cornet.

(A true Copy.)
(signed) *D. Campbell,* C. C. for A. & S.
4 July 1834.

(No. 5.)—Court of Justice of the Peace, Kat River Settlement.

Church-ground, this 26th June 1834.

Appeared before me, Alexander Boswell Armstrong, Esq., justice of the peace for the district of Albany and Somerset,

1st. William du Toit, a bastard, 25 years of age, residing at Fort Beaufort, and born in the colony, being duly sworn, deposes:

On Monday evening last, the 23d instant, there was a large baking of bread prepared for the troops at Fort Beaufort by my master, Mr. James Eva, contractor's storekeeper at that post. At about eight o'clock that night, the window-shutter of the store was broken open. I found it open at that hour, as I then went to the store to give out rations. My master was with me at the time. We missed a quantity of bread; I think about 30 loaves, of 4 lbs. weight each; we also missed a sack which contained about 50 lbs. of wheaten meal, and a meal sieve. I accompanied my master immediately to seek for the persons who had committed the theft. We proceeded about an hour's distance on foot on the road to Mr. Blakeway's farm, and under a bush we found two Hottentot men and a Hottentot woman, the same whom I now see prisoners. We found in possession of these people a ration loaf, from which a small piece had been cut. The bread was still warm, and was of the same batch of bread which we had taken out of the oven same evening; also a meal sack. I can swear that the sack and meal which I now see were the property of my master. The sieve was yesterday found on the same road, towards Blakeway's farm, at a short distance from the post of Fort Beaufort. I also found in possession of these people the remains of a sheep. I cannot swear that the sheep was the property of my master, but the old Hottentot woman, now a prisoner, told me she had got the sheep from my master's herd.

herd. My master and I were induced to go to the place I have mentioned in search of these people, as we knew they were to be found there, and as we suspected them of having committed the theft.

Witness,
(signed) *John Bissit.*
his
William + Faltyn.
mark.

(signed) *William du + Toit,*
his
mark.
(signed) *A. B. Armstrong,* J. P.

Court of Justice of the Peace, Kat River Settlement.

Church-ground, 26 June 1834.

Appeared before Alexander Boswell Armstrong, Esq., justice of the peace for the district of Albany and Somerset,

The prisoner, William Spogter, a Hottentot, about 40 years of age, who says he has resided for the last year at Andius Botha's location, Kat River Settlement, who, being cautioned that he is not obliged to make any statement which may criminate himself, and that what he shall say may be used in evidence against him, delares,

" I have nothing to say, but that a sheep was given to me by Mr. Eva's shepherd."

Witness,
(signed) *John Bissit.*
his
William × Faltyn.
mark.

(signed) *William × Spogter.*
his
mark
(signed) *A. B. Armstrong,* J. P.

(True Copies.)
(signed) *D. Campbell,* C. C. for A. & S.

(No. 6.)—D. Campbell, Esq., Civil Commissioner for Albany and Somerset.

Sir, Fish River, 1 July 1834.

I BEG leave to acquaint you that there are bands of loose Hottentots in different parts of my field-cornetcy, who greatly disturb and annoy the farmers.

Those people have no visible means of living; and as soon as they are driven off one man's land, they set themselves down on the neighbouring ground.

About two months ago I was at the place of David Roux, who lives about half an hour on this side of the Kourap River, and he complained to me that some loose Hottentots had taken up their abode on his farm, and that they would not remove from thence. I caused them to appear before me, and found about 14 persons, old and young. I informed them they must remove from Roux's place; but they continued for eight or ten days afterwards, and then placed themselves on the farm of Frans de Young, which adjoins the farm they had left. Frans de Young came to me to complain on the subject, and I told him to drive them away by force, if he could not otherwise get quit of them. About eight or ten days afterwards he got quit of them, by using threats of taking them to Graham's Town; and they then went to David de Lange, the provisional field-cornet's place. De Lange was absent on duty; and when he returned and found the Hottentots on his place, he told them he would not have loose Hottentots on his place, but that he would keep them if they would enter into service, to which they agreed. They remained there some days longer, and the returned to Frans de Young, where they remain in spite of all his efforts to get quit of them; they will neither leave the place or enter into contract.

There is another party of loose Hottentots at Isak Botgeiters, on the Kourap River, another at Thurms Botha's, on the Fish River, and several other parties in my ward; none of those parties have any visible means of living, nor is it possible for the farmers to get quit of them; for if they are driven by force and threats from one place, they take up their quarters on the next farm, and return to the place from whence they were whenever it suits their convenience.

The farmers are constantly missing sheep, both from out of the fields when they are grazing, and from their kraals at night, and they make many complaints to me, but I cannot assist them, and therefore beg you will give me instructions how to act in these cases.

I have, &c.
(signed) *J. Dreyer,* Field Cornet.

I certify this to be a true Copy.
(signed) *D. Campbell,* C. C. for A. & S.

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4 July 1834.

(No. 7.)—Thomas Henry Eastland, residing on Carriga River, about half way between Graham's Town and Bathurst, states that, on the morning of Sunday the 29th June, a cow was missing from the kraal of William Marsh, who resides near Eastland. Nothing was heard of her till yesterday, when a person named Stephanus Frunia sent a message to Mr. Marsh

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and to Eastland, that he found the head of a cow in the Kouri Bush, which he suspected was the head of the missing cow. Frunia had missed a fat cow at the same time, and in looking for her he found the head alluded to. Four Hottentots have been seen lurking about the place where the head was found; and suspicion falling on them, they were seized by Frunia, when they confessed they had slaughtered the cow in question, and sold the hide in Graham's Town. Frunia then sent for the field-cornet, Krulder, but he not being at home, Frunia was afraid to detain the Hottentots any longer, and liberated them. They are supposed to be now at Bathurst.

Mr. Marsh, and other persons who reside in his vicinity, have lately lost cattle which they have not been able to trace.

Mr. Eastland came to Graham's Town to-day to report the circumstance of the Hottentots having killed the cow, to the clerk of the peace.

(signed) *T. H. Eastland.*

No. 6.—SWELLENDAM.

REPORT of the Civil Commissioner for *Swellendam*, on a Memorial from the Rev. Dr. *Philip*, addressed to the Governor and Legislative Council, relative to the proposed Ordinance for the better Suppression of Vagrancy in this Colony.

THERE are very few points in the memorial of Dr. Philip which appear to have any reference to the district of Swellendam; and the objections stated to the proposed ordinance consist so entirely in its application to Hottentots, that they require consideration only as it may partially affect that particular class, and not as it may bear upon the inhabitants of the colony generally, for whom, and not, as erroneously implied, for Hottentots only the law is intended. If the present habits and condition of the Hottentots shall expose them to a frequent incurrence of the penalties of any general law for suppressing vagrancy or other crimes, no reason is thereby afforded for the inexpediency of such law, or for exempting that class from liability to it.

The low rates of wages paid by the farmers to labourers and herdsmen, were they even so low as quoted in the memorial, are not the causes of Hottentots preferring a life of independence or "freedom," as it is termed, to that of service; but these people are naturally disinclined to bind themselves to any regular or defined work for a fixed period; and as it is admitted they are not averse to the service of the farmers, it cannot be such a state of poverty and ill treatment as represented.

The clerk of the peace of this district states that the wages agreed to be paid by the contracts passed before him are from 3*s.* to 9*s.* per month, with food and lodging, for common labourers; that during harvest from 9*d.* to 1*s.* is usually paid; and that thatchers, masons and carpenters are frequently paid 3*s.* and 4*s.* per day, which differs greatly from the statement of Dr. Philip, that in many parts the wages paid by farmers to Hottentots do not exceed 24*s.* per annum (2*s.* per month), and that the average received by those belonging to Caledon Institution is not more than 4*s.* 6*d.* per month, out of which they have to support themselves and their wives and children. I find, on inquiry at the Caledon Institution, that the usual rate of wages is from 4*s.* 6*d.* to 6*s.* per month; and that when hired on journeys to Cape Town or into the interior, the Hottentots receive from 9*s.* to 15*s.* per month.

I find the Hottentots at Genadendal usually receive 1*s.* 6*d.* and upwards per day, besides victuals; that during the ploughing season they get from 4*s.* 6*d.* to 6*s.* per day; and that in the intermediate months they generally get from 9*s.* to 15*s.* per month, but herdsmen seldom earn more than 4*s.* 6*d.* per month. I believe wages are much higher in the eastern districts; but sober and hard working men in this district, and particularly in the neighbourhood of the village, can obtain any rate of wages they will demand. Women and children can also get employment for wages adequate to their subsistence.

I find that almost immediately on the publication of the draft of the proposed ordinance, considerable numbers (upwards of 150) of Hottentots resorted to the Caledon Institution in this district, requesting to be enrolled as its members or inhabitants, stating they had an impression they should by so doing prevent their names being included in the return which they had heard the field-cornets had been engaged in preparing for several previous weeks, of all persons not having fixed residences, and which persons they had been informed would be liable *de facto* by a new law to imprisonment and hard labour. This circumstance does not however appear to me to furnish any argument either for or against the proposed law; for these people acted under a temporary misapprehension, and the influence of wrong information given to them by ignorant or designing persons. I believe most, if not all these people have since returned to their previous occupations. The same effect was produced, but to a very trifling degree, at the Moravian Institution at Genadendal.

There are, in several parts of this district, considerable numbers of Hottentots who have not any fixed habitation or visible appearance of earning their subsistence by labour, and who cannot give a satisfactory account of their mode of obtaining their livelihood. The numerous instances also of cattle and sheep robberies which occur, are sufficient evidence of the existence of thieves, of which the records of the courts of law do not furnish a criterion of judging, as probably not one case in ten is prosecuted; distance, trouble and loss of time induce the farmer to compromise with the thief, who generally finds the means of replacing what he has stolen, either in kind or value.

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From the knowledge of these facts, I am of opinion that the enactment of a law for the better suppression of vagrancy is expedient and necessary. It is difficult, however, to suggest a law which should be at once effective, and not at times severe; particularly as the execution of it would probably in many instances be unavoidably entrusted to unfit and incapable persons. The selection of unprejudiced and uninterested individuals for carrying the enactments of such a law into effect, and ample provision for indemnifying those who might be unjustly treated under it, would remove the objections stated in the memorial; and it is not because the law might be sometimes abused, that it would be in itself inexpedient or unwholesome.

The inhabitants of this district, as far as I have been able to learn their sentiments, are exceedingly desirous that the proposed law should be enacted.

(signed) *H. Rivers*,
Civil Commissioner.

Swellendam, 17 June 1834.

No. 7.—Somerset.

Civil Commissioners' Office, Worcester,
21 July 1834.

Honourable Sir,

1. I have the honour to state, for the information of his Excellency the Governor, that I have maturely considered the memorial of the Rev. Dr. Philip, transmitted to me by your letter of the 6th June last, with a copy of the minutes of the legislative council, desiring my report on the statement of this memorial, and my opinion and those of the inhabitants of this district in general, as far as I am acquainted with them, on the subject of a vagrant law.

2. In respect of the opinion of the inhabitants of this district in general, I beg leave to state that there appears to prevail but one opinion among them, viz. "that a vagrant law is of the utmost necessity."

3. Referring to the memorial above cited, I beg leave to remark, that the Rev. Doctor appears to have looked at the condition of the aboriginal inhabitants of this colony on the darkest side. Being, by the principles of an early education, obtained in Europe, where I have resided till the age of manhood, a hearty friend to social liberty, the condition of the aborigines, on whose treatment some censure had been passed by travellers who had visited this colony, has much occupied my thoughts, and induced me on my return to this my native country to make inquiries about them, but could seldom obtain any true statement till the year 1819, when as one of the commissioned members of the late court of justice, I attended the circuit, which afforded me an opportunity of making myself personally acquainted with the condition of the aborigines. At that period I observed a great number of them in the service of the European colonists; many of them were treated with kindness and attention; others were not so fortunate as to be with masters of a similar kind disposition, an unhappy circumstance, to which servants of all classes are exposed to. Ill treatment was not so general as the reverend Doctor may have inferred from some solitary cases which might have come to his knowledge. At that period it appeared to me that the contracts the aborigines were compelled by the then existing laws to enter into, not to have been sufficiently limited, and the custom prevailing at that time to allow the master to supply them with articles not stipulated in their contracts, engrossed an account against them, which they were scarcely able to repay by many years' wages, and were thereby reduced to a state of permanent vassalage.

4. In 1823 and 1827 the same opportunities were offered to me by attending, in the same capacity, the circuits of those periods, and I observed the aborigines in much similar circumstances. From time to time the legislature of the colony had reflected on the incompatible relation in which the aborigines were placed with the European colonists till the year 1828, when the 50th ordinance, the palladium of the aborigines and of all other people of colour, was enacted. Every friend of social liberty rejoiced at this happy event, expecting that, as free men, the aborigines would enter into more advantageous arrangements with such of the European colonists as would require their services, and that many would endeavour to join the missionary institutions. These expectations were not realized. A great number preferred roving from one part of the country to another. This rambling life adopted by them, the frequent cases of cattle-stealing and other thefts, joined to the notoriety that another class of coloured people will, within a few months, be released from their state of bondage, has so forcibly acted on the minds of the inhabitants at large, that when His Majesty was pleased to favour this colony with a legislative council, a general outcry for a vagrant law was heard in every part of the colony; in consequence whereof a draft of such an ordinance was proposed by the legislative council, which appears to have induced the reverend Doctor to offer his memorial, on the merits or demerits whereof I shall refrain to enlarge, as, with the exception of some vague arguments and a marked feeling of prepossession against the colonists, it contains nothing which can be construed having a direct allusion to this district, but it indiscriminately glanced on all the districts of the colony. These wandering aborigines form, at present, an anomalous class of subjects, neither known on the rolls of the district nor on the lists of the field-cornets of the wards, forming an exception to the law, which, by a penalty, obliges every other individual to give notice of his intention to remove to another district, and to take out from the local authorities a certificate of removal. This law, of several years' standing, has never been considered by the colonists as oppressive or restricting their liberty, but has constantly been complied with as a rule to good social order.

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5. The reverend Doctor cannot more forcibly dread the idea, that any law should be enacted having a tendency to deprive the aborigines of their liberty, and to revert them to a state of vassalage, than myself. But, as such a state of society is incompatible, wherein a number of its members, enjoying the same liberty and the same protection of the law, wander in idleness from one part of the country to another, without participating in its unavoidable burdens, or contributing by their exertions to its welfare; and as idleness is considered as an offence against public economy, and idle persons and vagrants are regarded, in all civilized countries, as offenders against the welfare and good order of the community, the public expect from the Legislature a law to check it. No law could more powerfully prevent the offences against society than a vagrant law, existing in most civilized countries, though the public expenses will thereby be greatly increased, as it is to be feared that, an asylum being once established at the public expense, the propensity to this vice will increase, particularly in a country in which a class exists prone to an idle and wandering life.

6. Having thus maturely weighed all the circumstances connected with the proposed law, and stated my feelings without restriction, I hope to have met his Excellency the Governor's wish, and the intention of the honourable Legislative Council.

I have, &c.
(signed) *P. J. Tenter*, Civil Commissioner.

The Hon. the Acting Secretary to Government,
Cape Town.

Appendix, No. 8.

VAGRANT ORDINANCE.

Reports of the Judges.

No. 8. Vagrant Ordinance. Reports of the Judges.

Sir, Government House, 1 August 1834.

The legislative council yesterday, in committee for the discussion of a Bill "for the Suppression of Vagrancy," has found it necessary to pause for the information stated in the inclosed note of the attorney-general; and I therefore request that your Honour, and the other judges of the supreme court, may have the goodness to inform me accordingly.

I have adjourned the legislative council until Wednesday next, the 6th inst., by which day I shall hope for the favour of your Honour's reply.

I have, &c.,
(signed) *B. D'Urban.*

To his Honour the Chief Justice,
&c. &c. &c.

Attorney-general's Office, Cape Town,
1 August 1834.

Sir,

According to the desire of your Excellency expressed yesterday at the sitting of the legislative council, I transmit the following questions which appear to me should be proposed to the judges for their opinion thereon, to assist the council in their deliberations in framing a Vagrant Act:

1. Whether by any law or laws now in force in this colony, vagrancy is made or declared to be a crime or offence; and if so, what is or are such law or laws?

2. Whether the offence or act of vagrancy is sufficiently defined by any such law or laws; and if so, in which?

3. Whether the following clauses of the ordinance, for the administration of the country districts be now in full force and effect, or whether the whole or any, and what parts thereof are made void, or modified, or altered, or superseded by any and what law or laws; and how; viz. 63, 231, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 270, 271, 272?

4. Whether, supposing it be deemed expedient to repeal any laws which may affect these clauses, and re-enact these clauses anew, there would be any legal impediment, &c., (taking the words of the 1st question put to the judges before the third reading of an "ordinance," which I have now before me)?

5. Whether any law, framed for the suppression of vagrancy, can operate in respect of Hottentots, and other persons provided for by ordinance No. 50, so long as that ordinance is not repealed?

I have, &c.
(signed) *A. Oliphant.*

Sir, Chambers, Supreme Court, 5 August 1834.

In pursuance of your Excellency's reference on the 1st instant, of certain questions arising upon the discussion of a Bill, in the legislative council, "for the Suppression of Vagrancy," and as particularly stated in the annexed note thereof by the attorney-general, I have now the honour to submit to your Excellency the opinion of the judges of the supreme court thereupon.

I have, &c.,
(signed) *John Wylde.*

To his Excellency the Governor,
&c. &c. &c.

No. 8.
Vagrant Ordinance.
Reports of the Judges.

OPINION upon Questions referred by his Excellency the Governor to the Judges upon the Bill, now before the Legislative Council, for the Suppression of Vagrancy.

1. It appears to us, that vagrancy was made and declared to be a crime or offence in Holland, by the following placaarts, viz.:

7 October 1531.	19 March 1614.
21 July 1581.	4 March 1636.
13 October 1536.	12 May 1649.
4 May 1588.	25 June 1649.
16 December 1595.	

That those placaats, being the law of Holland, became the law of this colony, except in so far as any of their provisions may have been of a strictly local application, and consequently inapplicable to any place other than the districts composing the States of Holland. That those placaats, under this limitation, continue to be the law of this colony except in so far as the same may have since been repealed or altered by any law made by the legislature of this colony.

2. That upon examination of the volume containing the proclamations issued between anuary 1806, and the institution of the council of government, and of the ordinances which have since that time been passed by the governor in council, we have found no law repealing or altering the said placaats, except the 50th ordinance, in so far as the same relates to Hottentots or other free persons of colour lawfully residing within the colony. That we have no means of ascertaining whether any or what laws on the subject of vagrancy were made by the legislature of this colony between 8th April 1652 and January 1806.

That by the 63d, 245th, and 252d clauses of the ordinance for the administration of the country districts, vagrancy is recognised as a crime and offence.

The offences or act of vagrancy against which the provisions of the above-mentioned placaats were directed, appear to us to have been sufficiently defined for the purposes thereof by the said placaats respectively.

3. We are of opinion that the following clauses of the ordinance for the administration of the country districts; viz. 63, 231, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 270, 271, 272, have not been expressly repealed by any subsequent law or ordinance whatsoever; and that the clauses 231, 246, 247, 248, 270, 271 and 272, retain all their original force and effect, and have not, as far as we are aware, in whole or in part, been modified, altered or superseded by any law, except in so far as by the ordinance No. 77 the civil commissioners have been substituted for the district landdrosts respectively.

That the 63d clause has been so far modified by ordinances Nos. 40 and 73, as that the power of detaining and keeping in custody the vagabonds and deserters therein mentioned, thereby vested in the landdrosts, is now vested in the resident magistrates, and is not continued in the civil commissioners; and that the provisions of the ordinance No. 40 have had the effect of superseding the following provision contained in the last sentence of this clause, viz. "The landdrosts 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."

4. That the provisions of the 23d section of ordinance No. 40, of the 11th, 12th, 13th and 14th sections of the ordinance No. 73, of the 12th section of the ordinance No. 49, of the 2d section of the ordinance No. 50, and of the 1st section of the ordinance No. 98, have had the effect of, to a certain extent, modifying the provisions of 244th, 245th, 252d, 253d clauses.

5. That the provisions of the 249th, 250th and 251st clauses, did not at any time apply to the people described in the 26th clause, as "the aboriginal race of the colony, the Hottentots"; nor since the promulgation of the proclamation of the 15th May 1829, to any of His Majesty's subjects who may enter this colony and desire to remain therein; and that the said 249th, 250th, 251st and 254th clauses retain all their original force and effect, except in so far as by the ordinance No. 77 the civil commissioners have been substituted for the district landdrosts respectively.

6. It does not appear to us, that the term "attorney-general," under the 250th, 251st and 254th clauses, can apply to the office of the attorney-general, as at present constituted.

7. We are of opinion, that if it should be deemed expedient to repeal any laws which affect the above-mentioned clauses of the ordinance for the administration of the country districts, and to re-enact those clauses, that an ordinance might be framed in the spirit and upon the principles of those clauses, to the execution of which, by the colonial tribunals, there would not be any legal impediment.

8. We are of opinion, that no law, framed for the suppression of vagrancy, can be carried into effectual operation in respect of Hottentots or other free persons of colour, lawfully residing in this colony, so long as the 2d section of the ordinance No. 50 stands unrepealed; in so far as it enacts, that no Hottentot or other free person of colour, lawfully residing in this colony, shall be subject to any hindrance, molestation or imprisonment of any kind whatsoever, under the pretence that such person has been guilty of vagrancy, unless after trial in due course of law.

(signed) *John Wylde.*
W. Menzies.
G. Kekewich.

Chambers, 5 August 1834.

No. 8.
Vagrant Ordinance.
Reports of the Judges.

Sir, Government House, 12 August 1834.

HAVING laid before the legislative council, at its sitting of yesterday, the opinion, dated the 5th inst., of your Honour and the other judges of the supreme court, upon the Bill for the suppression of vagrancy now under discussion, the information contained therein has induced the council, upon my proposal, and adverting to the spirit of the Secretary of State's despatch, No. 250 of the 5th August 1825, already referred to upon another occasion, in my letter to your Honour and the judges of the 28th of June last, unanimously to concur in seeking the assistance of your honour and the other judges of the supreme court, in this matter, and have requested me to refer it accordingly. I have, in consequence, the honour to transmit herewith, the draft ordinance for the suppression of vagrancy now before the council; and referring to the opinion of your Honour and the other judges of the supreme court of the 5th instant, and especially to the 4th and 5th clauses of it, to request that your Honour and the judges will have the goodness to frame, in amendment of this draft, and transmit to me, the draft of such an ordinance as may appear to you best adapted to the exigencies of the case and the circumstances of the colony.

The legislative council are desirous that the draft requested of the judges, may, if practicable, be in the shape of an amendment of that now before them, on account of the time which will thus be saved in its enactment, by avoiding the necessity of its previous republication.

I have adjourned the legislative council until Wednesday, the 20th instant, in the hope that your Honour and the judges may be enabled to prepare the amended draft by that day.

I have, &c.
(signed) *B. D'Urban.*

Chambers, Supreme Court,
Sir, 12 August 1834.

I HAVE the honour to acknowledge the receipt of your Excellency's letter (with its inclosures) of this day's date, referring the draft vagrant ordinance, now under consideration in the legislative council, to the judges of the supreme court, before whom your Excellency's reference will forthwith be brought.

I have, &c.,
(signed) *John Wylde*, Chief Justice.

Chambers, Supreme Court,
Sir, 16 August 1834.

IN reply to the communication your Excellency was pleased to make to us in your letter addressed to the chief justice, and dated the 12th instant, we have the honour to state, that in having submitted to your Excellency our opinion, that if it should be deemed expedient to repeal any laws which affect the clauses (as therein mentioned) of the ordinance for the administration of the country districts, and to re-enact those clauses "that an ordinance might be framed in the spirit and upon the principles of those clauses, to the execution of which by the colonial tribunals there would not be any legal impediment," we did so with the view only of categorically answering the 4th question proposed by your Excellency; but by no means with the intention of expressing any opinion, that any repeal or re-enactment of the nature therein referred to would be expedient. On the contrary, we are of opinion, that such a measure would neither be adapted to the exigencies of the case, nor the circumstances of the colony.

We request further to state, that in having submitted to your Excellency our opinion, as in the 5th clause thereof, we did so, with the view only of categorically answering, in like manner, the 5th question proposed by your Excellency; but by no means with the intention of expressing any opinion, that it would be expedient, while the law at present in force as to vagrancy within the colony remains unaltered, to repeal that part of the 2d section of the ordinance No. 50, which enacts, that no Hottentot or other free person of colour, lawfully residing in this colony, shall be subject to any hindrance, molestation or imprisonment of any kind whatsoever, under the pretence that such person has been guilty of vagrancy, unless after trial in due course of law.

Having thus advised your Excellency of these our impressions, we owe it to ourselves to express the readiness with which we shall proceed, if required by your Excellency, to frame an ordinance upon the spirit and principles of the clauses of the district administration ordinance now in force, or upon any other principles or data which your Excellency may have determined upon as the basis of any new legislative measure upon the subject. While your Excellency will observe, that it is the duty of the judges, under the Secretary of State's instructions, only to transmit to your Excellency such draft ordinances as they may think best adapted for the amendment of the civil and criminal code; and that the functions of the judges, with respect to the improvement of the law, extend merely to the office of transmitting privately to your Excellency such suggestions as they may think it right to make as to laws regulating the civil relations of private persons and their mutual rights, or affecting criminal jurisprudence, or for gradually assimilating the law of the colony to the law of England; and not to the task of deciding upon cases of general political expediency, which are not necessarily resolvable upon legal principles, and upon which the judges, as such, have in common no sufficient means of information, and upon which they are not, therefore, competent, as such, to decide.

For

For these reasons, and under these circumstances, we conceive that we cannot consistently take upon ourselves the official responsibility of attempting to frame the draft of an ordinance for the suppression of vagrancy, adapted to the exigencies of the case, and the circumstances of the colony.

We have, &c.
(signed) *John Wylde.*
W. Menzies.
G. Kekewich.

Sir, Chambers, Supreme Court, 4 Sept. 1834.

UNDERSTANDING that the legislative council will hold a sitting this day, and having, as far as the occupation in court upon the trial of civil cases for several whole days past would allow, had in consideration the amended draft of an ordinance for the better suppression of vagrancy in this colony, I am desirous of possessing your Excellency, however abruptly, as the court awaits my return to the bench, of my change of the opinion formerly delivered in concurrence with my brother judges, in respect of Hottentots and other free persons of colour not being subject, under and by virtue of the enactments in the 2d section of the colonial ordinance No. 50, to any hindrance, molestation or imprisonment, to which other of His Majesty's subjects in this colony are liable; and that, on the contrary, as now advised, I am of opinion, that, under the said enactments, the Hottentots and other free persons of colour residing in this colony remain and are liable to any hindrance, molestation, fine or imprisonment to which other of His Majesty's subjects are liable; and, therefore, that the said enactments extend only to the effect of providing and declaring that "all Hottentots and other free persons of colour lawfully residing within this colony are in the most full and ample manner entitled to all the rights, privileges and benefits of the law, to which any other of His Majesty's subjects lawfully residing within the said colony are or can be entitled."

I am, consequently, further of opinion, that the Hottentots and other free persons of colour residing within the colony are, in like manner, as all other His Majesty's subjects therein, under and subject to all and every the laws now in force for the suppression of vagrancy within this settlement.

I have further to submit the opinion, that if a law were passed in terms of the draft herewith returned to your Excellency, such ordinance would be void and of no effect, and could not be enforced or carried into execution by any of His Majesty's courts, judges, justices, officers and others within this colony, unless and until such ordinance shall have been first and expressly ratified, confirmed and allowed by His Majesty, with the advice of His Privy Council.

I am further impressed that I should not fitly discharge the duties of my office in the colony, if I were not to apprize your Excellency, at this juncture, of the question under the consideration of the legislative council, that, in the consideration of very many of the provisions in the proposed ordinance and of the Secretary of State's instructions with respect to the improvement of our colonial criminal law in the approximation, from time to time as circumstances may permit, to the principles and practice of the laws of England, I shall with as little delay as possible lay before your Excellency various legal and other reasons, which should, I conceive, be forcibly brought under your Excellency's consideration before any such ordinance should be passed into a law of this colony.

I have, &c.
(signed) *John Wylde*, Chief Justice.

Sir, Chambers, 4 Sept. 1834.

IN reply to your Excellency's letter, dated 1st Sept. 1834, addressed to the chief justice, transmitting the draft of an ordinance "For the better Suppression of Vagrancy in this Colony," and requesting his opinion and that of the other judges of the supreme court thereon in terms of His Majesty's instructions, we have now the honour to state to your Excellency our opinion, that if a law were framed in the terms of the draft now referred, there would not be any legal impediment to its execution by the colonial tribunal; but that in consequence of the provisions of His Majesty's Order in Council, dated 15th January 1829, this ordinance, in so far as it in anywise alters, repeals or amends the ordinance of his honour the lieutenant-governor in council, for improving the condition of the Hottentots and other free persons of colour at the Cape of Good Hope, and for consolidating and amending the laws affecting those persons, and dated the 17th July 1828, will be void and of no effect, and cannot be enforced or carried into execution by any of the colonial tribunals until the same shall have been first and expressly ratified, confirmed and allowed by His Majesty with the advice of His Privy Council.

We have, &c.
(signed) *W. Menzies.*
G. Kekewich.

No. 8.
Vagrant Ordinance.
Reports of the Judges.

Sir, Chambers, Supreme Court, 8 Sept. 1834.

In accordance with the intimation made to your Excellency on the 4th instant, I would proceed to lay before your Excellency certain considerations and reasons, which ought, as it occurs to me, to be satisfactorily resolved before the proposed "amended" draft of an ordinance for the better suppression of vagrancy, and already read a second time in council, be passed into a law of this colony.

2. Looking, not incautiously, to the nature and tendency of the proposed measure in its actual operation, and mindful of the instructions from His Majesty's Secretary of State, gradually, in the amendment of the civil and criminal code, to assimilate the law of England, I consider it incumbent upon me, under the functions imposed upon the judges by those instructions, thus to transmit to your Excellency such suggestions as appear with respect to the improvement of this particular law right to be made.

3. Considering the general resources and economy of the colony as applicable to the maintenance of a sufficient police, it may remain obviously no easy task certainly to carry into local operation and effect, without great pressure as to public expense, and greater hazard of undue violence to the liberty of the subject, any legal enactments, founded strictly upon the general principles of the penal law, under which vagrancy is punished and repressed in the mother country; inasmuch as that system stands so closely connected with, and so mainly dependent upon, the poor law reliefs, as yet unattainable within the colony.

4. The absolute comparative inapplicability of such a system therefore to the colony may be found is fixed, beyond redemption for a while, in the so thinly scattered state of our population over distances which may never, but remotely at least, become inhabited settlements; in the necessity, consequently, if any vagrant law is to be strictly enforced, of maintaining numerous or considerable police establishments, as also of providing for their efficiency a numerous local magistracy, such a system, otherwise would inevitably expose the officers charged upon its execution to greater personal risk and responsibility, as well as actual or reputed offenders to greater grievances and severity of treatment than commensurate with the offence or its prevention, under any of the provisions or penal exactions denounced upon it by the British Legislature.

5. If this observation should stand approved, the more recent directions of His Majesty's Government, as to no punishments being enforced within the colony, but such, in degree and kind, as are in England legally enforceable in like cases, would give rise to no immaterial objection at once against the proposed draft. In the revision and discussion of its particular provisions it will be my duty at least to moot, that proof will or will not substantiate itself.

6. I have already made known to your Excellency the corrected opinion I have on further consideration come to, and the grounds of which it seems better to submit in a detached separate statement, as to the Hottentots and other free persons of colour being in fact left under the provisions of the 2d section of the ordinance No. 50, subject to all the laws for the suppression of vagrancy which were in force before that ordinance, and affected all British subjects, as well as Hottentots; as also subject to any and all such new laws as shall be put in force, provided such laws do not affect the Hottentots more injuriously than any other classes of British subjects.

7. If this opinion be correct, the particular impediment referred to by the judges in resolving your Excellency's fourth and fifth questions on the matter in question, and in the way of any advisable new enactments, would not remain; but a question might still arise, whether under His Majesty's Order in Council the amended draft of the ordinance in question would not become void and of no effect, before it had been expressly confirmed and allowed; as also, whether the same would be so confirmed and allowed by His Majesty in Council on the ground of the proposed new vagrant ordinance operating not with equal pressure upon His Majesty's subjects of all classes in our community, but, as against the Hottentots, it may perhaps be considered, with peculiar and unjust severity; for it may be contended, that the proposed ordinance would, in fact, render them liable to be taken up and punished for being "Hottentots," that is, for being able to live in a manner in which the more civilized classes of the population could not exist; that thus certain means, by which the Hottentots might honestly subsist themselves, are under the draft ordinance declared to be illegal; and that the measure therefore, in its tendency to force the Hottentots into servitude, and in its mischievous effects upon their personal habits, is not in accordance with, but opposed to the great object of His Majesty's Government, in all its legislative interference,—of promoting the civilization, and improving the condition of the Hottentots.

8. In such a combination of difficulties as, *in limine*, become involved in any remedial enactments against the evils of vagabondism, reported to be so prevalent within the colony, the judges have found themselves unable, as yet, to suggest, in common, under the Secretary of State's instructions, and upon their own motion, any improvement in this branch of the colonial law, while your Excellency to the relief of the judges, as I am impressed, has not, as yet, called upon them, but to make report, what, if any, new enactments, upon and under the existing laws, might advisedly in their opinion, be adapted to the exigencies of the case, and the circumstances of the colony.

9. For

9. For in approaching any such measure for the colony, it will be found, even if the expense and proper means of maintenance for the wives and families of vagrants, while under, and during confinement, be kept out of the question, that any vagrant law will become inadequately supported by, if not at once neutralized in the weakness of the three great powers by which the vagrant law system (in no instance perhaps, as yet, in jurisprudence introduced but in dense populations) has hitherto been put and counterpoised in action; namely, 1st, magistrates exercising summary jurisdiction within fixed reasonable distances from each other; 2d, a sufficient constabulary police, with respect to the extent, over the country, of the resident inhabitancy; and, 3dly, such a number of gaols and houses of correction, under regulation of treadmill and other discipline for moral improvement, as may from time to time be found commensurately requisite for repressing the violence of vagrant delinquency.

10. If such be the just principles that should be applied to the erection of any vagrant law system, no vagrant laws for the colony in its present state, as to prisons, police and magistracy, could be, it would seem, warrantably adopted, as in assimilation with the law of England, or in conformity with the views of His Majesty's Government for the improvement of the colonial laws; or without losing sight, therefore, of those legal principles which it is incumbent upon the judges at least to observe, as to any steps by which the law of England may be most conveniently introduced within the colony.

11. If, in truth, under the existing circumstances, such incapacity of interference by any new legislative measure for further relief against vagrancy should be found to appear, such a conclusion after all would prove matter of less concern, as I conceive, if the law, as it exists in force at this moment, and as far as it remains enforceable against vagrants throughout the colony, were legally put into active and effective operation; a law of much more ready and rigid application, perhaps, as regards the identical parties obnoxious to it, than any that would be tolerated under any modification or form of new enactments upon it.

12. Vagabondism, as your Excellency has been already advised by the judges, is an offence punishable under the laws in force, upon trial and conviction before the competent courts of the colony; and if the public prosecutor should see cause to bring charges of vagrancy before the courts, the judges would have to take the responsibility of expounding and applying those laws, whereby their efficacy would be best tried, and their authority and force at once recognized and felt.

13. From one cause of great perplexity which would attach to the drawing up of any new vagrant law, in defining what should constitute acts of vagrancy, and who should be deemed and taken to be vagrants and offenders under any such proposed law, a perplexity so peculiarly compounded in due relation to the civil condition, natural habits and present immunities of those classes in the colonial inhabitancy, the existing law will be found, as it would seem, to have the advantage of being almost entirely free.

14. For, escaping from all definition under and by virtue of the regulations of the ordinance for the administration of the country districts, the field-cornet is thereby authorized and directed, without waiting for any other authority, to take into custody, and to send either to the drostdy of his district or to Cape Town, "all vagabonds and strangers who are found in his district without leave, and without being known to himself or to the other inhabitants."

15. The general outline and remaining parts of the system, forming the existing colonial vagrant law, may be easily extracted from the same ordinance.

16. Every field-cornet, to be considered as a subordinate magistrate (Art. 220), must keep an exact register of all the inhabitants of his district above the age of 16 years, and transmit the lists thereunder, in every October, to the landdrosts, that is, now, to the civil commissioners of his district.

All inhabitants of the colony are at liberty, unless particularly forbidden, to change their places of abode as frequently as they like, provided they acquaint therewith the civil commissioner and field-cornet of the district where they take up their residence.

The civil commissioners, magistrates, field-cornets and constables are authorized and empowered to detain and keep in custody all such persons who have no fixed place of residence in the colony, or are not legally authorized to reside therein, and who wander as vagabonds in any country district.

The field-cornet shall send the prisoners under sufficient guard to the field-cornet 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.

And in case that, on the road by which the prisoners are to be conducted, no other field-cornet resides, the next inhabitant, although not a field-cornet, who shall, as also the other inhabitant next in succession, be obliged to forward them on, until finally delivered over to the proper officers of justice.

When such offenders are thus brought to the spot where any magistrate exercises the necessary jurisdiction, the case would take the common course of preliminary investigation under the criminal ordinance No. 48, and upon the offender's commitment for trial, the courts of the colony would become charged with the execution of the law.

17. During the interval previous to the trial, the offender would be removed at least, and would in fact be under the durance of that punishment which the law generally inflicts upon his offence.

18. In thus recurring to the provisions of the existing law against vagrancy, as no summary and final jurisdiction has been vested in the magistracy, the supreme and circuit courts alone can take cognizance of and punish the same; and although so many considerations combine, it may be judged, to render it fit and proper that such an offence should

No. 8. Vagrant Ordinance.

Reports of the Judges.

become summarily cognizable by the magistracy, such a measure may be found neither expedient or safe, until the justices of the peace shall have at their command those means, which in legal jurisprudence may have been approved as justly applicable to, and therefore, shall have been provided for, enforcing laws enacted and put in force for the suppression of such offences.

19. I shall proceed in a separate statement to the examination of the proposed ordinance in detail, now under the consideration of the council.

I have, &c.
(signed) *John Wylde*, Chief Justice.

No. 9. Cape of Good Hope.

Votes and Proceedings of the Legislative Council.

Appendix, No. 9.

VOTES and Proceedings of the Legislative Council, *Cape of Good Hope.*

Wednesday, the 7th May 1834.

The council met pursuant to adjournment; and his Excellency the Governor took the chair.

His Excellency the Governor proposed to the council, an "ordinance for the better suppression of vagrancy in this colony."—Motion made and question put, that this ordinance be read at length.—Motion seconded.—Ordinance read a first time.—Motion made and question put, that this ordinance be read a second time.—Carried unanimously, and ordered to be read a second time on the first sitting of council after the 30th May instant.

Tuesday, the 3d June 1834.

A petition from proprietors and inhabitants of places at Tygerberg and Koeberg, relative to the Cape Flats Preservation Ordinance,—a petition from John Philip, D.D., superintendent of the London Missionary Society's Missions in South Africa, and a petition from proprietors of farms in the Koeberg and Tygerberg district, relative to the vagrant ordinance, were laid upon the table.

Vagrant Ordinance; second reading deferred until the next sitting of council.

Wednesday, the 4th June 1834.

Vagrant Ordinance; second reading.—Motion made and question put, that the petitions on the table, relative to this ordinance, be read:—carried unanimously—petitions read accordingly:—Motion made and question put, that these petitions be received—carried unanimously.—Motion made and question put, that the second reading of this ordinance be postponed—and that his Excellency the Governor be requested to cause copies of the petition of John Philip, D.D., relative thereto, to be transmitted to the several civil commissioners, for their report on this petition, for the information of the council—carried unanimously.

Vagrant Ordinance; second reading postponed.

Wednesday, the 11th June 1834.

Vagrant Ordinance; second reading postponed.

Saturday, the 28th June 1834.

His Excellency the Governor laid before the council the following documents:

The report of the civil commissioner of the Cape district on the memorial of John Philip, D.D., relative to the vagrant ordinance, as requested at sitting No. 9.

A petition from the inhabitants and farmers of Somerset, (West,) Hottentots' Holland, relative to the vagrant ordinance; and a petition from the chairman and members of the committee of the Commercial Exchange, relative to the Table Bay health officer's remuneration ordinance, were laid on the table.

Vagrant Ordinance; second reading postponed.

Tuesday, the 1st July 1834.

Vagrant Ordinance; second reading postponed.

Thursday, the 3d July 1834.

His Excellency the Governor laid before the council the report of the civil commissioner of Uitenhage on the memorial of John Philip, D.D., relative to the vagrant ordinance, as requested at sitting No. 9.

Vagrant Ordinance; second reading postponed.

Monday, the 7th July 1834.

His Excellency the Governor laid before the council, the report of the civil commissioner of Stellenbosch on the memorial of John Philip, D.D., relative to the vagrant ordinance, as requested at sitting No. 9.

Vagrant Ordinance; second reading postponed.

Friday, the 11th July 1834.

His Excellency the Governor laid before the council the following documents: the report of the civil commissioner of Albany and Somerset, and the report of the civil commissioner of Graaff-Reinet, on the memorial of John Philip, D.D., relative to the vagrant ordinance, as requested at sitting No. 9; and a memorial from the inhabitants of Graaff-Reinet, on the subject of the same ordinance.

Vagrant Ordinance; second reading postponed.

Wednesday, the 16th July 1834.

Vagrant Ordinance; second reading postponed.

Tuesday, the 29th July 1834.

Vagrant Ordinance; his Excellency the Governor laid before the council the report of the civil commissioner of Swellendam, and the report of the civil commissioner of Worcester, on the memorial of John Philip, D.D., as requested at sitting No. 9. Memorials, relating to this ordinance, from inhabitants of Graaff-Reinet; from inhabitants of Somerset, (Hottentots' Holland,) District of Stellenbosch; from inhabitants of Wynberg, Diep Rivier, Steenberg, Constantia, Wittenboom, Hout Bay, and Rondebosch; from inhabitants of the Gardens in Table Valley; from agriculturists, tradesmen, and other inhabitants of the district of Beaufort; from inhabitants of the Paarl, Drakenstein, French Hoek, Waggon-makers' Valley, &c., in the District of Stellenbosch, were laid upon the table. The reports of the civil commissioners on the memorial of John Philip, D.D., were read; motion made and question put, that the memorials (on the table), which have not yet been read and received, be now read and received: carried unanimously, and memorials read and received accordingly.

Vagrant Ordinance; further consideration in committee.

Thursday, the 31st July 1834.

Vagrant Ordinance; a memorial from inhabitants of Tygerberg, and a memorial from certain grand jurors in this colony, were laid upon the table: motion made and question put, that these memorials be read and received; carried unanimously; memorials read and received accordingly.

Motion made and question put, that the further consideration of this ordinance be adjourned until an abstract of the returns, of the description as set forth in the schedule annexed to this ordinance, be submitted to council.

3 for the motion.
4 against the motion.

Majority 1 against the motion.

Motion made and question put, that this ordinance be read a second time; motion carried, and ordinance read a second time accordingly; whereupon, amendment moved and seconded, that, in the third clause, the words "or until some respectable person shall agree to take them into their service," be omitted. The council, accordingly, resolved itself into committee, for the discussion of this ordinance, and of the proposed amendment; and his Excellency the Governor was requested to cause to be procured from the judges of the Supreme Court, information respecting the state of the existing laws relating to vagrancy; agreed to; discussion adjourned until this information was procured.

The council resumed its sitting.

The council adjourned at four o'clock, until Wednesday, the 6th August, at one o'clock.

11th August.

Vagrant Ordinance; referred, for amendment, to the judges of the Supreme Court.

Monday, 11 August 1834.

Vagrant Ordinance:—The council resolved itself into committee thereon. Memorial from inhabitants of the district of Worcester; memorial from inhabitants of the districts of Swellendam and Caledon; memorial from Dr. Philip, founded on reports made to him by the missionaries of the London Missionary Society; memorial from inhabitants of the district of Albany; memorial from the field-cornetcy of Bathurst, in the district of Albany; and two memorials from inhabitants of the district of Uitenhage, were laid upon the table; all relating to this ordinance.

Motion made and question put, that these memorials be read and received; carried unanimously, and memorials read and received accordingly.

His Excellency laid before the council a report on the state of the existing laws relating to vagrancy, signed by the judges of the Supreme Court, as requested at sitting No. 18; also, Extract of a despatch from Lord Goderich to Major-general Bourke, dated 5th August 1827 (No. 25), relating to the mode of procedure to be adopted by the council of government, when in the enactment of laws the judges have given the sanction of their unanimous recommendation on any matter connected therewith; whereupon, motion made and question put, that this ordinance be referred to the judges of the Supreme Court, to be amended in accordance with the suggestions contained in their report. Carried unanimously.

20th August.

Vagrant Ordinance; further consideration in committee.

Wednesday, 20 August 1834.

Vagrant Ordinance:—The council resolved itself into committee thereon. Memorials relating to this ordinance from inhabitants of Wynberg and Cape Town; from the coloured inhabitants of the Caledon Missionary Institution; from the members of the committee for apprenticing juvenile emigrants; from inhabitants of the district of George; from inhabitants of the district of Caledon; from inhabitants of the district of Worcester; and from inhabitants of the districts of Caledon and Swellendam, were laid upon the table.

Motion made and question put, that these memorials be read and received; carried unanimously, and memorials read, and received accordingly.

His Excellency the Governor having, in accordance with the unanimous resolution of council to that effect at sitting No. 19, submitted this ordinance to the judges of the Supreme Court for amendment, laid before the council a letter addressed to his Excellency by the judges, in answer to the communication which he had thereupon made to them, which was read. Discussion adjourned.

No. 9.
Cape of Good Hope.

Votes and Proceedings of the Legislative Council.

23d August.

Vagrant Ordinance: further consideration in committee.

Monday, 8th September 1834.

Vagrant Ordinance:—Memorials relating thereto, from Hottentots and other free people of colour, at the Missionary Institution at Pacaltsdorp; from heads of parties at the Kat River settlement; from John Fairbairn, were laid upon the table. Motion made and question put, that the memorials relating to the vagrant ordinance be read and received. Carried unanimously, and memorials read and received accordingly.

Ordinance returned by the judges of the Supreme Court, with the opinion of the judges, "that there would not be any legal impediment to its execution by the colonial tribunals; but that, in consequence of the provisions of His Majesty's Order in Council, dated 15th January 1829, this ordinance, in so far as it in anywise alters, repeals or amends the ordinance, entitled 'Ordinance of his Honor the Lieutenant-governor in Council, for improving the condition of Hottentots and other Free People of colour at the Cape of Good Hope, and for consolidating and amending the Laws affecting those Persons,' and dated the 17th July 1828, will be void and of no effect, and cannot be enforced, or carried into execution, by any of the colonial tribunals, until the same shall have been first and expressly ratified, confirmed and allowed by His Majesty, with the advice of his Privy Council."

His Excellency submitted to the council a communication addressed to his Excellency by the chief justice, relating to the provisions of this ordinance, and to the existing law for the suppression of vagrancy, which was read.

Motion made and question put, that this ordinance be read a third time.

For the motion:	Against the motion:
The Honourable C. S. Pillans, Esq.	The Honourable J. B. Ebden, Esq.
— M. van Breda, Esq.	Attorney-General.
— L. Cloete, Esq.	Acting Colonial Secretary.
Auditor-general.	
Treasurer-general.	
Officer next in command.	

Majority, three for the motion.

Ordinance read a third time accordingly.

By the President of the council; motion made and question put, that this ordinance do now pass.

Votes same as above; majority three for the motion.

Ordinance ordered to be brought up to his Excellency the Governor, for his Excellency's consideration.

His Excellency the Governor, the honourable the Acting Secretary to Government, the honourable the Attorney-general, and the honourable J. B. Ebden, esq., expressed their intention of recording the reasons of their dissent from the majority of the legislative council upon the third reading of the "amended Bill for the suppression of Vagrancy."

The officer next in command proposed to the council resolutions to be adopted, and transmitted with this ordinance to His Majesty's Government:

To the effect, "1st. Humbly, but earnestly recommending to His Majesty's benevolent care, in regard to their moral and religious instruction, the Hottentots and other free people of colour, as well as the negro population about to be emancipated.

"2d. That whatever lands still remain available for this purpose, be, with as little delay as possible, granted to the Hottentots and other free people of colour in absolute possession, and that the lands at the several missionary institutions be appropriated as recommended by His Majesty's Commissioners of Inquiry in their Reports on this subject, dated 11th March 1829, and 28th January 1830, submitted to the House of Commons on the 8th June 1830.

"3d. That the districts of Worcester, Graaff-Reinet, and the greater proportion of the field-cornetcies be sub-divided, the number of justices of the peace augmented, and the several gaols throughout the colony be better adapted for the purposes of punishment.

"4th. Recommending, for the several reasons therein set forth, the repeal of the second section of the 50th ordinance, and of all existing laws for the prevention or punishment of vagrancy, and praying that His Majesty will allow the ordinance providing for the suppression of vagrancy now passed."—Ordered to be printed.

The council adjourned at five o'clock, until Saturday the 13th inst., at one o'clock.

No. 10.
Judges' Opinions, 1829.

Appendix, No. 10.

JUDGES' OPINIONS, 1829.

ANSWERS to the QUERIES proposed by his Excellency the Governor to the Judges of the Supreme Court.

Query 1. Is it the opinion of the judges that the inhabitants of the frontier districts are sufficiently protected by the existing law against the numerous depredations committed of late against their cattle and property?

Query 2. How far does that law sufficiently protect the inhabitants, after such depredations, in the use of fire-arms against those whose escape the inhabitants would prevent, when overtaken either in the act of completing their plunder, or after pursuit?

The above Queries appear to us to involve four distinct subjects of inquiry, which we shall consider in their order.

Question 1.

No. 10.
Judges' Opinions, 1829.

Question 1. Do the existing laws of the colony provide, on the conviction of offenders, punishments sufficient to deter, in so far as the dread of punishment on conviction can operate, to deter others from committing the like crimes in time to come, in the case of those classes of offences by which the inhabitants of the frontier districts are exposed to suffer?

Answer 1. The offences by which the inhabitants of the frontier districts are exposed to suffer, appear to us to be,

1. The breaking into and stealing from their dwelling-houses during their frequent and necessary absences from home.

2. The stealing of cattle, sheep and goats.

§ 1. For the first of those offences the law of the colony provides the punishment of death, with power to the judge before whom the offender is tried, when there are circumstances of mitigation, or rather according to the modern practice, where there are no circumstances of aggravation, of mitigating the punishment to banishment, imprisonment with or without whipping, as shall appear sufficient to meet the exigencies of each particular case.

Vide Voet, lib. 4 I. 8. Van Leuwen Commentaries, p. 490. V. A. Linden's I stitutes, pp. 343. 34

§ 2. For the second class of offences, viz. the stealing of cattle, sheep and goats, the law of this colony provides the punishment of death in aggravated cases, with power to the judge before whom the offender is tried, in cases of less heinous degree of guilt, to mitigate the punishment to banishment, imprisonment with or without whipping.

Voet, lib. 47, I. 1 sec. 4. Van Leuwen's Co p. 491. V. D. Linden's I stitutes, p. 343 a 344.

As to these two classes of offence, the law of the colony is the same with the practice, if not with the letter of the law of England, and precisely the same with the law of Scotland.

It is to be observed, that, by the law of the colony, the stealing of even one sheep from its place of pasture, or the killing of one sheep in its place of pasture and carrying off the flesh, might be punished with death, on the grounds that such kind of property could not be otherwise secured, although in practice the punishment was generally mitigated, and such punishment by banishment, imprisonment and whipping inflicted as appeared to the judge sufficient to meet the exigencies of the case. It may be doubted whether, subsequently to the enactment of the Ordinance No. 22, and previously to the enactment of the Ordinance No. 33, and in Cape Town and the Cape district, previously to the enactment of the Ordinance No. 44, the law was not altered by the provisions of the Ordinance No. 22, as to the legal guilt and punishment of the crime of stealing cattle, sheep, or goats under the value of 5 *s.*, and such offences thereby placed lower in the scale of crime and made subject to less severe punishment than was consistent with the protection of that species of property by its nature, and the circumstances of the colony so much exposed to depredation. But considering the object for which the Ordinance No. 22 was enacted, and the terms of its enactment, and of the enactments of the Ordinances Nos. 33 and 34, we are of opinion that it (the 22d Ordinance) has been virtually repealed, and consequently, that the law as to the crime of stealing cattle, sheep or goats, is now in the same situation in which it stood previously to the enactment of Ordinance No. 22.

But lest any doubts should be entertained on this point, we recommend that the Ordinance No. 22 be immediately repealed, as being in some respects injurious and inexpedient, and in the present state of the criminal law of the colony altogether useless.

It is further to be observed, that the law of this colony provides the same punishment for the harbourers of thieves, and the receivers of stolen goods, to which the thieves themselves are liable.

The only particular in which the law of the colony as to the punishment of those offences by which the inhabitants of the frontier districts are exposed to suffer, is defective, is in so far as regards the punishment of female offenders. The punishments of death and banishment are in general wholly out of the question; the punishment of females by whipping appears to be improper, and we believe that simple imprisonment on the prison rations for a moderate period, is considered by the female Hottentots or most numerous classes of offenders as no punishment at all. At the same time, the state of the prisons in the different districts of the colony prevents the use of solitary confinement to the extent necessary, and no species of hard labour at which to employ female prisoners has yet been devised, at least in the country districts of the colony.

Question 2d. Do the existing laws of the colony entitle the individual inhabitants of the frontier districts to do that which is necessary to prevent the completion of the attempt to commit theft by means of housebreaking or to steal cattle, sheep or goats, which they discover in the act of being made?

Answer 2d. The law of this colony appears to us to entitle every individual to do that which is necessary to prevent the theft of any of his cattle, sheep or goats; consequently, in our opinion the inhabitants of this colony (as also their servants and inmates, or even strangers present at the time) are justified in killing any person whom they may discover in the act of attempting to break into their dwelling-houses in the night time, with intent to steal, or even in the day time, with intent to rob or commit any forcible or atrocious crime; and in like manner, that they are justified in killing any person whom they may discover in the act of theftuously carrying away any of their cattle, sheep or goats, and who then defends himself forcibly, or whom they cannot otherwise possibly prevent from completing his crime; according to the authority of Grotius, in the following passage: "Unde sequitur, si ad jus solem respranius posse fuerem cum re fugientem, si aliter res reasperari requeat, jaculo prostrari; namque inter rem et vitam est inequalitas, illa favori innocentis, et raptoris odis compensatur," and that the same is true, whether the thief be detected on the spot or overtaken on pursuit.

Voet, lib. 47, I. sec. 10. Van Leuwen's Co pp. 467, 468. V. D. Linden's I stitutes, p. 333.

Grotius, lib. 1, c. No. 11.

Question 3d. Do the existing laws of the colony entitle the inhabitants of the frontier districts to do that which is necessary to prevent offenders who have stolen their property by means

No. 10. Judges' Opinions, 1829.

of housebreaking, or who have stolen any of their cattle, sheep or goats from escaping, either when detected in the fact, or when overtaken after being pursued and traced?

Answer 3d. From the observations which have already been made on the law of the colony, with regard to theft committed by means of housebreaking and the stealing of any cattle, sheep or goats, it is clear that the law of this colony attaches to those offences that degree of guilt which in the law of England amounts to the crime of felony.

Without entering upon the consideration of the question, whether the principles and rules of the law of this colony, on the subject of arresting and preventing the escape of those who have committed, or are suspected of having committed any crime or offences of that degree of guilt which in England amounts to felony, are the same with the principles and rules of the British law on the same subject; we are of opinion, that if the law of this colony is not the same with that of Great Britain on this subject, it ought to be made the same; and even if it be already the same, that it is expedient to enact an ordinance consolidating and declaring the law on this subject.

We have the honour to transmit the draft of an ordinance which appears to us calculated for this purpose, and in which we thought it expedient to introduce a clause explanatory of section 2 of Ordinance No. 50, in order to prevent any misapprehension which may arise from the tenor of that section, and also a clause repealing the Ordinance No. 22.

Question 4. Do the existing laws of the colony sufficiently protect the property of the inhabitants of the frontier districts, by providing a sufficient preventive police, or a system of checks and restraints on that portion of the population who, from their circumstances, wants, dispositions and habits are likely to commit depredations on the property of their neighbours, sufficient, or calculated to prevent the commission of such depredations?

Answer. As our opinions on the subject of this question are not unanimous, we shall express them in separate answers, which shall be speedily forwarded to your Excellency.

(signed) *J. Wylde.*
William Menzies.
G. Kekewich.
W. W. Burton.

REPLY of his Honor the Chief Justice, Sir *John Wylde*, to the 4th Question.

Question. If the present existing law should be found insufficient as to proper protection, would an ordinance, as proposed by the Attorney-general in his letter to the Governor, dated 15th December 1828, or what other provision, become expedient?

Answer. It seems to me that the existing laws of the colony cannot have been found so wholly insufficient for affording protection against depredations on cattle and property, as that, in consequence of the late alterations and modifications of our public legal jurisdiction and authorities, doubts and uncertainties as to the laws still remaining in force may have arisen with those who continue charged with their enaction.

It must upon the facts also be admitted, that the police establishment has in real efficacy proved unequal to repress even that outrageous boldness of actual plunder, which, originating in whatever cause, is stated to have occasioned such loss of cattle and property throughout the frontier districts. But from whatever cause, such offences have in truth become so increased, it seems difficult, if we recur to the ordinance for regulating the country districts, to account for such a state of insecurity as is alleged to have actually taken place, if the regulations under it had been duly enforced. For it cannot be denied that the tenor of the regulations contained in that ordinance for the apprehension of vagabonds, and of all suspicious and disorderly persons, authorizes the application of such powerful checks as *à priori* could not justly be considered as constituting a weak or insufficient system; and even under the existing circumstances in respect of the increased risk to which cattle and property are said to be exposed, I can hardly persuade myself but that such a state of hazard and insecurity is more justly attributable to want of competent means for enforcing those regulations, than to any palpable deficiency of the system or of the provisions under it.

But again, if any uncertainty as to the laws still actually in force, and consequent apprehension of those who have to enact them, have tended to lessen the activity of the police, its efficacy would be reduced in a still greater degree; and it would create a suspicion that depredations should become frequent in such open districts, if those thus charged with its due execution have become alarmed, and therefore inactive.

I am not aware to how recent a period this increased state of exposure to theft upon cattle and property may be dated back.

If, however, it may be justly presumed that the late emancipation (as it may be called) of the Hottentots has increased the number of offenders in this way, then the very effect of that unexpected emancipation may have led to those licentious and idle habits, on their part, which might be the natural growth of so sudden a liberty, but which after a temporary indulgence might cease to have so mischievous an influence, when the necessity of providing maintenance, in those whose principles may be less or not wholly abased, shall have sobered down their present excitement at this amelioration of civil condition.

The existing evil, it is to be observed, arises not merely from persons liable to suspicion, but in the commission of absolute depredations. It is certain, however, that idleness and vagrancy are sure to lead to the commission of such offences. But again, a disinclination to industry, and subsequent vagrancy, arising from a peculiar and temporary cause, would be restrained of course with less penal force than when attributable wholly to inveterate habits of dishonesty and roguery. In the former case it is not less matter of sound policy, than of humanity, that very severe checks in the way of punishment should not be employed

ployed in the first instance; and if the removal of all uncertainty and apprehension as to the existing law in those who are to execute it, and the active measure of dispersing and expelling those upon whom it is to be executed from particular districts, would counteract the urgent grievance, it would be equally unnecesary and severe to put in force against such offenders the severity of the Dutch penal code, although that law *stricti juris* might be still in force within the colony.

Certain it is, that by the Dutch law the most severe penal sanctions (even to torture and the gallows) were directed to the repression of vagabondizing. These rigid enactments, as promulgated in various Placaats, have not been fully adopted it is true, or carried in their spirit or letter into full effect within the colony; but vagabondizing has clearly been made and punished from time to time as an offence, though rather in point of modern practice as an aggravation of some other offence with which the offender was at the same time chargeable, than as a separate and distinct crime. Under express proclamations and ordinances jurisdiction was given over this offence to the courts of Landrost and Hemraaden, and upon their abolition, to the resident magistrates and justices of the peace so lately established in the colony. The jurisdiction thus vested must have been increased, if at all, under the Dutch law; and the ordinances for the regulation of the country districts, upon which His Majesty's late charter had no effect, clearly embody in part the spirit and instructions of that law, though not its heavy sanctions and penalties.

See Placaats, 4 May 1588, 15 December 1595 19 March 1614, 9 July 1609, 17 September 1614 25 June 1649. Procl. 18 July 1817. Ord. 32, § 2. 33, § 12.

As to the adequacy of the police itself for the due enforcement of the existing laws as a general question, the court has had but a short and limited opportunity for proper observation, and, in its present state, the executive government may perhaps be better possessed of those circumstantial points by which the merits of such a description must be mainly tried. It is one at least, as applicable to the present case, upon which I am unable to come to any well-advised conclusion until I may have obtained more particular information as to the strength and resources of the police in connexion with the inquiry, though I am still not removed from the fixed impression "that the existing laws are sufficiently strong to oppose much more powerful police restraints than can of late have been applied against frequent and continual depredations."

In 1834 the court was unanimous that the 2d sec. 50th Ordnance shielded the Hottentots from the vagrant laws of the colony

In the absence therefore of such necessary information as to the real extent, as well as chief cause and principle of the evil, it would seem to me as too hazardous at present to recommend more than to try the effect of putting recognized and well established regulations into the most active operation; a renewed stimulus on the part of the police may disperse the vagrants, at least break up any existing coalitions, and possibly have the effect of forcing them to labour under immediate police coercion, or under the surveillance to which they might become subject, in less extensive districts.

In this view, for the sake of alarming and dispersing all such idle and suspicious persons as are or may become the real offenders, it might be expedient to promulgate, in the first instance, such an ordinance in principle as the Attorney-general has pointed out, the principle of which is founded on the analogous provision in the English statutes for the apprehension and removal of suspicious and idle persons. At the same time, however, as a mere effective relief it would seem to me highly advisable that public instructions, settled perhaps under the supervision of the Attorney-general, should be issued by the executive government (as in many instances heretofore), to the resident magistrate and justices of the peace, directing them to have immediately carried into full effect the "regulations of the ordinance for the administration of the country districts," as published by the Governor in council, and more especially with respect to those sections of the ordinance which unquestionably would seem still to remain in force within the colony, and which stand immediately connected with the dispersion of vagabonds, over whom the boards of Landrost and Hemraaden were authorized and directed to take cognizance as to the crimes of "vagabondizing, cattle stealing and other thefts, not accompanied by any circumstances of murder, violence, breaking into houses and other enclosures;" and to proceed to judgment and pass sentence according to the laws and usages "here in observance:" all crimes before those courts having been made cognizable by the courts recently erected in their place, and where the offenders may be punished, though not in any higher or more severe manner than therein limited and set forth.

In letters 20th April 1812, 6th March 1818. 23d Oct. 1805. Sec. 220. 223. 22 241. 245. 252, 25

Under these impressions, and considering the probable effect of the declaratory ordinance, as already proposed with respect to the protection of officers of justice, and others, in the apprehension of offenders, I do not feel myself warranted in recommending the adoption of any more solemn and more severe enactments or regulations until this palliative remedy shall have been tried, and until especially more satisfactory information shall have been obtained as to the cause and real extent of the evils complained of, and thus of what additional power or new modifications, as to the checks and restraints, the police may be capable, and have power to put in force, when specific extraordinary remedies may be made to appear more fully disclosed, and thus become justifiable on strict legal principles and practice.

26 January 1829. (signed) *John Wylde.*

No. 10.
Judges' Opinions, 1829.

ANSWER of Mr. Justice *Menzies* to the 4th Question.

I am of opinion that no sufficient preventive police is provided by the existing laws of the colony, and I am not aware how any sufficient preventive police can, in the present circumstances of the colony, be established.

I am of opinion that the existing laws of the colony, more particularly since the enactment of the Ordinance No. 50, do not provide any system of checks or restraints on that portion of the population of the colony, who, from their circumstances, wants, dispositions and habits, are inclined or under temptation to commit depredations on the property of the inhabitants of the country districts, sufficient or calculated to prevent the commission of such depredations.

It appears to me to be impossible to legislate for the purpose of remedying this defect in the laws of the colony, either with safety or advantage, until that information be obtained which will be furnished by the returns, the expediency of directing which to be made I had the honour of suggesting to your Excellency in my letter of the 25th of December 1828.

The frequent complaints I heard during the last circuit as to the state of the country districts, induced me to turn my attention most seriously to this subject, and I endeavoured to obtain information relative to it from every intelligent person with whom I had an opportunity of conversing. The information I have received has impressed me with the belief,

1. That the Hottentots, whether of pure or mixed blood, form a very considerable part of the population of the colony.

2. That with the exception of a race (who are rather to be considered as Whites with a tinge of Hottentot blood, than as Hottentots with a tinge of white blood) they possess neither lands nor houses, and that although there may be some rare instances of their possessing a few sheep or goats, they do not possess property sufficient to support themselves without labour.

3. That none of them are sufficiently skilled in any mechanical trade to gain a livelihood by exercising such trade.

4. That the only employment for which they have any decided turn is the herding of cattle, and the taking care of horses.

5. That the Hottentots are by disposition lazy, indolent, petulant, capricious, fond of change, and addicted to drunkenness and to thieving.

6. That the Hottentots are, in respect both of their personal and mental qualities, in most instances inferior, and in no instances superior, to the slaves of the colony.

7. That even when under engagement to a master, they can only be prevented from yielding to the above-mentioned evil propensities and compelled to perform their work by fear of punishment.

8. That imprisonment of short periods in the district prisons on the prison rations is not considered as any punishment either by male or female Hottentots; and in the country districts there are no houses of correction, nor any means of keeping persons imprisoned for short periods at "hard labour." That in the country districts the prisons could not, in addition to the number of prisoners imprisoned for trial, or under sentence, contain the number of Hottentots who, if the 21st and 24th sections of Ordinance No. 50 were strictly enforced, would be sentenced to imprisonment for misdemeanor or ill behaviour to the masters.

9. That the employers of Hottentots are so convinced of the utter inadequacy of the punishments provided, that few or none of them will be at the trouble or expense of travelling even half a day's distance for the purpose of having their Hottentot servants punished for negligence, disobedience, violence, drunkenness, desertion, or petty theft, but prefer the alternative of dismissing the offending servants from their service, and getting quit of them altogether. And for the same reason such employers will rather allow their Hottentot servants to break their engagements and leave their service at pleasure, than by compelling the fulfilment of their engagement expose themselves to the hazard of the trouble and expense of being compelled to appear before the resident magistrate to answer unfounded charges preferred against them, and which they know the fear of the punishment provided in section 24 of Ordinance No. 50, will not deter such Hottentot servants from preferring against them.

10. That in the country districts the only species of hard labour, at which it has hitherto been found practicable to employ prisoners, is labour in irons on the roads; that when any number of prisoners is so employed, a guard is necessary to prevent escape and enforce the labour: that no confidence can be placed in black constables: that the number of white constables is very limited, and insufficient for the duties which they have at present to discharge: that it would be difficult, if not impossible, to increase the number of white constables in any considerable degree: that in several of the country districts these circumstances at present render it impossible to keep the criminals who have been sentenced to hard labour employed at any kind of labour: that even in the country districts the prisons could not, in addition to the number of criminals imprisoned for trial, or under sentence, contain that number of Hottentots who would be sentenced to imprisonment in virtue of any ordinance providing the punishment of imprisonment for the prevention of vagrancy, if such ordinance were enforced to an extent sufficient to compel the Hottentots to relinquish vagrancy, and take themselves to service.

11. That the mildness of the climate enabling the Hottentots to sleep comfortably in the bushes, caves or temporary huts of the simplest and easiest construction, and almost

to

to dispense with clothing, plenty of flesh and two or three sheep-skins comprise everything which they consider requisite, either as comforts or necessaries.

12. That the situation and circumstances of the country districts afford the readiest facility to the Hottentots to support themselves comfortably by sheep and cattle stealing with impunity.

13. That in the neighbourhood of the towns and villages, where alone brandy is procurable by the Hottentots, they have it in their power to procure so much of it as they want by doing little jobs for the inhabitants, without the necessity of being either industrious or of entering into any permanent engagement of service.

14. That before the passing of Ordinance No. 49, the Hottentot population was fully sufficient to furnish all the labour which Hottentots, whether male or female, are capable of performing, and of which the inhabitants of this colony are in want.

15. That the natives of the tribes beyond the frontier are capable of performing any kind of labour of which the Hottentots are capable, and that such tribes so far excel the Hottentots in the qualities of steadiness, quietness, sobriety and obedience, that no person who can procure them for labourers will employ Hottentots.

16. Consequently, that the employment of natives of the tribes beyond the frontier produces the effect of increasing the number of unemployed Hottentots.

17. That since the passing of the Ordinance No. 50, the number of unemployed Hottentots has greatly increased.

18. That since the passing of the Ordinance No. 50, the number of thefts of sheep and cattle has greatly increased.

It appears to me, therefore, that with respect to the state of the Hottentots the following propositions are true, and that any exceptions to them which may be found to exist are so few and unimportant as to be undeserving of consideration in legislating on the subject.

1. That any Hottentot who is not in service has no lawful means of subsistence, and must support himself by thieving.

2. That Hottentots in general will not enter into service unless compelled.

3. That the wants of the Hottentots are so few and so easily supplied by thieving, that they are not compelled by want to enter into any service.

4. That by the existing law of the colony there is no provision made by which Hottentots can be compelled to enter into service.

5. That the fear of being punished with imprisonment and hard labour for a short period (e. g. several months) would not be sufficient to overcome their propensity and temptations to idleness, nor to compel them to enter into any service.

6. That even if imprisonment with hard labour for short periods were a punishment of such a nature, that the certainty of suffering it if they remained idle would compel Hottentots to enter into service, it is not practicable, in the present state of the country districts, to inflict it to the extent necessary to have any influence on the conduct of the Hottentots.

7. Consequently, that any ordinance passed for the purpose of repressing idleness and vagrancy among the Hottentots, which provided no other or more severe punishment than imprisonment with hard labour, would be inadequate and ineffectual for that purpose.

8. That the punishments provided by the Ordinance No. 50, for Hottentots who misconduct themselves as servants, or prefer unfounded complaints against their employers, are inadequate and ineffectual to prevent such misconduct.

9. That this circumstance has the effect of discouraging the inhabitants from employing Hottentots, and encourages them to break the engagements of service which they have entered into.

10. That the effect of the provisions, No. 49, has been and will be to increase the number of Hottentots out of employment.

11. That the existing laws of the colony regulating the condition of the Hottentots have the effect of increasing instead of preventing the commission of thefts of sheep and cattle by Hottentots in the country districts.

12. That no species of punishment which is not improper to be inflicted on slaves in this colony is improper to be inflicted on Hottentots.

I am further of opinion,

1. That it is necessary to alter the existing law of the colony, and to enact new laws in order to prevent the property of the inhabitants of the country districts from suffering by the depredations of the Hottentots.

2. That such new laws, in order to be effective, should proceed on principles directly opposite to the principles on which several of the provisions of the Ordinance No. 50 were enacted.

3. That it would be impolitic and inexpedient for the government of this colony to repeal or legislate in opposition to an ordinance passed so lately, and which has received the sanction of His Majesty's Government, before the colonial government is in possession of positive information sufficient to establish beyond the possibility of question the impolicy and inexpediency of the Ordinance No. 50.

4. That any partial or temporary ordinance passed on the subject of the Hottentots, while government are not fully informed as to the circumstances of the country districts, would at least operate only as a palliative and not as a remedy of the existing evils; that it might possibly add to them, and that it would certainly have the injurious consequences of preventing the effects of the principles acted on in the Ordinances No. 49 and 50 from being clearly seen, while it is most advisable that accurate knowledge of these effects should be obtained.

It appears to me that although some benefit might be produced by an ordinance of the

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nature proposed by the Attorney-general in his letter dated 15 December 1828, yet that it falls far short of the exigences of the case.

Further, I can in the first place see no occasion why, if such an ordinance be enacted, it should not be made to apply to every district in the colony.

2. It appears to me inexpedient to restrict the use of fire-arms by the persons acting under such ordinance to the single case of fire-arms having been previously used against them.

And lastly, I am of opinion that if such an ordinance were enacted, and the provisions generally carried into effect, it would be impossible to find either place of confinement or hard labour for the inhabitants of the colony who would in consequence be apprehended.

I take the liberty to suggest that when it shall appear to the Attorney-general, on considering the preparatory examination transmitted to him in the case of any person committed for further examination or for trial, on a charge of having committed homicide while attempting to apprehend or prevent the escape of an offender, and the case of such person, although proper to undergo a public investigation by a trial, is not likely on trial to be found to amount to the crime of murder, he, the Attorney-general, be directed to apply to the Supreme Court to admit such person to bail, and if need be to cause such bail to be procured, and to take care that such person has every means necessary for his defence provided at the day of trial.

And further, that when any person called out by any local authority receives any serious bodily injury while engaged in a lawful attempt to apprehend prisoners, some reasonable compensation for the same should be made to him by the colonial government.

With reference to this subject I take the liberty of recommending to the favourable consideration of your Excellency the case of Marthinus Appel.

Whenever his Excellency the Governor has determined upon the principles upon which it appears expedient to legislate relative to the Hottentot or Free Black population of the colony, I shall be most happy in concurrence with the other judges to give my assistance in preparing the draft of any ordinance which may be deemed necessary on this subject.

29 January 1829. (signed) *W. Menzies.*

ANSWER by Mr. Justice *Burton* to the Fourth Question.

I AM of opinion that the existing laws of the colony, if properly enforced, do provide a sufficient check and restraint upon the people in question, and are calculated to prevent the commission of depredations by them; but whether the system of police in this colony be sufficient to carry the laws into effect is a question which requires more knowledge of the strength of the different police establishments than I at present possess, but I am inclined to think that they are sufficiently powerful to act more in the way of restraint, than they appear from the complaints which have reached your Excellency to have hitherto done, and that they may be rendered effectual, as far as respects the apprehension of offenders or persons who from their habits of idleness may be suspected of becoming such, by adopting in this colony (if it shall be thought not to be already the law, or by declaring it anew, if being the law it has come to be disregarded) that principle of the law of England recommended by the Attorney-general, of calling on the people of the districts themselves to assist in such apprehension, rather than add so largely to the public establishment as under the circumstances of the colony would otherwise perhaps be found necessary for the purpose. This principle indeed, however, lately lost sight of, appears to me to have been the law of Holland, and also to have been the subject of enactment here in the system for regulating the country districts.

The law of Holland (as enacted in the Placaats of the 4th of May 1588; 15th December 1595; 19th of March 1614; 19th July 1607; 17th September 1614; 24th June 1649, and several others to be found in the great Placaat book) appears to me similar to the law of England in defining vagrancy, to have been anciently more severe in the examination of persons suspected of vagrancy (extending even to the torture), and more severe in the punishment of vagrancy, than your Excellency would probably be advised to re-enact, being whipping for the first offence, whipping and banishment from the district for the second, and whipping, branding and banishment out of the country for the third offence.

It may be questionable whether the vagrant laws of the mother country, being a matter of local regulation only, and providing for the emergency of particular occasions, become on the acquisition of a colony the law of the colony. But the Dutch law on the subject of the apprehension of vagrants has been adopted in this colony by the ordinance for the country districts of the 22d of October 1805. And the punishment of vagrancy must have followed either the Dutch law as enacted, or that principle of law that the punishment of an offence to which no certain punishment is affixed is at the discretion of the judges, for vagrancy has not gone unpunished in the colony, either separately or in conjunction with other offences. Vagrancy and vagabondizing have always been punished as an offence against the laws.

Looking to the very full provisions of the ordinance for the country districts, and referring your Excellency specially to the clauses 214. 213. 223. 227. 231. 238. 242. 244, 245, 246, 247. 250, 251, 252, 253. 270, I feel it impossible not to say, if they had been effectually followed up, a complete prevention would have been attained for the evils complained of, so far as law can provide a remedy. I am at a loss to account for this ordinance being considered of no effect, for it must be so considered, if it be said that no sufficient law exists for the apprehension of vagrants.

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By Ordinance No. 33, passed in pursuance of His Majesty's charter, the courts of Landrost and Hemraaden, which had jurisdiction of the offence of vagrancy or vagabondizing, was abolished; but by the same Ordinance, section 12, "all such crimes and offences as were cognizable by the late court, became cognizable in the courts of the resident magistrates;" and by Ordinance No. 32, justices of the peace are appointed with power to apprehend and commit to prison amongst others all "vagabonds," in order that such offenders may be brought to trial.

See proclamation, 18 July 1817.

By Ordinance No. 50, Hottentots and other free persons of colour were relieved from certain restraints and compulsory service to which others of His Majesty's subjects in this colony are not liable. But neither His Majesty's charter, nor that ordinance, nor any other that I am aware of, passed since the promulgation of His Majesty's charter, has in any other respect altered the ordinance for the country districts, or prevented the apprehension of vagrants, or made it a duty less imperative upon all officers to apprehend them, or rendered any person less amenable to punishment for vagrancy than before the commencement of the last year.

As, however, so great doubts have arisen upon the subject of the powers and duties of the civil commissioners, field cornets and other officers in the apprehension of vagrants, and as the ordinance for the country districts has become in some of its provisions inapplicable to the existing circumstances of the colony, I recommend to your Excellency the re-enactment of so much of that ordinance as remains applicable, declaring anew the duties of the civil commissioners and other magistrates and officers in the colony; and by a separate ordinance defining the offence of vagrancy, and providing for it such punishment as your Excellency with the advice of your council shall see fit.

Upon the subject of punishment I am unable, for want of sufficient data concerning the state of the public prisons and the public resources of the colony, to suggest any particular mode of punishment with confidence.

It is obvious that it must be such as will be effective in repressing vagrancy, whilst it is such as the resources at your Excellency's command will ensure its being effectually executed, and at the same time such as is only commensurate with the offence as compared with other offences against the law. But upon this point I do not doubt that from the information your Excellency will have from others, more capable of venturing an opinion than from my limited acquaintance with the colony I dare profess myself to be, some mode of punishment both for males and females may be adopted sufficient to deter them from idle and dissolute habits, provided the remedy be promptly and immediately applied whilst vagrancy has not yet become inveterate, and before, for want of proper coercion, new measures shall become necessary, which neither your Excellency nor humanity can approve of.

I subjoin the heads of an enactment which I propose as the basis of an ordinance on these subjects; much more will be requisite in detail, which may occur to your Excellency, and I shall be ready and happy to render my assistance in modelling, framing and completing the ordinances as soon as your Excellency shall have determined on the general plan. In the meantime I think it will be proper to call the attention of the civil commissioners and field cornets to the above provisions of the ordinance for the country districts; and also, if the draft ordinance enacting and declaring the law of arrest lately proposed by the judges should receive the adoption of your Excellency and council, their attention should be called to the clause there introduced, explaining the second section of ordinance No. 50.

(signed) *W. W. Burton.*

26 January 1829.

Mr. *Burton's* proposed Ordinance, for the Pursuit and Apprehension of Offenders.

Civil Commissioners authorized to raise hue and cry, and apprehend offenders.

It shall and may be lawful for the civil commissioners and other justices of the peace, field commandants and field cornets, as often as they shall see occasion, either of their own knowledge or upon credible information from others, that any crime hath been committed in their respective districts, and that the offender or offenders hath fled, or that companies of suspicious persons or vagrants are wandering about their districts, or concealed therein, to call together so many men of their districts as they shall deem necessary, and armed in such a manner as they shall see fit, and to pursue and apprehend all such persons for the purpose of their being dealt with according to law.

That every person being called upon by the civil commissioner, and having no legal excuse and refusing to join in such pursuit, shall, upon conviction, be punishable by fine and imprisonment.

That such pursuit shall always be accompanied by a peace officer, who shall take care that no unnecessary violence shall be resorted to.

That in case where any person, being remote from a field cornet or justice of the peace, has knowledge of any crime being committed within his neighbourhood, it shall be lawful for such person to pursue and apprehend the offender, and deliver him over to the nearest field cornet or justice of the peace.

Provided also, that immediately after any such pursuit, &c. he give notice to the nearest field cornet or justice of the peace of the circumstance.

26 January 1829. (signed) *W. W. Burton.*

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For Defining and Punishing Vagrants.

All apprentices or servants deserting from their masters before the expiration of the term of their service under any contract, all runaway slaves, all persons wandering about the country, and having no visible lawful means of subsistence, and not giving a satisfactory account of how they obtain the same, or going about armed with guns or other offensive weapons without lawful cause, shall be deemed to be vagrants; and it shall and may be lawful for the sheriff, the superintendent of police and their respective deputies, all justices of the peace, field cornets, constables and peace officers, to apprehend all such persons and take them before any resident magistrate of the district or place where they shall be apprehended, who shall summarily inquire into the case; and any person being adjudged by the said resident magistrate or judge of police to be a vagrant, shall, if a free person, be imprisoned and kept to hard labour, or upon bread and water, or upon rice and water, for any time not exceeding for the first offence calendar month, and for the second offence calendar months, and being a slave shall be punished with so many stripes not exceeding 75 lashes, and be further condemned to serve his master in irons for any time not exceeding, for the first offence, calendar month, and for the second offence calendar months, at the discretion of the said resident magistrate.

It shall and may be lawful for the sheriff, the superintendent of police, and their respective deputies, all justices of the peace, field cornets, constables and other peace officers, to apprehend all riotous drunkards, all loose and disorderly persons, who disturb or go about to disturb the public peace or committing any public indecency, and to take them before any resident magistrate of the district or place where such persons shall be apprehended, who shall summarily inquire into the charge, and finding the same to be true shall condemn the offender, if a free person, to such correction by fine, or being a slave by imprisonment or whipping, as he shall think fit; provided that no fine so imposed shall exceed the sum of 5 *l.*, or imprisonment, the period of one month, or whipping, 75 lashes.

(Insert 45th clause of Ordinance No. 48, commuting the fine, in cases of inability to pay, to imprisonment.)

There shall be published weekly in the government gazette of the colony, free of expense, an account of all deserted apprentices, servants and slaves, and of all offenders against the laws, or persons suspected of any crimes, who shall have absconded, whose names and descriptions shall be lodged at the Colonial-office at any time on or before Wednesday in every week, by any master of such apprentice, servant or slave, or by the superintendent of police, field-cornet or other peace officer, together with any reward which shall be affixed for the apprehension of such persons; and copies of the said gazette, or such parts thereof as aforesaid, shall be forwarded free of expense to all civil commissioners, resident magistrates, justices of the peace, field-cornets and peace officers for their information and guidance in the apprehension of such persons.

All destitute orphans or children abandoned by their parents, and being females under the age of 16 years, or males under the age of 18 years, found by any justice of the peace, field-cornet or other peace officer in any district of this colony, or delivered to him by any inhabitant, shall be immediately taken by him to the superintendent of police in Cape Town, or the clerk of the peace in any of the other districts of the colony, to be apprenticed to some trade to which such child shall be found competent.

26 January 1829. (signed) *W. W. Burton.*

Answer to the Fourth Question by Mr. Justice *Kekewich.*

Sir,

In answer to the above question I have the honour to state, that if my information on the subject be correct, I am inclined to think that the existing laws of the colony do not sufficiently protect the property of the inhabitants of the frontier districts by providing a sufficient preventive police, and as at present established that it is not calculated effectually to prevent the depredations of that portion of the inhabitants who, from their circumstances, wants, disposition and habits, are likely to commit depredations on the property of their neighbours.

I think that a police stationed in each of the district towns, and situated at a distance of 200 or 300 miles from each other, appears ill adapted for the protection of a widely scattered and wandering property like the cattle in this colony, on which depredations are committed with peculiar facility from the nature of the country; and I entertain strong doubts if any checks or restraints can be imposed through means of a police, under the present circumstances of the colony, by which the frontier tribes and the idle and vagrant portion of the natives of the colony, who are numerous, and from their habits and dispositions are addicted to cattle-stealing, can effectually be prevented from the commission of continual depredations on property of this description.

Depredations on the cattle of inhabitants are said to have increased of late, and to have become a serious evil in the country districts. This species of theft may have increased from the supineness of those who are directed to enforce the instructions contained in the still existing ordinance for the country districts, or from more recent causes with which I am unacquainted, and which I am not able to trace or ascertain with any degree of certainty. Probably the strict enforcement of such parts of the "Instructions for the country districts," as are applicable to the present state of the colony, would be attended with salutary effects in checking the extension of the evil complained of; at least, I am inclined to recommend

mer ! the adoption of such a measure; and if this proposed measure be found an insufficient check, I would then recommend that an ordinance be passed for the suppression and pun' ment of vagrancy; but I beg leave to pause and to take the question into further consideration previously to giving a deliberate opinion on the principle on which such an ordinance, if necessary, should be founded.

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26 January 1829. (signed) *G. Kekewich.*

NOTE by Mr. Justice *Burton* upon the 13th Section.

IN concurring with my brother judges in the foregoing answers to the questions proposed by his Excellency, and in the provisions of the ordinance above recommended, excepting as to so much of the 13th clause as justifies the killing a person attempted to be arrested, who flies and cannot otherwise be apprehended or prevented from escaping, in cases where the crime committed or suspected to be committed is stealing without force;

I beg to submit to his Excellency my reasons for not concurring in the full extent of that clause, which are,

1. Because in this colony, the persons most likely to commit, or be suspected of committing the offence of stealing cattle, sheep or goats (the most numerous class of thefts in the colony), are wandering Bushmen and Hottentots inhabiting the frontier districts, who, whether they have actually committed any offence or not, always fly on the approach of the colonists.

2. Because the colonists are upon occasions of pursuit always mounted and armed with guns.

3. Because the use of their guns almost always proves fatal.

4. Because in my opinion, they require rather to be restrained than encouraged in the use of them.

5. Because the punishment of death will frequently be inflicted without trial upon persons who after legal trial would not be so punished.

6. Because persons will frequently be deprived of their lives, who although suspected are entirely innocent of the offence for which they are attempted to be arrested.

(signed) *W. W. Burton.*

NOTE by the other Judges upon the 13th Section.

WE have not been able to discover any sufficient reason why any difference should be made between the law of Great Britain and of this colony as to the rule which justifies the killing of persons charged with the commission of heinous crimes who attempt to escape from legal arrest by flying, and whose escape cannot otherwise be prevented. The propriety and expediency of the rule has never been questioned in Great Britain, although there, from the density of the well-disposed population and the numbers, vigilance and activity of the police, any escape from an attempt to arrest can in all possibility be only temporary and productive of no bad consequences. In this colony the thinness of the population, the total want of police (in the country districts), and the nature of the country, are such that if an offender escape from an attempt to arrest him, there is no certainty that months or years do not elapse before he can again be apprehended; in the meantime the person so escaping must necessarily, for his own support, betake himself to the commission of depredations, and being desperate, is likely to commit them with circumstances of greater atrocity than before.

Whatever may be said of the bloodthirstiness of the boors while on commandoes, the evidence given on the trials at the late circuit courts prove the fact to be, that all the individuals who have recently been shot while attempting to escape apprehension were either persons known to be themselves notorious and desperate offenders, or at least belonging to gangs of notorious and desperate offenders; while the first intimation which the neighbourhood receives of the escape of persons either from prison or from custody on the road to prison, or from an attempt to arrest them, has been the commission of some new and atrocious crime.

We take these fac from the report o Mr. Justice Menzies. (signed) *J. Wylde* an *G. Kekewich*

Persons who are innocent do not fly from an attempt made to arrest them by legal authority.

It is therefore the guilty only that run any risk. The law only justifies the killing where the crime of which the person attempted to be arrested is accused, is of the degree of felony. In such circumstances the law justly consider that it is more expedient for the public welfare, that such offenders manifesting their guilt by their flight, should be put to death on the spot than that by their escape an opportunity should be afforded to them, and by the hope of impunity an encouragement held out to others, to commit similar offences in time to come.

On these grounds we are compelled to dissent from the suggestions which it has appeared to Mr. Justice Burton proper to make, and we consider it our duty to recommend that in this particular the law of the colony be the same with the law of Great Britain.

(signed) *John Wylde.*
W. Menzies.
G. Kekewich.

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Corporal Punishment. No sentence of corporal punishment to be passed on the natives, but penitentiaries and prisons established in its place, *Bamnister, Ev. p.* 19——Is sometimes inflicted on Caffres by the British soldiery without any provocation, *Kay* 318, *Ev. p.* 64.

Corrosive Sublimate. Has been given by English captains to the native chiefs of New Zealand for the purpose of destroying their enemies, *Rep.* 15.

Council. No Caffre chief ventures to hold his council in a mission village on the Lord's-day, *Kay* 483.

Counsel. See *Colonial Courts.*

Courantin. The Moravian mission on the Courantin was given up in 1817; no other Protestant society has attended to these Indians, *Rep.* 9.

Courts of Justice. Very few, either civil or criminal, cases have occurred in which Hottentots belonging to the Moravian missionary stations have been implicated, *Rep.* 60——Suggestions for the better administration of the laws in courts of justice in the colonies, *Bamnister, Ev. p.* 19——Facilities should be afforded for the admission of all the native people as spectators into the courts of justice, *Bamnister, Ev. p.* 19——Canadian courts of law have jurisdiction over the whole territory of the Hudson's Bay Company, who are bound by their charter to produce the parties in court, in case any complaint is laid at Canada, *Pelly* 398.——*See* also *Colonial Courts.*

Credit River. School established at, by the Wesleyan missionaries, *Wundais* 169.

Cree Indians. Supposed decrease in their numbers during the last thirty or forty years, *Rep.* 8.——*See* also *Friends,* Society of. *Penn,* Mr. *W.*

Creeks. See *Native Teachers.*

Crews of Vessels. See *Daniel,* Ship.

Crime. Provision made for the punishment of crimes in the different colonies is defective and unsatisfactory; suggestions for alterations therein, *Rep.* 79, 80——The 6 & 7 Will. 4, c. 57, provides for the punishment of offences committed by British subjects within the Caffre territory; unless some well-organized force for the apprehension of offenders shall be established in Caffraria, this law will be to a great extent inoperative, *Rep.* 82——Crimes committed by Englishmen in New Zealand may be tried at Sydney; the criminal cannot be compelled to go to Sydney for that purpose, *Rep.* 85——Crimes committed beyond the precincts of the colony of Sierra Leone are not punishable by the colonial law, *Macauley* 258–261——Extract from the indictment book of the attorney-general at the

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the Cape, showing the number of cases and prisoners tried in the supreme and circuit courts from 1828 to 1833, *Wade* 652.——*See* also *Colonial Courts. Judges' Opinions.*

Crown Officers. Should be allowed to hold briefs ex-officio from the protectors and political agents in the cases of natives, and criminal prosecutions of white people, *Bamnister, Ev. p.* 19.

Cultivation. Is greatly discouraged among the Chippeway tribe from the insecure state of the reserves and settlements held by them, *Wundais* 144.

Cutlery. Great quantity of English manufactured cutlery is in use among the Caffres, *Kay* 483.

D.

D'Urban, Sir *Benjamin.* Opinion expressed by him that the Caffres, during the late war, were aiming at an acquisition of territory, *Kay* 318; *Ev. p.* 63——No private communication ever passed between witness and the Governor of the Cape of Good Hope, *Philip* 621–625——The suppressed passage of Dr. Philip's letter contains serious and groundless imputations upon the governors of the colony, *Wade* 626–628.
See also *Hintza,* Chief.

Daniel, Ship. The crew of this vessel attacked the house of an American missionary, in consequence of his interfering to prevent their licentiousness, *Rep.* 18.

Darling, General. Statement made by him in 1828 with respect to the treatment of the Indians of the Canadas by Europeans, *Rep.* 7.

Death, Punishment of. No judgment of death should be passed on natives, but penitentiaries and prisons should be established, *Bamnister, Ev. p.* 19——All Caffres found on the right bank of the Great Fish River previous to 1823 were liable to the punishment of death, *Kay* 317, *Ev. p.* 61.

Deer. In some districts of the Red River they are so numerous, the natives will kill an immense number and leave their carcases to rot, *Pelly* 344.

Diseases. The introduction of European diseases has caused a decrease in the number of the North American Indians, *Rep.* 7——Among the natives of New Holland, *Rep.* 11.

Documents, Public. All public documents should be printed in the language of the natives, *Bamnister, Ev. p.* 17.

Dundas, Major. His opinion that the passing of the 50th ordinance was the emancipation of the Hottentots, *Rep.* 26——As to the good dispositions of the Caffres, *Rep.* 31——That the Caffres are a greatly increasing nation, *Kay* 318, *p.* 63——Observations on the attacks made by him on witness in his Evidence before the Committee of last Session, *Kay* 306–311——Assistance given by him in repelling the attacks of the Mon guanas upon the Tambookie was injudicious *Kay,* 566, 567. 573–582.
See also *Colonist,* Newspaper.

Dushani. Son of Zlhambi, visited Graham's Town, and delivered into the hands of the commandant some stolen horses which he had taken within his territory, *Kay* 320, *Ev. p.* 66.

Dutch Settlers. Period when the Dutch formed their first settlement at the Cape; jealousy with which they beheld the increase of the cattle among the Hottentots, *Rep.* 25.

E.

Education. A strong desire for education among the Caffres since missionary stations established, *Rep.* 73, *Kay* 458——The revenue of each colony should be subject to a charge for providing for the education of the survivors of the tribes to which the colony originally belonged, *Rep.* 79——Statement showing the amount and disposal of the funds provided by treaties between the Americans and Indians for the purposes of education, *Bamnister, Ev. p.* 10——Tuition is imparted at the Tuscarora station in New York on the plan adopted for infant schools, *Bamnister, Ev. p.* 11——The white and coloured population must be educated together, *Bamnister, Ev. p.* 17.
See also *America. Children. Griquas. Indian Schools. Infant Schools. Schools.*

Eliot, Mr. The religious efforts made by him and his friends, in 1646-1660, to civilize the North American Indians, produced no lasting benefit, *Bamnister, Ev. p.* 6.

Ellis, Rev. Mr. Extract from his evidence relative to the introduction of ardent spirits in the different colonies, and injurious effects therefrom, *Rep.* 14, 15——As to the causes of the depopulation of the South Sea Islands, *Rep.* 24, 25.

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Emigration. To the Red River is not encouraged by the Hudson Bay Company; it is not necessary from the great increase of the native population and half breeds, *Pelly* 400–402.——*See* also *Agriculture. Cape of Good Hope.*

English Settlers. By the late war the English settlers at the Cape have been great losers, *Rep.* 73, *Kay* 314——English settlers have been of great advantage to the native tribes, religiously as well as commercially, *Rep.* 73, *Kay, Ev. p.* 54——No doubt they were always the first to break through every treaty respecting boundary; no instance of their being sacrificed by the Caffres, *Kay* 317, *Ev. p.* 62——No instance in which any of the English settlers of Albany formed part of a commando against the Caffres, *Kay* 602–611. *See* also *Caffres. Ficani.*

Eole, Shipwrecked Crew of. See *Hintza,* Chief.

Erasmus, Field-Cornet. Greater part of the evidence given by Captain Stockenstrom respecting his case was disproved in the inquiry relative thereto at Graham's Town, *Greig* 41, 42.

Essequibo River. See *Lands.*

European Intercourse. Extract from the evidence of Messrs. Beacham, Coates and Ellis, before the Committee of last Session, as to the evils which have resulted from the intercourse between civilized and barbarous nations, *Rep.* 74, 75. *See* also *Native Tribes.*

Europeans. British subjects are amenable to their own courts for offences committed in the South Sea Islands, *Rep.* 85——Number of Europeans settled at Sierra Leone, *Macauley,* 186.

Evans, Rev. *J.* Extract from a letter from him as to the improvement in the manners and habits of the St. Clair Chippeways, *Rep.* 48.

Everett, Mr. His opinion that the United States have obtained 230 millions of acres of land by purchase from the Indians, *Bamnister, Ev. p.* 7.

Evidence, Law of. See *Law of Evidence.*

F.

Fairs. The establishment of a fair at Beaufort in 1819, was a mutual benefit to the natives and colonists; the Griquas were the principal dealers, *Rep.* 67——Extract from the instructions of Lord Glenelg on this subject, *Rep.* 81——Very questionable whether good or evil arising therefrom preponderated, *Kay* 471.

Fernando Po. Is not occupied in any manner by the Spaniards, though it belongs to them nominally; present state thereof, *Macauley* 268–278——The British Government still have the management of the island, though the government belongs to Spain, *Macauley* 270, 271.

Field-Cornets. Unfitness of some them for the trust reposed in them, *Rep.* 32——They are often connected with the Boors, *Rep.* 32.

Ficani. The extermination of the Ficani was contemplated in the attack on Chaka's army by Major Dundas in 1828, *Kay, Ev. p.* 56——Some of the settlers formed part of the commando against the Ficani in 1828, *Kay* 604–606.

Fines. See *Agents. Hudson's Bay Company.*

Fishing Nets and Rods. Are frequently given by way of presents to the natives inhabiting the territories of the Hudson's Bay Company, *Pelly* 340. 369.

Foreign Missions. Annual donation by the American government to the American Board of Foreign Missions, *Bamnister, Ev. p.* 10.

Fox, Mr. Opinion expressed by him as to the mode in which slaveholders dispose of their slaves in Sierra Leone is utterly erroneous, *Macauley* 280.

Franklin, M. Efforts made by him, in 1764, to civilize the natives of North America were made in vain, *Bamnister, Ev. p.* 6.

Frazer, Colonel. The commando into Caffreland under Colonel Frazer put a stop to the labours of the missionaries, *Rep.* 73.

Freetown Church. Religious services were altogether suspended for a year and a half on one occasion, from the absence of the colonial chaplain, *Macauley* 208, *Ev. p.* 35. 217–224——It is the only Government place of worship at Sierra Leone, *Macauley* 217, 218. *See* also *Clergy. Colonial Chaplain.*

Friends, Society of. Steps taken by the American Society of Friends for the civilization of the Cree Indians, *Rep.* 46.

Fur Trade. The introduction of the fur trade among the North American Indians has rendered them so completely a wandering people, that they have lost all disposition to settle, *Rep.* 7.—— *See* also *Agriculture.*

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G.

Gaika, Chief. He never professed to have the entire disposal of the lands he surrendered to the Government in 1819, *Rep.* 35——His right was disputed by the chiefs of his own nation, *Rep.* 35——He had no right whatever to relinquish the land which he held in trust for the Caffres, *Kay* 318, *Ev. p.* 62——Attempt made by a British officer to kidnap him, *Kay* 320, *Ev. p.* 67.

Game. The decrease in the quantity of game has tended to decrease the number of the North American Indians, *Rep.* 7.

Gamtoos River. Was considered for a considerable period (under the Dutch government) as the limit of the colony, *Rep.* 30.

Gazette. The publication of a weekly gazette in London, for official reports of all public proceedings concerning the aborigines, recommended, *Bamnister, Ev. p.* 17, 18.

Gisborne, Mr. *W.* Extract from the evidence given by him on the quantity of territory taken from Macomo, and circumstances which caused his expulsion, *Rep.* 36, 37.

Glenelg, Lord. Instructions issued by him to the lieutenant-governor of the Eastern provinces of the Cape of Good Hope, *Rep.* 81——Extract of a despatch from him to Governor Sir James Stirling, dated 23 July 1835, *App. p.* 138——Another despatch, dated 16 March 1836, from the same to same, *App. p.* 142.

Goderich, Viscount. The practice of sending rum as a present to the Indians in South America severely commented on by him, *Rep.* 9——Extract of a letter from him, dated in 1831, on the subject of no effort having been made to convert the Indians of British Guiana to Christianity, *Rep.* 9——Extract of a despatch from Viscount Goderich to Governor Sir James Stirling, dated 16 August 1832, on the subject of the hostility of the natives of Van Diemen's Land towards the settlers of Western Australia, *App. p.* 128.

Gospel. Black preachers of Freetown, Sierra Leone, are not very desirable teachers of the Gospel, *Macauley* 230.——*See* also *American Ordination.*

Government Offices. Opening all situations of Government to the attainment of coloured people would be one great means of imparting civilization to aboriginal inhabitants of different colonies, *Macauley* 246.

Governors of Colonies. The governors of the Canadas recommend the sending of missionaries, as the most likely means of improving the condition of the native tribes, *Rep.* 46, 47——Should be invested with authority for the decision of all questions affecting the interests of the native tribes, *Rep.* 77——Recommendation that governors of colonies should not be allowed to take possession of any new territories without the sanction of the Home Government, *Rep.* 78, 79——A careful review of the instructions given to governors should be made; they should be formed into a digest, and printed, *Bamnister, Ev. p.* 18——Instructions which enjoin the killing the natives without form of law ought to be recalled; they have been productive of great evil in New South Wales, *Bamnister, Ev. p.* 18——They should cause collections of the native laws to be made, *Bamnister, Ev. p.* 18.——*See* also *Agents.*

Graaf Reinet. Report of civil commissioners for the district of Graaf Reinet, dated 28 June 1834, on the subject of the proposed vagrant ordinance, *App. p.* 157–159.

Graham, Colonel. Force sent from Cape Town under his command for the purpose of clearing Albany of the Caffres, *Rep.* 31.

Granville, Lord. Opposed the civilization of the Indians, lest they should become dangerous to the plantations, *Bamnister, Ev. p.* 6.

Grants of Money. Should be made to missionary and other bodies, and for scientific expeditions; manner in which they should be proportioned, *Bamnister, Ev. p.* 19, *Kay* 456.

Grape Island. The Wesleyan Missionary Society have established schools among the Chippeways at Grape Island, *Wundais* 169.

Great Lake. See *Newfoundland*

Greig, George. (Analysis of his Evidence.)—Opinion that the evidence given before the Committee of last Session contains charges of far too general a character, 1–13. 31—— Period of time witness resided at the Cape of Good Hope, and nature of his occupation, 14–20. 23–28. 30.

[Second Examination.]—Witness arrived at the Cape in the early part of 1823; has generally resided at Cape Town, 32–39——Greater part of the allegations before the Committee respecting the death of Seko were disproved before the authorities at Graham's Town, 41–47.

Greig, Mr. Letter from him to the Chairman of the Committee, dated 11 March 1837, stating his inability to furnish the Committee with any satisfactory evidence to rebut the charges made against the colonists before the Committee of last Session, *Ev. p.* 4.

Griquas. No tribe appear to have suffered more from the incursions of boors with their flocks and herds into their country than the Griquas, *Rep.* 28——Description of the Griquas as given by Mr. Anderson in his evidence before the Committee of last Session, *Rep.* 64–66——Their refusal to furnish recruits in 1814 gave great umbrage to the colonial government,

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government, *Rep.* 67——Political agent appointed by the colonial government to reside among the Griquas, in order to strengthen the authority of the chiefs or captains in preserving order, *Rep.* 67——Education is rapidly advancing among the Griquas, *Rep.* 69——Influence possessed by missionaries over them; extract from Captain Stockenstrom's evidence thereon, *Rep.* 69, 70——They would form a most important link of civilization for the interior of South Africa, *Bamnister, Ev. p.* 18.

See also *Bushmen. Colonial Governors.*

Guard, Captain. Particulars respecting the wreck of the barque Harriet at Cape Egmont; seizure of Captain Guard, his wife, child and part of his crew, and means adopted to regain possession of them, *Rep.* 18–20——Estimation in which he was held by the officers and crew of the Alligator, *Rep.* 20, 21.

Guns. Are supplied to the Indians at the Red River by the Hudson's Bay Company, *Pelly* 340——Are frequently given to the natives by the Hudson's Bay Company by way of presents, *Pelly* 369.

H.

Hallbeck, Bishop. Extract of a letter in 1823 relative to the stations of the Moravian Missionary Society in South Africa, *Rep.* 60.

Hanbury, Pownall, and others. Efforts made by them in 1770 to civilize the North Americans were made in vain, *Bamnister, Ev. p.* 6.

Hintza, Chief. He was a heathen; exceedingly superstitious and despotic, *Kay* 320, *Ev. p.* 66——This chief had had very little intercourse with the colonists previous to 1826, *Kay* 320, *Ev. p.* 66——Causes which operated upon him to postpone the meeting with Sir Benjamin D'Urban, *Kay* 320, *Ev. p.* 67——Has never been convicted of any hostile proceeding against the colony, *Kay* 320, *Ev. p.* 67——Presents sent to him from the colonial authorities in April 1830, for the assistance rendered by him and his people to the shipwrecked crew, &c. of the Eole, a short time previously, *Kay* 320, *Ev.* 67——No reason for supposing that he ever imbibed or acted upon Christian principles, *Kay* 599——Instance in which he took a very active part in punishing a man for theft, *Kay* 599.

Hodgkin, Thomas, M.D. (Analysis of his Evidence.)—Delivered in statement regarding the proceedings adopted by William Penn in the settlement of Pennsylvania, 408–410.

Hodgkin, T., Esq. Paper referred to in his evidence given the 22 March 1837 on the course adopted by William Penn in his dealings with the Indians, *App. p.* 113–121.

Holland, New. Very little care taken to protect the inhabitants of New Holland from the violence or contamination of Europeans, *Rep.* 10——Original condition of its inhabitants; effect of intercourse with Europeans upon them, *Rep.* 10——Instructions given in 1825 by the Home Government as to the treatment of the native tribes; allowance made to the Church Missionary Society; efforts made for their amelioration have been attended with some degree of utility, *Rep.* 11——In 1824 not a white man was to be found who could speak the language of the New Hollander, *Bamnister, Ev. p.* 17.

See also *Broughton*, Bishop. *Convicts. Diseases. European Intercourse. Lang*, Dr. *Sailors.*

Hottentots. When first discovered by the Portuguese at the Cape, they were both numerous and rich in cattle, *Rep.* 25——Class of persons comprised under the term Hottentots, *Rep.* 25——Supposed number of the Hottentot population now and formerly, *Rep.* 26——As late as 1828 great doubts existed upon the competency of the Hottentots and other free persons of colour to purchase or possess land in the colony, *Rep.* 26——When the English first took possession of the Cape, the Hottentots were the actual slaves of the boors, *Rep.* 26——Number of Hottentots belonging to the missionary stations connected with the Moravians, *Rep.* 60——They are regarded by the Cape farmers and the inhabitants generally as incapable of benefiting by instruction, *Rep.* 60——No attempt has been made or sanctioned by the colonial government to instruct the Hottentots, *Rep.* 60——Great improvement in the character and manner of those at Bethelsdorf since the missionary stations have been established there, *Rep.* 61.

See also *Churches. Clothing. Kat River Settlement.*

Houses. Were so little prized by the Indians that many of them were rendered uninhabitable at the time when they embraced Christianity, *Rep.* 48——Have been substituted for huts among the Caffres, *Kay* 483.

Hudson's Bay Company. Districts over which the power of the company extends, *Pelly* 329–331——Do not send any spirits to the northward of their territory, *Pelly* 338——Order made by them that spirituous liquors should not be sold to the Indians very strictly attended to, *Pelly* 339——They generally select their agents from Scotland, young men who go out as clerks, *Pelly* 371——Are very particular with respect to their beaver preserves; natives are removed when the beavers are diminishing, *Pelly* 341——They are sending out clergymen to, and establishing schools wherever practicable in

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their territory, *Pelly* 348–350——Nature of the jurisdiction exercised by this company in punishing offences committed in their territories, *Pelly* 357.

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Huron, Lake. Chippeway Indians on this lake are dissatisfied with the tenure on which they hold their lands, *Wundais* 158.

See also *Kahkewaquonaby*, or *Peter Jones. Lands.*

I.

Indian Population. See *America. Canada. Civilization. Education.*

Indian Schools. Statement showing the number of Indian schools, where established, by whom, the number of teachers and pupils, and the amount allowed by the American government, *Bamnister, Ev. p.* 10——Statement showing the amount and disposition of the funds provided by treaties for the purposes of education, *Bamnister, Ev. p.* 10——Nature and extent of instruction afforded therein, *Bamnister, Ev. p.* 11.

See also *Choctaw Academy.*

Industry. The best method of introducing industry among uncivilized people is to give them a knowledge of religion, *Rep.* 61.

Infanticide. Very prevalent among the native tribes of New Holland, *Rep.* 11.

Infant Schools. These and all other places of education should be increased in and near the colonies, and natives should be brought forward as much as possible as teachers, *Bamnister, Ev. p.* 17.

Interpreters. The faithlessness and ignorance of colonial interpreters have long been subjects of complaint, *Bamnister, Ev. p.* 17——Should be provided for courts of justice, *Bamnister, Ev. p.* 19.

Intoxication. The habits of intoxication imbibed by the North American Indians since their intercourse with Europeans has tended to decrease their numbers, *Rep.* 7——In New Holland, *Rep.* 11.——*See* also *Ellis*, Rev. Mr.

Ironware. Great quantity of ironware manufactured in England is now used by the Caffres, *Kay* 483.

Irwin, Mr. Extract of a despatch from Acting-governor Irwin to Viscount Goderich, dated 26 January 1833, relative to the attacks made on the settlers at York by the natives, *App.* 132–134——Also of a despatch from the same to the same, dated 10 April 1833, on the state of the native tribes located at King George's Sound and Augusta, *App. p.* 134, 135.

J.

Jack, Captain. Purchased the heads of thirteen New Zealand chiefs, and took them to the Bay of Islands, and exposed them to their relations, *Rep.* 15.

Johnston, Sir *George*. See *Chippeway Indians.*

Jones, Reverend *Edward*. Nature of the objection made by the Home Government to his officiating as colonial chaplain at Sierra Leone, *Macaulay* 208, *Ev. p.* 35.

Jones, Peter. See *Kahkewaquonaby*, or *Peter Jones.*

Judges. Natives should be placed as judges on the bench as soon as fit persons appear *Bamnister, Ev. p.* 19.

Judges' Opinions. Answers to the queries proposed by his Excellency the Governor of the Cape to the Judges of the Supreme Court, on the subject of the sufficiency or insufficiency of the present laws for the punishment of offenders, *App. p.* 174–177——Answer of Mr. Justice Menzies to the fourth question, *App. p.* 178–180——Also of Mr. Justice Burton, *App. p.* 180, 181——Also of Mr. Justice Kekewich, *App. p.* 182, 183——Note by Mr. Justice Burton upon the 13th section, *App. p.* 183——Note by the other judges on the same section, *App. p.* 183.

Juries. Should be had when possible, and perfect equality of rights should be declared and enforced for the natives, *Bamnister, Ev. p.* 19.

Jurymen. Instances in which liberated Africans have been called upon to act as jurymen; their verdicts have generally given great satisfaction, *Rep.* 59, *Macaulay* 195, 196.

K.

Kahkewaquonaby, or *Peter Jones.* His opinion that in all cases where the native tribes have embraced Christianity they have immediately applied themselves to civilized pursuits, *Rep.* 47——Was an agent of the Wesleyan Missionary Society; extract of a letter from him as to the breaking up of an English settlement at Lake Huron, *Wundais* 159–161——Extract of a letter from him, dated 9 December 1836, relative to the breaking up of the Chippeway settlement at Sah-gung, *Wundais* 161 164.

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Kama, Chief. See *Pato, Kama* and *Cobus*, Chiefs.

Kat River Settlement. Extract from the evidence of Captain Stockenstrom and Dr. Philip on the success attending the establishment of the Kat River Settlement, *Rep.* 61-63——Many of the persons located there had been educated at missionary establishments; they would not remain without a missionary, *Rep.* 63.
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Kay, Reverend *Stephen.* (Analysis of his Evidence.)—Missionary from South Africa, connected with the Wesleyan Missionary Society, resident in Africa nearly eleven years, 303–305——Observations by witness on the attacks made by Colonel Wade and Major Dundas on him in their evidence before the Committee of last Session, 306–311, *p.* 49. 59——Character of the Caffres has been greatly misrepresented, 312–314——Remarks respecting the treatment of the Caffres by settlers, as a nation, towards their chiefs, 316–321.
[Second Examination.]—Examination respecting certain suggestions proposed by witness for securing the peace and happiness of the natives of South Africa, 411–456——Effect of missionary labours among the natives, 457–471. 482——Period of establishing the first Wesleyan Missionary station in Caffraria, 472–479——General effects of the system of commandos on the natives, 486–500.
[Third Examination.]—Examination relative to certain passages published in witness's researches in Caffraria, and authority on which inserted, 501–588——Further evidence relative to the effect of the missionaries' labours on the Caffres attached to the several stations, 592–596——No instance in which any of the British settlers of Albany formed part of a commando against the Caffres, 602–611.

Kekewich, Mr. Judge. In his address to the grand jury of the Cape district in 1834 stated that crime had decreased within the last four years, *Rep.* 27.

Kempt, Sir *James.* His opinion that the only means of improving the condition of the native Indians in Canada is to send missionaries among them, *Rep.* 47.

King, Mr. His opinion that the Northern Indians have decreased greatly; decidedly from contact with the Europeans, *Rep.* 8.

King George's Sound. Extract of a letter from Captain Sir R. Spencer (resident at King George's Sound) to Mr. Under-secretary Hay, dated 19 March 1834, on the improved state of the settlers there, *App.* 135.——*See* also *Irwin*, Mr.

Knox, General. Extract from report on Indian affairs made by him to the president of the American Congress in 1789, *Bamnister, Ev. p.* 7——His opinion that the impracticability of civilizing the American Indian was more convenient than just, *Bamnister, Ev. p.* 7.

Kok, Adam. Purchased of a bushman the springs of water at Campbell; the same sum was repaid him when Campbell was put under the jurisdiction of Waterboer, *Rep.* 66.

Kororeka Island. See *Murders.*

L.

Labour. No vagrancy laws or other laws should be allowed for preventing natives selling their labour at the best price, and at the market most convenient for themselves, *Rep.* 78——Contracts for service should be limited in their duration; every contract to be made in the presence of an officer specially appointed, *Rep.* 78.

Labourers. Great loss of good labourers to the colonists caused by the war of 1811, *Rep.* 31.

Lander, Mr. His opinion that there was a rude system of a tenure on which lands were held prevalent in those parts of Africa which he had visited, *Colebrooke* 112.

Lands. Regulations to be observed with regard to lands within the British dominions acquired from Aborigines by settlers, *Rep.* 78——Price at which those on the banks of Lake Huron and the River Essequibo are bought and sold, *Rep.* 79——Minimum price fixed by Parliament for those in Southern Australia; extent to which they have been sold, *Rep.* 79——Those acquired from the aborigines are worth a very large sum of money, *Rep.* 79——The whole of the land in New South Wales has been taken possession of by the government without the least compensation being made to the original possessors, *Rep.* 83——The right of natives to their lands should be protected not only by the ordinary legal remedies, but by a fairer valuation of what they cede in treaties, &c., *Bamnister, Ev. p.* 19——Parcels of lands should be given to good teachers, *Bamnister, Ev. p.* 17——The tenures under which the natives hold their lands should be correctly ascertained, *Colebrooke* 281, *Ev. p.* 43——Grants of land are made by the Hudson's Bay Company to natives who choose to settle and cultivate the soil, *Pelly* 373——Quantity of land acquired by the Americans from the Indians by purchase, *Bamnister, Ev. p.* 7, 8.
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Lang, Dr. His opinion as to the causes of the decrease of the population of New Holland, *Rep.* 11.

Languages. All modern and the ancient languages should be taught in the different schools established in the colonies, *Bamnister, Ev. p.* 19.

Law of Evidence. Evidence should be taken without oath in all cases in which the natives have not the use of oaths in their own courts, *Bamnister, Ev. p.* 19.

Liberated Africans. Capacity of the negro race for mental culture; good average intellect, *Rep.* 58, *Macauley* 238——The means of bestowing instruction upon them have become very inadequate to their increasing numbers, *Rep.* 58, *Macauley* 239–243——In every situation in which they have been called upon to act, have fulfilled their duties satisfactorily, *Rep.* 59, *Macauley* 193–195——They are generally very much diseased and debilitated when taken out of the holds of the slave ships, from their long confinement, *Rep.* 59, *Macauley* 188–190——Repeated instances of people who were originally in a state of extreme debasement when landed, who afterwards have under instruction risen into civilized men, *Rep.* 59, *Macauley* 190——Number of, at Sierra Leone, *Macauley* 186.

Instances of their sending their children to England for the purpose of education, *Macauley* 190. 243–245——Those settled at Sierra Leone have no desire to return to their own country, *Macauley* 245–250——Large proportion of those landed at Fernando Po die within the first six months after they have been landed, *Macauley* 269——Not any negroes have been sent from the slave states of America to Sierra Leone, *Macauley* 267——Number discharged from captured slave vessels during 1834 and 1835, and located at Sierra Leone, *Macauley* 208, *Ev. p.* 35——Extent to which civilization has been carried among those at Sierra Leone, *Macauley* 188–208——Suggestion that the plan adopted with respect to conveying Africans from Havannah to Trinidad should be adopted at Sierra Leone in conveying Africans to the Gambia, *Macauley* 252.

See also *African Corps. Children. Churches. Constables. Jurymen. Magistrates. Militia. Sierra Leone.*

Local Governments. Should transmit the reports of protectors of natives to this country, with the proceedings taken thereon, *Rep.* 84.

Local Legislature. Protection of the natives could not be confided to local legislatures; they should represent the feelings or settled opinions of the great mass of the people for whom they act, *Rep.* 77.

M.

Macartney, Earl. Proclamation issued by him authorizing the landdrosts and magistrates to take the field against the wild Bosjesmen, *Rep.* 27.

See also *Boundaries. Commando System.*

Macauley, Henry William. (Analysis of his Evidence.)—Resident in Sierra Leone, and commissary judge there, 179, 180——Evidence respecting the state of the different tribes composing the population of Sierra Leone, 182–187——Extent to which civilization has been carried among the liberated Africans, 188–208——Measures taken to impart to them Christian instruction, 208–226——Civilization most effectually accomplished by affording religious instruction, 227–233——Encouragement that would be given to an English schoolmaster at Sierra Leone, and evidence thereon, 235–243——Suggestion for imparting civilization, 246——Reason why liberated Africans have no desire to return to their own country, 245–250——Further suggestions as to the means of improving the situation of the aboriginal tribes, 251, 252——Cause of the formation of the colony of Sierra Leone, 253–267——Present state of the settlement of Fernando Po, 268–278——Opinion expressed by Mr. Fox as to the mode in which slaveholders should dispose of their slaves in Sierra Leone, is utterly erroneous, 280.

Macomo, Chief. Statement of Capt. Aitchison respecting the expulsion of this chief from the neutral territory; causes which operated to hasten his expulsion, *Rep.* 35, 36——His character as described by the several witnesses examined before the Committee of last Session, *Rep.* 37——Further extract from the evidence of Capt. Aitchison, respecting the colonial policy pursued towards this chief, *Rep.* 39, 40—— His expulsion from the Kat River in 1829 could not but fail to provoke and exasperate the frontier tribes, *Kay* 318, *Ev. p.* 63——Is a son of the late Gaika; his clan had long suffered under the treaty made with his father; he was a principal leader in the late war, *Kay* 318, *Ev. p.* 63.

See also *Boundaries. Cole*, Sir *Lowry.*

Madagascar. See *Steam Navigation.*

Magrath, Mr. Opinion expressed by him that the Mississagua tribe no longer desire the gifts of trinkets and gaudy coloured clothes, *Rep.* 47.

Majeico.

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Majeico, a Hottentot. Affidavit made by him corroborative of the one produced by witness last Session, of Mr. Atherstone, relative to conversations between Mr. A. and the Caffre chief, John Tzatzoe, *Wade* 115–118.

Makanna or *Lynx* Chief. A chief of extraordinary influence among the Caffres, who was seized and carried off to the Cape by British troops in 1819, *Kay* 320, *Ev. p.* 67.

Mambookies. The English name for the Amaponda tribe of Caffres, *Rep.* 25.

Markets. Public markets should be established in concert with the tribes at all convenient spots, *Bannister, Ev. p.* 18.

Maroons. Number of maroons settled at Sierra Leone, *Macauley* 186——Not the same advancement perceptible among the maroons as among other persons of colour in Sierra Leone, *Macauley* 191——On the treaty made with them in the West Indies, sent to Nova Scotia, and afterwards to Sierra Leone, *Macauley* 265, 266.

Marriage. Should be encouraged among convicts; great evil inflicted on the natives of New South Wales from the inequality of the sexes and the absence of domestic ties, *Bannister, Ev. p.* 20.

Matuwana, Chief. No kind of communication ever held with him by the English authorities at the Cape previous to the attack made on his people, *Kay, Ev. p.* 56——The messengers sent to him by the Tambookies, although not very graciously received, were permitted to return, *Kay, Ev. p.* 56.

Maynier, Mr. Extract from evidence given by him before the commissioners of inquiry relative to the cruelties practised by the boors on the Hottentots, *Rep.* 27, 28.

Measles. Great many of the natives of the Red River settlement were carried off by the measles a few years ago, *Pelly* 336.

Mechanical Trades. Native tribes are very apt in learning mechanical trades, *Rep.* 56.

Medical Education. Medical instruction should be imparted to numerous native pupils in the several colonies as well as in England, *Bannister, Ev. p.* 17.

Melville, Mr. Extract of a letter from him in 1824, as to the influence possessed by missionaries in restraining and guiding the wild spirits of the native tribes, *Rep.* 68.

Methodist Episcopal Church. Annual donation by the American government to the Methodist Episcopal Church, *Bannister, Ev. p.* 10——Tribes amongst which they have established schools, number of teachers and pupils therein, *Bannister, Ev. p.* 10.

Micmas. This class of Indians are disinclined to settle, and are in the habit of bartering their goods for rum, *Rep.* 7.

Militia. Is almost entirely composed of liberated Africans in Sierra Leone, *Rep.* 50, *Macauley* 193.

Minster Town. School established among the Chippeway Indians at, *Wundais* 169.

Missionaries. The religious character of the missionaries won for them the confidence of the people of New Zealand, *Rep.* 52——Caffres look upon the missionaries as friends and protectors, *Rep.* 73——The Chippeway Indians consider themselves under great obligations to the Wesleyan missionaries, *Wundais* 165, 166——Those in New Zealand have composed a grammar of the native tongue, *Rep.* 53——They have often been employed as moderators between the natives and those who have injured them; successful results thereof, *Rep.* 55——Good effects arising from the influence possessed by missionaries is very perceptible in Sierra Leone, *Rep.* 60, *Macauley* 208. 231——Religious instruction afforded by them is attended with very good effects in villages, *Rep.* 60, *Macauley* 230, 231——Influence possessed by them over the Griquas in leading them to acts of justice, *Rep.* 66——Influence possessed by them over the Caffres is more of a political than a religious nature, *Rep.* 71.

The Wesleyan missionaries have published a grammar of the Caffre language; translated and printed nearly the whole of the New, and a portion of the Old Testament, *Rep.* 72——Their labours very materially retarded by the commando against the Caffres under Colonel Frazer, *Rep.* 73——Protection should be afforded these gratuitous and invaluable agents, *Rep.* 80, 81——The choice of missionaries and the direction of their labours should be confided to the missionary societies under whose direction they are sent out, *Rep.* 83, *Kay* 456——Those stationed at Sierra Leone return to England every rainy reason, *Macauley* 208——They have for the last fifteen or sixteen years been residing in the midst of the Caffres without receiving any personal violence from them, *Kay* 314——Special instructions given by the hostile chiefs during the late war concerning all missionaries, *Rep.* 73, *Kay* 458.

See also *Caffre Chiefs. Civilization. Governors of Colonies. Griquas. Kat River Settlement. Melville*, Mr. *Traders.*

Missionary Establishments. Should be placed in the interior of New South Wales in all directions from Sydney, *Bannister, Ev. p.* 20.

See also *Butterworth. Church Missionary Society. Mount Coke. Wesleyan Missionary Society.*

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Mississaguas. Effect of fair dealing and Christian instruction on this tribe of Indians, *Rep.* 47.

Mohawks. History of the past and present circumstances of the Mohawks, as related by the Rev. Mr. Ryerson, *Rep.* 49.

Mohegan School. The children belonging to the Mohegan school in Connecticut are employed on farms cultivated by natives, *Bamnister, Ev. p.* 11.

Monguanas. Observations on the evidence given by Major Dundas and Colonel Wade as to witness's account of the attack made by the English settlers on the Monguanas, *Kay* 311.

Moravians. They were the first missionaries in South Africa; their mission has been attended with much success, *Rep.* 60——Religious exertions made by them among the North American Indians produced no lasting benefits, *Bamnister, Ev. p.* 6.
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Mount Coke. Reasons which actuated Zlhambi in giving the preference to Mount Coke for the establishment of a missionary station for his clan, *Kay* 320, *p.* 65.

Mud Lake. School established by the Wesleyan missionaries at Mud Lake, *Wundais* 169.

Muncassanna. See *Tyalie,* Chief.

Murders. Several murders committed by European crews upon the beach at Kororeka and other parts, *Rep.* 17.——*See* also *Murray River.*

Murray, Sir *George.* Opinion expressed by him that the total extinction of the natives of Van Diemen's Land would take place at no distant period has been very nearly verified, *Rep.* 14.

Murray River. Murders committed by the inhabitants on the Murray River, and steps taken by Sir James Stirling to punish them, *Rep.* 12, 13.

N.

Narrows, The. School established by the Wesleyan missionaries among the Chippeway Indians at the Narrows, *Wundais* 169.

Native Teachers. Those at the Kat River are carrying on the work of education to the best of their power; they are extremely anxious for the return of their missionaries, *Rep.* 64——It has always formed a part of the missionary system to employ native teachers to propagate Christianity, *Rep.* 56, 57——Two of the teachers in the school established among the Creeks are natives, *Bamnister, Ev. p.* 10.
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Native Tribes. Extract from the instructions addressed by Charles 2 to the Council of Foreign Plantations in the year 1760, respecting the treatment of, and policy to be pursued towards the native tribes, *Rep.* 4——Address of the House of Commons to the King, passed July 1834, on the same subject, *Rep.* 4, 5——The intercourse of Europeans with the native tribes has been a source of many calamities to uncivilized nations, *Rep.* 5——Supposed number of those within the colony of New South Wales, *Rep.* 11——Effect of fair dealing combined with Christian instruction on Aborigines, *Rep.* 44–58——Protection of natives to devolve on the executive government as administered either in this country or by the governors of the respective colonies, *Rep.* 77.
Should not be employed as police to detect and counteract the thefts practised by convicts in the remote districts of Western Australia, *Rep.* 83——In case of any of them being slain the protector of natives should be allowed to perform the office of coroner, *Rep.* 83——Opportunities afforded witness of observing the state of society among various aboriginal tribes, *Colebrooke* 106–114——An investigation into the subsisting customs of the different tribes of aboriginal people, and the recognition of all recommended as a preliminary step, *Colebrooke* 113——Evidence as to the best mode of treatment of aborigines, so as to conduce to their advancement in civilization and humanity, *Colebrooke* 281–286, *Macauley* 227–233, *Kay* 438–458——Sufficient to provide for their settlement under separate municipal forms until they are prepared for an assimilation progressively with the laws of England, *Colebrooke* 283–285.
See also *Agriculture. America. Colonial Courts. Corporal Punishment. Governors of Colonies. Kempt,* Sir *James. Local Legislature. Mechanical Trades. Newfoundland.*

Neutral or *Ceded Territory.* Statement of Dr. Philip on the state of the country previous to the expulsion of Macomo, *Rep.* 41–43.——*See* also *Compensation.*

Newfoundland. Treatment of the natives there by Europeans has caused their extermination, *Rep.* 6——Supposed number of natives occupying the Great Lake in 1810, *Rep.* 6.
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New Brunswick. See *Brunswick,* New.

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New

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New South Wales. Unsettled land has been sold by the government of New South Wales to the amount of 100,000 *l.* in one year, *Rep.* 83——Suggestions for rendering the present white population of New South Wales less fatally dangerous to the aborigines than that of Van Diemen's Land has proved to those of that island, *Bannister, Ev. p.* 20.

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New Zealand. See *Zealand,* New.

Nisbett, Mr. Copy of a despatch from Sir James Stirling to Mr. Secretary Stanley, dated 1 November 1834, relative to the circumstances attending his death; also deposition of Edward Barron on the same subject, *App.* 136–138.

Non-Intercourse. That law carried into effect from 1798 to 1823, and was a prolific source of evil and constant provocation to the Caffres, *Kay* 317.

Normal Schools. Their institution for the instruction and preparation of liberated African youths as teachers in Sierra Leone, has proved a decided failure, *Macauley* 208, *Ev. p.* 35.

North American Indians. European intercourse with North American Indians has been attended with beneficial effects to the natives, *Rep.* 6, 7——Those living among civilized men are reduced to a state resembling that of Gypsies in this country; those living in villages are a very degraded race, *Rep.* 7——Previous to the introduction of Christianity among them, were rapidly wasting away; causes to which attributable, *Rep.* 7——Nothing was done to save them from the oppression and consequent destruction attending their communication with civilized men till the period of the American war, *Bannister, Ev. p.* 7——Statement respecting the various attempts to civilize the Indians of North America before and since 1776, *Bannister* 53–55——North American Indians have given sufficient proofs of their social capacity as to render the civilization of the whole race possible, *Bannister, Ev. p.* 6——Means adopted for the purpose of their civilization——The formation of trading establishments, *Bannister, Ev. p.* 7——The means of instruction in religion, literature, &c., *Bannister, Ev. p.* 7.

See also *Agriculture. Berkeley,* Dr. *Brainerd,* M. *Civilization. Corn. Diseases. Elcot,* Mr. *European Intercourse. Fur Trade. Game. Penn,* Mr.

Nova Scotia. The Indians of, are disinclined to settle, and in the habit of bartering their furs for rum, *Rep.* 7.

Nova Scotia Settlers. Number of, at Sierra Leone, *Macauley* 186——Number removed from Nova Scotia in 1792 to Sierra Leone; causes which led to their removal, *Macauley* 265——Manner in which they are designated in Freetown, *Macauley* 266.

O.

Oglethorpe. Efforts made by him in 1729 to civilize the North Americans, were made in vain, *Bannister, Ev. p.* 6.

Oldham, Ship. Particulars respecting the massacre of the crew and loss of the ship Oldham, *App. p.* 111–113.

Ottawas Tribe. The Baptist General Convention have established and support one district school amongst this tribe of Indians in the Michigan territory, *Bannister Ev. p.* 10.

P.

Pacific Ocean. Injurious effects of European intercourse with the natives of the different islands in the Pacific, *Rep.* 14–25.

Paramatta. The natives of, are in a state more deplorable than those resident in the interior of the colony, *Rep.* 11.

Parliamentary Inquiry. Observations on the proceedings of the Committee of last Session, and also on the evidence of Dr. Philip, and the Caffre chief, John Tzatzoe, *Wade* 118–125——Explanations in answer to the comments made by Mr. Kay on the evidence given by witness before the Committee of last Session, *Wade* 614–616.

Passes. The law relative to passes rivetted the chains of the Hottentots, *Rep.* 26.

Pato, Chief. No patrols have been sent against the Caffres under this chief for the last 10 or 12 years, *Rep.* 71.

Pato, Kama and *Cobus,* Chiefs. They afforded (during the late war) refuge to all the British traders who fled to them; patrolled their boundary to stop marauders, and reinforced a post under the command of a British officer, *Rep.* 72.

Patrols. Have been appointed of late years for the protection of the farmers against incursions of the Caffres, *Rep.* 32, 33.

Peace. General tranquillity has been kept up on the frontiers much longer since Christian missions were established among the Caffre tribes than at any preceding period of the colonial history, *Rep.* 70, *Kay* 458.

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Pelly, John Henry. (Analysis of his Evidence.)—Chairman of the Hudson's Bay Company; extent of country owned by them, 328–332——Steps taken by the company for the purpose of introducing civilization and Christianity among the natives, and results thereof, 333–335. 348–352——Measures adopted to prevent the introduction of spirits among them, 337–339——Means of subsistence of the natives have not diminished since their intercourse with Europeans, 340–347——Means possessed by settlers of inflicting punishments for offences, 353–357——Consumption of spirits very great during the rivalry of the two companies, 358–364——Improvement in the character and conduct of the natives, 365–385——Presents made to them, 366–369——Class of persons selected as agents, 371, 372——Further evidence as to the steps taken to introduce civilization and Christianity, 373–376——Always sufficient provisions laid in at the posts for the establishment, 379–380. 386–390——Complaints are addressed to the company; they are not numerous, 391–398——Company do not encourage emigration to their territory, 399–403. 406, 407.

Penal Settlements. The formation of the penal colonies has been attended with very considerable injury to the native inhabitants, *Rep.* 10–14, *Bamnister, Ev. p.* 20.

Penn, Mr. *William.* His conduct towards the native Indians; pains taken by him to promote their religious instruction, &c. *Rep.* 46——Plans adopted by him for the civilization of the North American Indians produced great changes in their manners; mode of thwarting his intentions, *Bamnister, Ev. p.* 6——Paper referred to in the evidence of T. Hodgkin, esq. on 22 March 1837, respecting the course adopted by Mr. Penn in his dealings with the Indians, *App. p.* 113–121.

Philip, Rev. *John,* D.D. (Analysis of his Evidence.)—Explanation of witness respecting the statement of Colonel Wade, and observations thereon, 288–302.

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Philip, Rev. *John.* Difficulty experienced by him in obtaining leave from the colonial government for the continuance of the missionaries among the Griquas, *Rep.* 67——Queries proposed to have been submitted to him, which the arrival of the governor rendered unnecessary, *Wade* 631, *Ev. p.* 94, 95——Charge made by Colonel Wade against Dr. Philip of having delivered in a letter to the Committee of last Session, in which some important information had been withheld, *Wade* 120, 121. 626–628——Refutation of the charge by Dr. Philip, and evidence thereon, *Philip* 288, *Ev. p.* 46, 47, *Q.* 295–302——Witness did not approve of the adoption of the whole of the suggestions made by Dr. Philip for the government of the native tribes, *Wade* 631——Letter from him to Lieut.-Colonel Wade, dated 10 October 1833, containing observations on the state of the northern frontier of the Cape, *App. p.* 143–151.

See also *D'Urban,* Sir *Benjamin. Kat River Settlement.*

Point Bartica. Grant of land made in 1831 at Point Bartica to the South American Indians; small establishment founded there by the Church Missionary Society, *Rep.* 9.

Political Agents. See *Agents.*

Polygamy. Has been abolished among the Caffres at the missionary stations, *Kay* 458.

Population. Of the Red River and Colombia Districts has not diminished very considerably within the last half century, *Pelly* 335.

See also *Hottentots. Red River Settlement.*

Port Natal. Very important that the government at the Cape of Good Hope should maintain a vigilant superintendence over the growing settlement at Port Natal, *Rep.* 82——A body of British subjects have settled themselves at Port Natal, for the purpose of diffusing religious knowledge and principles amongst the natives, *Rep.* 82.

See also *Steam Navigation.*

Postholders. The principal part of their business is to keep the negroes from resorting to the Indians in South American colonies, and to attend to the distribution of presents given by the British Government, *Rep.* 9——Part of the instructions given them have a direct tendency to sanction and encourage immorality among the natives, *Rep.* 9.

Potatoes. At many of the posts at the Red River settlement the potatoes are cut off by summer frosts, *Pelly* 402.

Presents. Are frequently made to the natives at the Red River settlement; nature of the presents made, *Pelly* 365–370.

See also *Clothing. Fishing Lines. Guns. Hudson's Bay Company.*

Preserves. The keeping them in order benefits the natives as well as the Hudson's Bay Company, *Pelly* 341, 342——Those established for the beavers are more for the benefit of the company than the natives, *Pelly* 345.

Proclamations.

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Proclamations. See *Boundaries. Cattle. Cole,* Sir *L. Commando System. Macartney,* Earl.

Propagation of the Gospel in Foreign Parts, Society for. Efforts of this society to civilize the North American Indian were not productive of any lasting benefit, *Bannister, Ev. p.* 6.

Protectors of Indians. Have been appointed in the colony of Demerara and Essequibo; their duties, *Rep.* 9.

Protector of Natives. Duties of protector of natives to cultivate a knowledge of the natives by personal intercourse and acquiring the native language, *Rep.* 83——They should render every assistance in their power to forward the education of the children of the natives, *Rep.* 83——Should claim for the maintenance of the aborigines such lands as may be necessary for their support, *Rep.* 83——Should be furnished with some means of making to the tribes occasional presents of articles, either of use or ornament, always abstaining from the gift of liquors, *Rep.* 83——Should make periodical reports to the local government of all their proceedings in the execution of the duties of their office *Rep.* 84——They should be invested with the character of a magistrate, and required to promote the prosecution of all crimes committed against the native tribes, *Rep.* 84——Should be appointed on the principle of those appointed in the South Australian charter; nature of their duties, *Bannister, Ev. p.* 15.

Protestant Episcopal Church. Number of teachers and scholars in the school established by members of the Protestant Episcopal Church among the Menomonies at Michigan, and amount allowed towards its support by the American Congress, *Bannister, Ev. p.* 10.

Provincial Legislatures. Have no power to make enactments for the guidance of that portion of the aborigines who inhabit the country beyond the colonial frontiers, *Rep.* 77.

Provisions. The means of subsistence of the natives of the Red River settlement have not diminished in consequence of their contact with Europeans, *Pelly* 340.

Punishments. Capital and corporal punishments should be abolished in Van Diemen's Land and New South Wales, and replaced by penitentiaries and mild discipline, *Bannister, Ev. p.* 21.——*See* also *Hudson's Bay Company. Judges' Opinions.*

Q.

Quarrels. Are less frequent since the introduction of missionaries among the Chippeway Indians, *Wundais* 176, *Kay* 458.

Quebec, Bishop of. Extract of a letter from him, as to the success of the Methodist Society in converting a great portion of the Mississagua tribe, *Rep.* 47.

R.

Rainmakers. A class of impostors and the ringleaders in all kinds of cruelty practised among the native tribes of the Cape, have been abolished through the instrumentality of the missionaries, *Rep.* 72, *Kay* 458.

Read, Rev. J. Extract from his evidence respecting the improvement of the character &c. of the Hottentots, *Rep.* 61——Of those located at the Kat River, *Rep.* 63.

Red Indians. Many of the evils caused by the rivalry of the Hudson's Bay and North-West Companies have been removed by their junction, *Rep.* 8, *Pelly* 346, 347——Encouragement given to their improvident habits from the present system of carrying on trade with them, *Rep.* 8.

Red River Settlement. Means provided by the Hudson's Bay Company for affording religious instruction and introducing civilization at the Red River settlement *Rep.* 8, *Pelly,* 333–335——Great many of the settlers at this place are Canadians, and profess the Roman-catholic religion, *Pelly* 334——Very great disposition on the part of the natives to receive moral and religious instruction, *Pelly* 335——Amount of its population, *Pelly* 351——The population has increased tenfold since the settlement was established and the union of the companies, *Pelly* 356——The country around it is not adapted for any other purpose but hunting, *Pelly* 403.

See also *Agriculture. Beavers. Children. Corn. Deer. Hudson's Bay Company. Measles. Population Schools. Spirits.*

Religious Instruction. The revenue of each colony should be considered as subject to a charge for providing religious instruction to the survivors of the tribes to which the land originally belonged, *Rep.* 79——The population of Sierra Leone requires more than ordinary attention to its moral and religious instruction, owing to the introduction of crowds of pagan savages from the slave vessels, *Macauley* 208, *Ev. p.* 35——Measures taken to impart religious instruction to the liberated Africans of Sierra Leone, *Macauley* 208–220——The religious instruction generally supplied to the people in Freetown is not of the best description, *Macauley* 230.

See also *Church Missionary Society. Education. Red River Settlement. Sierra Leone. Wesleyan Missionary Society.*

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Rewards. Rewards in land should be granted convicts for good conduct, *Bamnister, Ev. p.* 21.

Rice Lake. School established by the Wesleyan missionaries among the Chippeway Indians at Rice Lake, *Wundais* 169.

Richards, Mr. His house was attacked by English sailors, and he would have been murdered by them, but for the promptness with which the natives came to his defence, *Rep.* 18.

Roman-catholic Church. Annual donation by the American government to the Roman-catholic church, *Bamnister, Ev. p.* 10.

Roving People. Periodical accounts should be taken of roving people; manner in which crime and disorder is checked by this method in America, *Bamnister, Ev. p.* 20.

Rum. See *Goderich,* Viscount. *Micmas. Nova Scotia.*

S.

Sabbath. The observance of the Sabbath has been recognized by proclamation by several Caffre chiefs, *Rep.* 71, *Kay* 483.

Sah-gung. School established by the Wesleyan missionaries at Sah-gung, *Wundais* 169. *See* also *Kahkewaquonaby,* or *Peter Jones.*

Sailors. Conduct of runaway sailors has an injurious effect on the native inhabitants of the islands in the Pacific Ocean, *Rep.* 14——Have been known to threaten the lives of the missionaries for venturing to interfere with their proceedings, *Rep.* 17——Captains of merchant vessels connive at the absconding of some of their worthless sailors, *Rep.* 22——They do incalculable mischief by circulating reports injurious to the interests of trade, *Rep.* 22——Great annoyance experienced by the missionaries from the undisciplined crews of merchantmen, *Rep.* 22.

Salaries. Good salaries must be paid to the white and coloured people who apply themselves the most successfully to the study of the native languages, *Bamnister, Ev. p.* 17——The high salaries held out to scholars induce them to enter into the employ of the merchants and shopkeepers of Sierra Leone, *Macauley* 208, *Ev. p.* 35, *Q.* 239, 240.

Sale of Children. See *Children.*

Schoolmaster. Encouragement that would be afforded to an English schoolmaster at Sierra Leone, *Macauley* 235–243.

Schools. Those established in the villages of New Zealand are under the direction of native youths, superintended by the missionaries, *Rep.* 57——Number of children receiving education in the schools at the Kat River, *Rep.* 63——Government does not take so active a part in their formation as they might do; those in Sierra Leone are principally in the hands of the Church Missionary Society, *Macauley* 235, 236——Number of schools established by the Wesleyan Missionary Society among the Chippeway tribes, *Wundais* 168–170——They are generally in a flourishing state; nature of the instruction afforded, *Macauley* 238——Number of children in those at the Red River settlement, *Pelly* 334——Have been established by the Hudson's Bay Company for the instruction of the settlers and the servants of the company, *Pelly* 334——Object of those established at the Red River is to instruct the native population, that they may instruct their own class, *Pelly* 376.

See also *Agricultural Schools. Baptist General Convention. Children. Education. Indian Schools. Infant Schools. Languages. Methodist Episcopal Church. Mohegan School. Normal Schools. Protestant Episcopal Church. Rice Lake.*

Scientific Expeditions. Grants of money to be made for defraying the expense of scientific expeditions, *Bamnister, Ev. p.* 19.

Scriptures, The. See *Children. Gospel.*

Seizure of Cattle. See *Commando System.*

Seko. Nearly the whole of the evidence before the Committee of last Session, respecting the circumstances connected with his death, was contradicted by the evidence taken at Graham's Town, *Greig* 41–47.

Senecas Tribe. The Baptist General Convention Society have established and supported three district schools among this tribe of Indians, *Bamnister, Ev. p.* 10.

Sepulture. The right of sepulture has been observed by the Caffres since the formation of mission stations among them, *Kay* 483.

Settlers. See *English Settlers, Nova Scotia Settlers.*

Shaw,

Report, 1837—*continued.*

Shaw, Rev. Mr. The tribes which he first visited were notorious for their predatory habits; the reception he met with from them was kind and cordial; steps taken by him for civilizing and Christianizing them, *Rep.* 71, 72——Exertions made by him to Christianize and civilize the Caffres have been attended with singular success, *Rep.* 71——Influence possessed by him over the tribes of Pato, Kama and Congo, and which has been continued by his colleagues, *Rep.* 71.

Shawnees, Tribe of. Improvement in the civilization of this tribe by no means satisfactory, *Rep.* 46.

Ships of War. Officers of ships of war touching at the South Sea Islands should, when required by the consular agent, act as assessors or jurors for the trial of any criminals subject to his jurisdiction, *Rep.* 85.——*See* also *South Sea Islands.*

Sierra Leone. Objects in view in the establishment of this colony, *Rep.* 58——Necessity for more moral and religious instruction as the most effectual mode of promoting civilization, *Rep.* 59, *Macauley* 208——Very little has been done by the Government to impart Christian instruction to the population of Sierra Leone, *Macauley* 208——There are no aborigines in Sierra Leone; a large portion of the population are brought to the colony in slave ships, *Macauley* 181–185——Amount of its population; different tribes of which it is composed, *Macauley* 186——Not the same advancement perceptible in the civilization of settlers introduced into the colony in 1792 as in those introduced in later years, *Macauley* 191——Greater part of the population of, are the liberated Africans, *Macauley* 191——The colonists have no difficulty in preserving relations of amity with the surrounding natives, *Macauley* 255–262——Very desirable to extend the British territory at Sierra Leone, in consequence of the increased population, *Macauley* 253——Repression of the slave trade, and location of a number of Africans who had no other place to go to, were the causes which led to the formation of this colony, *Macauley* 253——The whole of the western or sea district (including the towns of York and Kent and the Banana Islands) is without any minister or cathechist, *Macauley* 208.
See also *Africans. Catechists. Church Missionary Society. Churches. Colonial Chaplain. Europeans. Jones*, Rev. *E. Liberated Africans. Schoolmaster. Schools.*

Simcoe Lake. Chippeway Indians residing on this lake have given up all their lands to the British governor, *Wundais* 158.

Slambi, Chief. Was arrested in 1817 under the orders and instructions of Lord Charles Somerset, *Kay* 320, *Ev. p.* 67.

Slavery. There is no inducement for a person taken from his country and sold as a slave to return to it, *Macauley* 249, 250.

Slave Ships. See *Liberated Africans.*

Slave Trade. Persons engaged therein resident within the colony are subject to the punishment of death, *Macauley* 264——It has been suppressed at Sierra Leone and its immediate neighbourhood, *Macauley*, 264.

Smallpox. Great many of the natives at the Red River settlement were carried off by the smallpox a few years ago, *Pelly* 336.——See also *Diseases.*

Somerset. Report of the civil commissioner for Somerset on a memorial from the Rev. Dr. Philip relative to the proposed ordinance for the better suppression of vagrancy in the colony, *App. p.* 165, 166.

South America. See *America.*

South Australia. See *Australian Colonies.*

South Sea Islands. A naval governor to be stationed in the South Seas; powers with which he should be intrusted, *Bannister, Ev.* 19, 20——Great improvement in the character and manners of the native inhabitants of the South Sea Islands, *Rep.* 55, 56——They are becoming every year of more importance to British commerce, *Rep.* 57——Beneficial results that have occurred in these islands from the exertion of missionaries, *Rep.* 58——Islands in the South Seas should be periodically visited by some of Her Majesty's ships of war, *Rep.* 85——The natives of the South Sea Islands being without police, armed force or judicial tribunals, have no means of preventing or punishing crime, *Rep.* 85——British merchants' seamen and runaway convicts from the Australian colonies are enabled to commit crimes with impunity in the South Sea Islands, *Rep.* 85——The inhabitants of the fertile and populous islands of the Pacific Ocean have undergone the most disastrous calamities from their intercourse with the natives of Europe, *Rep.* 85.
See also *Consular Agents. Crime. Europeans. Ships of War.*

Spain. By the treaty entered into with Spain on the subject of the slave trade, that power is bound to secure to the emancipated negroes located in its territory a knowledge of the Christian religion, &c., *Rep.* 60, *Macauley* 208, *Ev. p.* 35.

Report, 1837—*continued.*

Spencer, Captain Sir *R.* Extract of a letter from him to Mr. Under Secretary Kay, dated 19 March 1834, on the improved state of the settlers at King George's Sound, *App. p.* 135.

Spirits. Sum expended in Taheité by the natives for ardent spirits, *Rep.* 15——The sale of ardent spirits among the native tribes should be prevented, *Rep.* 78——Natives of the Red River are addicted to the use of ardent spirits whenever they can get them, *Pelly* 337——Quantity of spirits sent out by the Hudson's Bay Company does not exceed 20 puncheons yearly, *Pelly* 338——They are only to be obtained on the borders of the Red River, where the Hudson's Bay Company are in competition with the Americans, *Pelly* 338——The consumption of spirits among the natives within the Hudson's Bay Company's territories has decreased very considerably since the union of the companies, *Pelly* 358–364.——*See* also *Red River Settlement.*

Starvation. The number of deaths of natives from starvation has been considerably reduced of late years at the Red River settlement, *Pelly* 346——There are no cases of starvation at any of the posts of the Hudson's Bay Company, *Pelly* 379. 386–389——Natives in a state of starvation come down and live at the posts; they are maintained at the expense of the company, *Pelly* 389, 390.

Statistics. The collection of accurate statistical information should be one of the principal features of the reports of the protectors of natives, *Rep.* 64.

Steam Navigation. Should be established by Government from the Cape of Good Hope to Natal and Madagascar, *Bamnister, Ev. p.* 21——Would be a great benefit to the Cape traders, and greatly promote the civilization of the South-eastern tribes, and their federal union with England, *Bamnister, Ev. p.* 21.

Stellenbosch. Report of civil commissioner for the district of Stellenbosch, dated 27 June 1834, on the subject of the vagrant ordinance, and its effect on the Hottentots, *App. p.* 153, 154.

Stewart, Captain. Particulars of the outrage committed by him and his crew on a party of New Zealanders, *Rep.* 15–17——Was held to bail for the outrage on the New Zealanders; other parties implicated with him, and witnesses against him were suffered to leave the country, *Rep.* 17.

Stirling, Sir *James.* Policy pursued by him towards the neighbouring tribes of New Holland has been of a conciliatory nature, *Rep.* 13——Extract of a letter from Lieut.-governor Sir James Stirling to Mr. Under-secretary H. Twiss, dated Garden Island, Western Australia, 25 August 1829, on the state of the natives of Western Australia, *App. p.* 126——Also extract of a despatch from him to His Majesty's principal Secretary of State for the Colonies, dated 18 October 1830, on the same subject, *App. p.* 126–128——Also of a despatch from the same to Viscount Goderich, dated 30 Nov. 1831, *App. p.* 128——Also of a despatch from same to the same, dated 2 April 1832, *App. p.* 128–129——Copy of a despatch from him to Mr. Secretary Stanley, dated 1 Nov. 1834, relative to the outrage committed on a soldier of the 21st regiment, and steps taken to punish the delinquent, *App. p.* 135, 136——Also deposition of Edward Barron relative to the circumstances attending the death of —— Nisbett, a private in His Majesty's 21st regiment, *App. p.* 136, 137——Copy of a despatch from Governor Sir James Stirling to the Earl of Aberdeen, dated 10 July 1835, on the state of the communications with the aboriginal tribes of Western Australia, *App. p.* 139–141.
See also *Murray River.*

Stockenstrom, Captain. His opinion of the working of the commando system, *Rep.* 33, 34.

Stock-keepers. Convicts in the employ of farmers in the outskirts of the colony; many murders and acts of violence have been committed by them, *Rep.* 10.

Subdivision of Lands. Promoting the subdivision of lands renders them less liable to encroachments, and facilitates their improvement, *Colebrooke* 281, *Ev. p.* 43.
See also *Lands.*

Sunday, John. See *Wundais,* Shah.

Superstitious Ceremonies. On every mission station the various superstitious ceremonies to which the Caffres have been accustomed are almost wholly laid aside, *Rep.* 72, *Kay* 458.

Swellendam. Report of the civil commissioner for Swellendam, on a memorial from the Rev. Dr. Philip relative to the proposed ordinance for the better suppression of vagrancy in the colony, *App. p.* 164, 165.

Sydney. Moral condition of the natives around Sydney is one of extreme degradation and ignorance, *Rep.* 11.
See also *Crime. Zealanders, New.*

Report, 1837—*continued.*

T.

Taheitè. See *Spirits.*

Tambookies. The name given to the Anatembee tribe by the English, *Rep.* 25.

Tapuing. The abolition of the custom of tapuing among the New Zealanders has been effected through the instrumentality of the missionaries, *Rep.* 53.

Temperance Society. Number of natives who have joined the temperance society established at Tuscarora Station in New York, *Bamnister Ev. p.* 11.

Territories. No new territories to be acquired without the sanction of the Home Government, *Rep.* 78, 79.

Theft. See *Hintza,* Chief.

Thomas, Rev. *J.* Extract from a report made by him to the Wesleyan Missionary Society respecting the ill conduct of masters of vessels and their crews at the Friendly Islands, *Rep.* 23, 24.

Thompson, Rev. *W.* Was appointed Dutch minister at the Kat River Settlement, *Rep.* 63, *Kay* 458.

Trade. Injurious effects on trade from the lawless conduct of the crews of vessels, *Rep.* 15——In 1756 the importance of fair trading with the natives of North America was strongly urged by Washington, *Bamnister, Ev. p.* 7——There is no trade carried on with the natives of the Red River by the use of spirits, *Pelly,* 364.

Traders. Protection afforded by the Chiefs Pato, Kama and Cobus to the British traders during the late war, *Rep.* 72——No trader was allowed to travel in Caffreland till after the missionary stations were established, *Kay* 471——Have been permitted to go amongst the Caffres without molestation, notwithstanding the outrageous acts of individuals towards them, *Kay* 314.

Trades. See *Mechanical Trades.*

Transportation. No sentence of transportation to be passed on natives, *Bamnister, Ev. p.* 19——The evils of convict transportation exceed the amount of its advantages to any class of persons; evils upon the native families are incomparably greater than any others, *Bamnister, Ev. p.* 20.

Treason. Instance of two men being acquitted of a charge of treason in consequence of the act of which they were accused having been committed a few miles beyond the boundary line of Sierra Leone, *Macauley* 261, 262.

Treaties. Nature of that entered into with Gaika, *Rep.* 34, 35——That made with Gaika was merely verbal, *Rep.* 35——Copy of a despatch from Lord Aberdeen to Sir Benjamin D'Urban, dated 11 April 1835, approving of the treaty made with Chief Waterboer, *Rep.* 70——It is inexpedient, as a general rule, that treaties should be entered into between the local governments and the tribes in their vicinity, *Rep.* 80——Treaties and transactions with aborigines should always be reduced into writing, and, where possible, printed in English and the native languages, *Bamnister, Ev. p.* 18——All treaties with natives should be published and made fully known on both sides of the boundary, *Kay* 448——A special treaty should be made with the Caffre chiefs collectively, binding them to protect British subjects under certain restrictions, and *vice versâ, Kay* 448.
See also *Agents. Cape of Good Hope. Chippeway Indians.*

Trial by Jury. The introduction thereof among the aboriginal tribes has been productive of substantial justice; it has also the advantage of gaining the support of the people to the laws, *Colebrooke* 281, *Ev. p.* 43——It is adopted in civil as well as criminal cases in Sierra Leone; the governor of the colony acts as chancellor, *Macauley* 234——No objection made by liberated Africans to this mode of trial; on the contrary, it is esteemed a great blessing, *Macauley* 199.

Tuscarora Station, New York. Plan adopted of communicating instruction to the native Indians at this station, and success thereof, *Bamnister, Ev. p.* 11.

Tyalie, Chief. Orders given by Sir Lowry Cole for his removal from the Muncassanna were not properly attended to, *Rep.* 37, 38.

Tzatzoe, John. Examination respecting the evidence given by the Caffre chief, John Tzatzoe, in regard to the affidavits made by witness as to the authorship of several letters which appeared in the South African Advertiser under the signature of that chief, *Atherstone* 57–104——Extract from pamphlet published by Captain Fawcett, contradicting the statement of Tzatzoe that he was not invited by Dr. Philip to come to England, *Wade* 124——Explanation of the part taken by Dr. Philip in procuring the attendance of the Caffre chief, Tzatzoe, in England, *Philip* 288, *Ev. p.* 47——Circumstances under which he was brought over to England; it was at the request of an influential body of the London Missionary Society, *Philip* 289–294.

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U.

Uitenhage. Report of civil commissioner for the district of Uitenhage, dated 26 June 1834, on the subject of the vagrant ordinance proposed by Dr. Philip, *App. p.* 154–156.

Umtata. The valleys of the Umtata, and the plains at the foot of the mountains, constitute a rich tract of the Tambookie country, *Kay* 538–541.

Union of Natives and Colonists. A system of federal union of the tribes with the respective colonies should be arranged, *Bamnister, Ev. p.* 18——The Griquas would be the most useful federal connexions of the Cape, especially in repressing the violences of the emigrating boors, *Bamnister, Ev. p.* 18.

Unsettled Lands. See *New South Wales.*

V.

Vagrancy. The effect of passing the 50th Ordinance, produced vagrancy to a considerable extent among the Hottentots at the Cape, *Rep.* 26, 27——Circumstances connected with the passing of the Vagrant Act, *Wade* 632——Letter from William Menzies, Esq. to Sir Benjamin D'Urban, dated 19 August 1834, on the subject of the Vagrant Act, stating, that he had no objection to prepare one, but that it was not the business of the judges to do so, *Wade* 642, *Ev. p.* 100, 101——The last Vagrant Act was prepared by one of the judges of the colony, *Wade* 643——Recommendation of witness to Sir Benjamin D'Urban to pass a vagrant law shortly after his arrival at the Cape, *Wade* 640–651—— Mr. Burton's proposed ordinance for the pursuit and apprehension of offenders; also for defining and punishing vagrants, *Ev. p.* 96, 97, *App. p.* 180. 182——Extracts from the votes and proceedings of the council of the Cape, 8 September 1834, containing reasons for the governor's dissent from the majority of the council on the third reading of the amended Bill for the suppression of vagrancy, *Ev. p.* 102——Also further extracts on the same subject, *Ev.* 102–107.

Reports of civil commissioners on the effect of the 50th Ordinance, as regards the vagrancy of the Hottentots, *App. p.* 151–166——Letter from the Governor of the Cape to the Lord Chief Justice, containing certain queries for the opinion and consideration of the judges on the proposed Bill for the suppression of vagrancy in the colony, *App. p.* 166——Opinion upon questions referred to the judges upon the Bill now before the legislative council for the suppression of vagrancy, *App. p.* 168——Letter from the Governor to the Lord Chief Justice, referring the draft ordinance for the perusal and alteration of the judges of the Supreme Court, and correspondence relative thereto, *App. p.* 168–172——Votes and proceedings of the legislative council of the Cape of Good Hope, on the ordinance proposed by the Governor for the better suppression of vagrancy in the colony, *App. p.* 172–174.——*See* also *Judges' Opinions.*

Vanderkemp, Dr. Was engaged in protecting the Hottentots under the patronage of the London Missionary Society, *Rep.* 61, *Kay* 479.

Van Diemen's Land. Causes which led to the removal of the native inhabitants of Van Diemen's Land, *Rep.* 13, 14——The removal of the natives was carried on under the direction of Mr. Robinson; they were with their own consent settled on Flinder's Island, *Rep.* 14——Correspondence between the Secretary of State for the colonies and the Lieutenant-governor of Van Diemen's Land relative to the aborigines, *App. p.* 121–126 ——Despatch from Lieutenant-governor Arthur to Mr. Secretary T. Spring Rice, dated 27 January 1835, *App. p.* 121, 122——Copy of a despatch from Lord Glenelg to Lieutenant-governor Arthur, dated 3 August 1835, *App. p.* 122——Copy of a despatch from Lieutenant-governor Arthur to Mr. Secretary T. Spring Rice, dated 10 March 1835, *App. p.* 122–125——Copies of despatches from Lord Glenelg to Lieutenant governor Arthur, dated respectively 20 November 1835 and 11 February 1836, *App. p.* 125, 126.

Vegetables. The Chippeway Indians have begun to cultivate their own vegetables in their gardens, *Wundais* 175.

Village System. Is a form of municipal organization more or less perfect; is very prevalent amongst the Arabian and Malayan tribes, *Colebrooke* 112——There are traces of this municipal system wherever the Arabs have extended their conquests in Africa, *Colebrooke* 112.

W.

Waboo Island. Is not a very large island, about 600 acres; Europeans have settled upon it to the great injury of the Chippeway Indians to whom it belonged, *Wundais* 147, 148.

Wade, Col. *Thomas Francis.* (Analysis of his Evidence.)—Affidavit of Majeico, corroborative of the one produced by witness before the Committee of last Session, with respect to the conversations between Mr. Atherstone and the Caffre chief, John Tzatzoe, 115–118——Observations on the proceedings of the former Committee, and also on the evidence of Dr. Philip and the Caffre chief, 118–125.

[Second

Report, 1837—*continued.*

Wade, Col. *Thomas Francis.* (Analysis of his Evidence)—*continued.*

[Second Examination.]—Explanations in answer to the comments made by Mr. Kay on the evidence given by witness before the Committee of last Session, 614–616.

[Third Examination.]—The suppressed passage of Dr. Philip's letter contains serious and groundless imputations upon the governors of the colony, 626–628——Did not approve of the adoption of the whole of the suggestions made by Dr. Philip for the government of the native tribes, 631——Queries proposed to have been submitted to Dr. Philip which the arrival of the governor rendered unnecessary, 631, *p.* 94, 95——Circumstances connected with the passing the Vagrant Act, 632——Mr. Burton's proposed ordinance for the pursuit and apprehension of offenders; for defining and punishing vagrants, 96, 97——Opinion of Sir L. Cole on the necessity of passing a vagrant act, is to be found in the minutes of the council at the Cape, *p.* 97, 98——Recommendation of witness to Sir Benjamin D'Urban to pass a vagrant law shortly after his arrival, 640–651——Extracts from the votes and proceedings of the legislative council, Cape of Good Hope, 8 Sept. 1834, containing reasons of the governor's dissent from the majority of the council on the third reading of the amended Bill for the suppression of vagrancy, *p.* 102——Also further extracts on the same subjects, *p.* 102–107——State of crime at the Cape, from 1828 to 1833, 652.

Wade, Col. *T. F.* His opinion upon the justice of passing the 50th ordinance relative to the freedom, &c. of the Hottentots, *Rep.* 26——His opinion as to the good dispositions of the Caffres, *Rep.* 31——Opinion expressed by him as to the abandonment of the commando system of reprisal, *Rep.* 34——Had no opportunity of ascertaining the character of the Caffre chiefs, except from military correspondence, *Kay* 320, *Ev. p.* 64——Observations on the attacks made by him on witness, in his evidence before the Committee of last Session, *Kay* 306–311——Explanation of witness respecting certain statements of Col. Wade, *Philip* 288–302.

Waggons. Are becoming in general use among the Caffres, *Kay* 483.

Wars. Estimated expense to the British nation of the late war, *Rep.* 44——The systematic forgetfulness of the principles of justice in our treatment of the native possessors of the soil the principal cause of the late war, *Rep.* 43——Evils arising from the war of 1811; commissioners of inquiry notice the expense attendant thereon as a great evil, *Rep.* 31——During the late Caffre war the Hottentots at the Kat River behaved steadily and bravely, *Rep.* 64——In all former wars the Caffres massacred men women and children indiscriminately; instances during the late war of European females and children falling into their hands being protected and delivered to their relatives in safety, *Rep.* 73, *Kay* 458——Clanish broils are by no means so frequent among the bordering tribes as formerly owing to the presence and influence of missionaries, *Kay* 458——Have been less frequent between native tribes since the union of the two companies, *Pelly* 381–385.

See also *Caffre War. Quarrels.*

Waterboer, Chief. His appointment as a Griqua chief was approved by the colonial government; did not receive the support of the colony that he thought he had a right to expect. *Rep.* 67——Copy of a despatch from Lord Aberdeen to Sir B. D'Urban, dated 11 April 1835, approving of the treaty made with him, *Rep.* 70——Principle on which he governs his people; he is to be allowed a small salary to defray a part of his expenses in the service of the colony, *Rep. p.* 70.——*See* also *Kok, Adam.*

Watson, Rev. *Richard.* The manuscript of witness's "Researches in Caffraria" was submitted to him for perusal; his opinion thereon, *Kay Ev. p.* 59.

Weeks, Rev. *J.* Opinion as to the abilities possessed by the liberated Africans of Sierra Leone, *Rep.* 58, 59.

Western Australia. See *Australian Colonies.*

West India Regiments. Great part of the men composing the regiments serving in the West Indies are supplied from the liberated Africans at Sierra Leone, *Macauley* 200.

Wesleyan Methodist Magazine. Witness's "Researches in Caffraria" was strongly recommended to public attention in the Wesleyan Methodist Magazine, which constitutes the official organ of that body, *Kay, Ev. p.* 51.

Wesleyan Missionary Society. Have generally two ministers employed at Sierra Leone; they have always resided at Freetown, *Macauley* 208.

See also *Kahkewaquonaby,* or *Peter Jones.*

Whalers. Crews of whaling vessels too frequently act in the most reckless and immoral manner when at a distance from the restraints of justice, *Rep.* 14——Captains of whalers send the refuse of their crews on shore for the purpose of annoying the missionaries, *Rep.* 23.

Williams, Rev. *J.* Account given by him of the seizure of a vessel by a gang of convicts from New South Wales, *Rep.* 22, 23——Was sent out to Caffraria under the direction of the London Missionary Society, *Kay* 479.

Williams, Mr. Extract from evidence given by him, as to the code of laws in existence among the New Zealanders, *Rep.* 54, 55.

Report, 1837—*continued.*

Wundais, Shah. (Analysis of his Evidence.)—Chief of the Grape Island part of the Chippeway Indians, acting as a native missionary in conjunction with the Wesleyan Missionary Society, 128–136——Chippeways are not satisfied with the tenure on which they hold their lands, and arrangement they are willing to accede to, 137–150. 157–164——Number of converted Chippeways in witness's tribe, 151–156——Witness's tribe consider themselves under great obligations to the Wesleyan missionaries, 165–178.

Y.

Yate, Mr. Has known property given to New Zealand chiefs by English captains for the purpose of getting them to kill their slaves, in order that they might have their heads to take to New South Wales, *Rep.* 15.

York. See *Irwin,* Mr.

Young, Rev. *S.* Statement by him that no patrol has been sent against the tribe of Pato for the last 10 or 12 years, *Rep.* 71.

Z.

Zealand, New. Number of runaway sailors and convicts that have been located on the island at one time, *Rep.* 14—— General results of the labours of the missionaries in New Zealand, *Rep.* 53——The natives of New Zealand are very desirous of having Europeans to reside among them, *Rep.* 57.

Zealanders, New. Till very lately the tattooed heads of New Zealanders were sold at Sydney as objects of curiosity, *Rep.* 15.——*See* also *Tapuing. Yate,* Mr.

Zlhambi. Has always been considered the most hostile to the colony of all the frontier chiefs, *Kay* 320, *Ev. p.* 64——Laws issued by him for protection of the property of the colonists, *Kay* 320, *p.* 65——Was rewarded by the frontier colonists in 1785 for the services rendered by him against the Amagonaquabi, *Kay* 320, *Ev. p.* 65.