

“ *menschen zyn mooy dik en vet de huizen mooy wit en groen :*
 “ *The people are all nice and plump ; the houses are prettily*
 “ *whitewashed and painted green.*” I believe there is no country in the world that affords so large a proportion of unwieldy and bulky people ; and I am certain there is none where the animal appetites are indulged with less restraint, the most predominant of which are eating and drinking, or where the powers of body or mind are capable of less exertion. “ When the Devil catches a man idle he generally sets him to work,” is a proverb which is every day exemplified at the Cape of Good Hope. They are active only in mischief ; and crimes against morality meet with applause if the end be successful. A man, who in his dealings can cheat his neighbour, is considered as a *slim mensch*, a clever fellow ; even stealing is not regarded as criminal, nor does it materially affect the character of the thief. Truth is not held as a moral virtue, and lying passes for ingenuity.

There is a great want of affection among near relations ; it has been observed, indeed, that there are scarcely two brothers in the Cape who will speak to each other. The manner in which children are brought up, and in which the economy of a family is managed, is little favourable to social intercourse, or likely to excite that harmony of sentiment and union of interests which, in more civilized countries, are cherished and grow to maturity by the genial warmth and cheerfulness and comfort of a family fire-side. Here the members of the same family seldom meet together. The husband, having slept the greater part of the day, finds his bed irksome in the morning and rises with the dawn. He takes his solitary cup of coffee,

or *sopie*, or both, and smokes his pipe; then lounges about the house in his *slaap mutz* and *nagt cabbaay*, his night cap and gown, or parades the *stoop*, or raised platform before the door, in the same dress, with a long pipe stuck in his mouth. About nine o'clock he takes a solid breakfast, and a few glasses of wine, continues to lounge about the house till dinner-hour, which is punctually at twelve, or, if the weather be tempting, or any news stirring, he walks out to meet his comrades. Immediately after dinner he goes to bed, rises again at five or six, makes or receives visits, when he smokes tobacco and drinks wine till nine o'clock, which is the signal for every one to repair to his own house. Here a hot supper, consisting of eight, ten, or even twenty solid dishes of fish and butcher's meat, dressed in a variety of shapes, is ready to receive him, smoking on the table. This is the favourite meal, to which he considers all that he has eaten and drunk and smoked in the course of the day, as whets only to the appetite, and preparatives to the grand feast. Thus day after day,

“ The lazy glutton safe at home will keep,
“ Indulge his sloth, and fatten with his sleep.”

The good woman of the house rises about the same early hour with her husband; takes her coffee alone; scolds the slaves; sets them their daily task; dresses for a *vendutie* or public sale, of which there are never fewer than three or four in the town, or its vicinity, every day of the week; comes home to dinner at twelve, and then goes to bed; rises again with her husband, receives or pays visits with him; but here they separate; the men drink and smoke in one room; the

women are left to themselves in another. The poor children scramble as well as they can among the slaves, to whom they are consigned, one in one room, and another in another; each, in the better sort of families, having its proper slave, called its *aya*, a Malay term, borrowed, perhaps, from the Portuguese or Italian, signifying nurse or protectress; and, by an inevitable consequence, the *aya* is looked up to through life with more affection than the natural parents.

Little as character is regarded, they are extremely tenacious of their rank. More quarrels have arisen about ladies taking precedence in the church, or placing their chairs nearest the pulpit, than on any other occasion. In the government of Lord Macartney a serious dispute arose on this subject, between the ladies of the Landrost or Chief Magistrate of the district, and of the Minister of the parish; and memorial was presented after memorial on both sides, stating their mutual claims and mutual grievances. His Lordship, feeling the delicacy of interposing his authority between two ladies of such high rank, recommended a compromise, suggesting, in case that should not go down, that he would be under the necessity of adopting the decision of the Emperor Charles the Fifth, when on a somewhat similar occasion he settled a dispute of precedence between two women of fashion at Brussels; "Let the greater simpleton of the two have the *pas*;" which made the two ladies prodigiously civil to each other ever afterwards, both striving which should give, instead of take, the precedence. A Dutch nobleman, who is the only titled man in the colony, and who held in the old government one of the

highest employments, felt no degradation in associating with butchers, nor in bestowing the hand of his daughter on an attorney who, for his mal-practices, had been publicly declared *infamous* by the Court of Justice ; but he would have thought himself disgraced if his wife and daughter were deprived of their rank in the church.

There are, however, as must be the case in every society, a number of worthy people in the colony, to whom the above observations do not apply : men, whose talents and information, propriety of conduct, and strict integrity, would command respect in any part of the world ; but the number of these is comparatively so small, as to make only an exception to the general character. I need scarcely observe, that these people met with that consideration and attention from the British government to which they were entitled ; whilst those of the other class experienced the neglect and contempt they so justly deserved.

House-rent, fuel, and clothing are all dear in Cape Town ; yet, I will be bold to say, there is no town nor city in all Europe, where the mass of the people are better lodged or better clothed ; and fire is less necessary here than in most parts of Europe. The keep of a horse in Cape Town was never less, under the English Government, than 25*l.* sterling a year, yet every butcher, baker, petty shopkeeper, and artificer, had his team of four, six, or eight horses and his chaise. It is true, his horses were lent out for hire one day, and drew himself and his family another ; but still it seemed inexplicable how they contrived to keep up an establishment so much beyond their

apparent means. Their creditors, I imagine, long before this, will best be able to give a satisfactory explanation, since British money has ceased to circulate among them.

It is true, they are neither burthened with taxes nor assessments. Except on public vendues and transfer of immoveable property, Government has been remarkably tender in imposing on them burthens, which, however, they might very well afford to bear. Their parochial assessments are equally moderate. At the first establishment of the colony a kind of capitation tax was levied under the name of *Lion and Tyger money*. The fund so raised was applied to the encouragement of destroying beasts of prey, of which these two were considered as the most formidable. But as lions and tygers have long been as scarce in the neighbourhood of the Cape, as wolves are in England, the name of the assessment has been changed, though the assessment itself remains, and is applied to the repairs of the roads, streets, water-courses, and other public works. The sum to be raised is fixed by the police, and the quota assigned to each is proportioned to the circumstances of the individual; the limits of the assessment being from half a crown to forty shillings. The persons liable must be burghers, or such as are above sixteen years of age, and enrolled among the burgher inhabitants. The ordinary amount is fixed at about 5000 rix dollars a year.

Another assessment to which heads of families are liable is called *Chimney and Hearth money*. This is, properly speaking, a house tax, fixed at the rate of eightpence a month, or $4\frac{1}{4}$ rix dollars a year, for every house or fire-place. This

would seem to be an unfair assessment, as the richest and the poorest inhabitant, the man with a large house and he who possesses only a cottage, are liable to the same contribution ; but it is presumed that every house, great or small, has its kitchen fire-place and no other. The amount of this assessment is about 5200 rix dollars, which, at the above rate, corresponds very nearly with the number of houses in the town.

They are not subject to any tythes or church-rates whatsoever, towards the maintenance of the clergy ; these being paid in the most liberal manner out of the treasury of Government. Nor is any demand made upon them for the support of the poor. The very few that, through age or infirmities, are unable to maintain themselves, are supported out of the superfluities of the church. Where the mere articles of eating and drinking are so reasonably procured as in the Cape, it is no great degree of charity for the rich to support their poor relations, and, accordingly, it is the common practice of the country. Those who come under the denomination of poor are, for the most part, emancipated slaves, who may not have the benefit of such relations. Nor does the church provide for such on uncertain grounds. Every person manumitting a slave must pay to the church fifty rix dollars or ten pounds, and at the same time give security that such slave shall not become burdensome to the church for a certain number of years.

The police of the Town is committed to the management of a board consisting of six burghers, called the Burgher Senate. The functions of this board are various and im-

portant, but they are performed in that careless and slovenly manner which is ever the case where men are compelled to accept an office to which there is annexed neither pay nor emolument. The only exception that I know of to this remark is the situation of an English justice of peace. In most public employments of a permanent nature, like that of the Burgher Senate, if the emoluments are not such as to make it worth a man's while to keep his place, the odds are great that the duties of it will be neglected. This was the rock upon which the Dutch, in all their East India settlements, split. The appointments of their servants were so small, that those who held them could not live without cheating their employers; and this was carried on to such an extent, as to become a common observation that, in proportion as the Company's finances were impoverished, their servants were enriched.

The business of the Burgher Senate consists in seeing that the streets be kept clean and in proper repair; that no nuisance be thrown into the public avenues leading to the town; that no encroachments be made on public property; that no disorderly houses be suffered to remain; no impositions practised on the public; no false weights nor measures used. They are authorized to regulate the prices of bread; to inquire from time to time into the state of the harvest; and to take precautions against a scarcity of corn. They are to devise measures and suggest plans to Government that may seem proper and effective for keeping up a constant succession of coppice wood for fuel in the Cape district. They are directed to take particular care that the tradesmen of the

town, and more especially the smiths and cartwrights, impose not on the country boors in the prices of utensils necessary for carrying on the business of agriculture. They are to report such crimes, trespasses, and misdemeanors, as come within their knowledge, to the Fiscal, who is the Chief Magistrate of the police, and Attorney-General of the colony.

It would be in vain to expect that such various and important duties should be faithfully fulfilled for a number of years without any consideration of profit or hope of reward ; or that every advantage would not be taken which the situation might offer. Some of the members of the Burgher Senate send their old and infirm slaves to work at the public roads, and receive for them the same wages as are paid to able-bodied men ; others have teams of horses and waggons that never want employ. These things are trifling in themselves, but the public business suffers by them. When the English took the place, the streets were in so ruinous a condition as scarcely to be passable with safety. A small additional assessment was laid upon the inhabitants, and in the course of five years they had nearly completed a thorough repair of the streets, to the great improvement of the town.

It has been the remark of most visitors, that the young ladies of the Cape are pretty, lively, and good-humoured ; possessing little of that phlegmatic temper which is a principal trait in the national character of the Dutch. The difference indeed in the manners and appearance of the young men and the young women, in the same family, is inconceivably great. The

former are clumsy in their shape, awkward in their carriage and of an unsociable disposition ; whilst the latter are generally of a small delicate form, below the middle size, of easy and unaffected manners, well dressed, and fond of social intercourse, an indulgence in which they are seldom restrained by their parents, and which they as seldom turn to abuse. They are here indeed less dependant on, and less subject to, the caprice of parents than elsewhere. Primogeniture entitles to no advantages ; but all the children, male and female, share alike in the family property. No parent can disinherit a child without assigning, on proof, one at least of the fourteen reasons enumerated in the Justinian Code. By the law of the colony, a community of all property, both real and personal, is supposed to take place on the marriage of two persons, unless the contrary should be particularly provided against by special contract made before marriage. Where no such contract exists, the children, on the death of either parent, are entitled to that half of the joint property which was supposed to belong to the deceased, and which cannot be withheld on application after they are come of age.

It is but justice to the young females of the Cape to remark, that many of them have profited much more than could be expected from the limited means of education that the place affords. In the better families, most of them are taught music, and some have acquired a tolerable degree of execution. Many understand the French language, and some have made great proficiency in the English. They are expert at the needle, at all kinds of lace, knotting, and tambour work, and in general make up their own dresses, following the pre-

vailing fashions of England brought from time to time by the female passengers bound to India, from whom they may be said to

“ Catch the manners living as they rise.”

Neither are the other sex, while boys, deficient in vivacity or talent; but for want of the means of a proper education, to enlarge their minds and excite in them a desire of knowledge, they soon degenerate into the common routine of eating, smoking, and sleeping. Few of the male inhabitants associate with the English, except such as hold employments under the government. This backwardness may be owing in part to the different habits of the two nations, and partly, perhaps, to the reluctance that a vanquished people must always feel in mixing with their conquerors. No real cause, however, of complaint or disaffection could possibly be alleged against the English government at the Cape. No new taxes were imposed; but, on the contrary, some of the old ones were diminished, and others modified. The demand and value of every production of the colony were very considerably increased, while the articles of import fell in their prices. More than 200,000 rixdollars of arrears in rent of land were remitted to the inhabitants by the British government, as well as 180,000 rixdollars of dubious debts. They preserved their laws and their religion, both of which continued to be administered by their own people. They enjoyed as great a share of rational liberty as men, bound to each other, and to the whole, by the ties that a state of society necessarily imposes, could possibly expect, and much greater than under their former government. Property was

secure in every instance, and raised to double its former value: and none had the loss of life of any friend or relation to lament at the time of, or since, the capture; for it was taken and maintained without bloodshed. Their paper currency, fabricated by the government in order to get over a temporary distress, but which it had never been able to take out of circulation, bore a depreciation of 40 *per cent.* at the time of the capture, and a silver dollar was scarcely to be seen. The former was brought back to be nearly at par with specie, and not less than two millions of the latter were sent from England and thrown into circulation. Every person enjoyed his share of the general prosperity. The proprietor of houses in town more than doubled his rent; and the farmer in the country, where formerly he received a rixdollar for each of his sheep, afterwards received three. Seven years of increasing prosperity, of uninterrupted peace and domestic tranquillity, were not, however, sufficient to convince these silly people of their happy lot; but the restoration of the colony to its ancient possessors corrected their mistake, in this respect, in as many months.

2. The Vine-growers or, as they are usually called at the Cape, the Wine-boors are a class of people who, to the blessings of plenty, add a sort of comfort which is unknown to the rest of the peasantry. They have not only the best houses and the most valuable estates, but, in general, their domestic economy is managed in a more comfortable manner than is usually found among the country farmers. Most of them are descendants of the French families who first introduced the vine. Their estates are mostly freehold, in extent about 120

English acres, and the greater part is employed in vineyards and garden grounds. Their corn they usually purchase for money or in exchange for wine. Their sheep also, for family use, they must purchase, though many of them hold loan farms on the other side of the mountains. The produce of their farms, however, is sufficient for keeping as many milk cows as are necessary for the family; and they have abundance of poultry. The season for bringing their wine to market is from September to the new vintage in March, but generally in the four concluding months of the year, after which their draught oxen are sent away either to their own farms or others in the country till they are again wanted. The deep sandy roads over the Cape isthmus require fourteen or sixteen oxen to draw two leggers of wine, whose weight is not $2\frac{1}{2}$ tons.

The tax upon their produce is confined to that part of it which is brought to the Cape market, and is at the rate of three rix dollars for every legger of wine, and the same sum for every legger of brandy that passes the barrier. All that is consumed at home, or sold in the country, is free of duty. Neither are they subject to any parochial taxes or assessments, except a small capitation tax towards the repair of the streets and avenues leading to the town, and the *Lion and Tyger money* for the exigencies of the district. They are equally exempt, with the people of the town, from church and poor rates; the former being liberally provided for by Government, and the other description of people not being known in the country districts. The wine farmers take their pleasure to Cape Town, or make frequent excursions into the

country, in their tent waggons drawn by a team of six or eight horses; an equipage from which the boer derives a vast consequence over his neighbour, who may only possess a waggon drawn by oxen.

The following rough sketch, which was given to me by one of the most respectable wine boers, of his outgoings and returns, will serve to shew the condition of this class of colonists.

Outgoings.

The first cost of his estate was	15,000 Rix dollars.	
15 Slaves <i>a</i> 300 <i>r. d.</i>		
each -	4,500	
80 Wine leggers <i>a</i> 12	960	
Implements for pressing, distilling, &c.	500	
3 Team of oxen	500	
2 Waggons -	800	
Horse-waggon, and team -	900	
Furniture, utensils, &c.	2000	
	<hr/>	
Amount	25,160.	
		<i>Rix dollars.</i>
Interest 6 per cent.	1509	5
3 Sheep per week for family use, 156 per year, <i>a</i> 2½	390	0
Clothing 15 slaves <i>a</i> 15 <i>r. d.</i> each per year -	225	0
		<hr/>
Carried over	2124	5

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	Brought over	R. D.	2124 5
Corn for bread 36 muids <i>a 3 r.d.</i>	-	-	108 0
Tea, coffee, and sugar	-	-	150 0
Clothing for the family and contingencies	-	-	350 0
Duty at the barrier on 120 leggers of wine and brandy			360 0
Wear and tear 100 <i>r.d.</i> parochial assessments	20		120 0
			<hr/>
	Amount of outgoings		3212 5

Returns.

100 Leggers of wine brought to market <i>a 30</i>		3000
20 Ditto of brandy ditto <i>a 50</i>	-	1000
The wine and brandy sold to the country boors, with the fruit and poultry brought to the Cape market, are more than sufficient to balance every other contingent and extraordinary expence.		
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	Amount of returns	4000 4000
		<hr/>
Balance in favor of the farmer		R. D. 787 3
		<hr/>
		or L. 157 8 3
		<hr/>

which sum may be considered as a net annual profit, after every charge on the farm and on housekeeping has been defrayed.

The payment of an estate purchased is made sufficiently easy to the purchaser. The customary conditions are to pay by three instalments, one-third ready money, one-third in one year, and the remaining third at the end of the second year ; and the latter two-thirds bear no interest. And even the first instalment he can borrow of Government, through the loan bank, by giving the estate as a mortgage, with two sufficient securities. So that very large estates may be purchased at the Cape with very little money, which is the chief reason of the multiplicity of vendues.

3. The corn-boors live chiefly in the Cape district, and those parts of Stellenbosch and Drakenstein that are not distant more than two or three days' journey from the Cape. Their farms are some freehold property, some gratuity land, but most of them loan farms. Many of these people are in good circumstances, and are considered in rank next to the wine-boor. The quantity of corn they bring to market is, from a hundred to a thousand muids each, according to the quality of their farm, but more commonly to their skill and industry. They supply, also, the wine-boor and the grazier. The grain sold to these in the country is subject to no tax nor tythe ; but a duty amounting not quite to one-tenth of the value is paid at the barrier for all grain passing towards Cape Town. Their parochial assessments are the same as those of the wine-boor.

The colonists of the Cape are miserable agriculturists, and may be said to owe their crops more to the native goodness

of the soil and favorable climate, than to any exertions of skill or industry. Their plough is an unwieldy machine drawn by fourteen or sixteen oxen, just skims the surface, and, if the soil happens to be a little stiff, is as frequently out of the ground as in it; hence, in most of their corn fields, may be observed large patches of ten, fifteen, or twenty square yards without a stem of grain upon them. Such grounds, when sown and harrowed, are infinitely more rough than the roughest lea-ploughing in England. They have not the least idea of rolling the sandy soils, which are sometimes so light as to be sown without ploughing. Sometimes, towards the end of the rainy season, they turn the ground and let it lie fallow till the next seed-time; but they rarely give themselves the trouble of manuring, except for barley.

For returns of corn in general they reckon upon fifteen fold; in choice places from twenty to thirty, and even much greater where they have the command of water. The grain is not thrashed, but trodden out in circular floors by cattle. The chaff and short straw of barley are preserved as fodder for their horses, and for sale; the rest of the straw is scattered about by the winds. They do not even give themselves the trouble of throwing it into the folds where their cattle are pent up by night, which would be the means of procuring them a very considerable supply of manure, and, at the same time, be of service to their cattle in cold winter nights.

The following rough statement will serve to shew the circumstances of an ordinary corn-boor of the Cape.

Outgoings.

The price of the opstal or buildings on his loan farm	-	R. D.	7000	
50 Oxen <i>a</i> 15 <i>r.d.</i>	-	-	750	
50 Cows <i>a</i> 8 <i>r.d.</i>	-	-	400	
12 Horses <i>a</i> 40	-	-	480	
6 Slaves <i>a</i> 300	-	-	1800	
2 Waggons	-	-	800	
Furniture	-	-	1000	
Implements of husbandry	-		500	
			<hr/>	
			12,730.	Interest 763 6
Clothing for slaves	-	-	90	0
Ditto for the family	-	-	150	0
Tea and sugar	-	-	100	0
Duty on corn brought to market 150. Parish taxes 20			170	0
Contingencies, wear and tear, &c.	-	-	150	0
Corn sold to the wine-boors and graziers more than sufficient to defray all other expences.				
			<hr/>	
			Amount of outgoings	1423 6

Returns.

300 Muids of corn <i>a</i> 4 <i>r.d.</i>	R. D.	1200
100 Ditto of barley <i>a</i> 3 <i>r.d.</i>	-	300
6 Loads of chaff <i>a</i> 32 <i>r.d.</i>	-	192
		<hr/>
Carried over		1692

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Brought over	R. D. 1692	1423 6
1000 lbs. butter <i>a</i> 1½ <i>sk.</i>	- 250	
5Horses sold annually <i>a</i> 40 <i>r. d.</i>	200	
	———	
	Amount of returns	2142 0
		—————
	Balance in favor of the farmer	R. D. 718 2
		—————
		or <i>L.</i> 143 13
		—————

4. The graziers, properly so called, are those of Graaf Reynet and other distant parts of the colony. These are a class of men, of all the rest, the least advanced in civilization. Many of them, towards the borders of the settlement, are perfect Nomades, wander about from place to place without any fixed habitation, and live in straw-huts similar to those of the Hottentots. Those who are fixed to one or two places are little better with regard to the hovels in which they live. These have seldom more than two apartments, and frequently only one, in which the parents with six or eight children and the house Hottentots all sleep; their bedding consists generally of skins. Their hovels are variously constructed, sometimes the walls being mud or clay baked in the sun, sometimes sods and poles, and frequently a sort of wattling plaistered over with a mixture of earth and cow-dung, both within and without; and they are rudely covered with a thatch of reeds that is rarely water-proof.

Their clothing is very slight; the men wear generally a broad brimmed hat, a blue shirt, and leather pantaloons, no stockings, but a pair of dried skin shoes. The women have a thick quilted cap that ties with two broad flaps under the chin, and falls behind across the shoulders; and this is constantly worn in the hottest weather; a short jacket and a petticoat, no stockings, and frequently without shoes. The bed for the master and mistress of the family is an oblong frame of wood, supported on four feet, and reticulated with thongs of a bullock's hide, so as to support a kind of mattress made of skins sewed together, and sometimes stuffed with wool. In winter they use woollen blankets. If they have a table it is generally of the boor's own making, but very often the large chest that is fitted across the end of their ox-waggon serves for this purpose. The bottoms of their chairs or stools are net-work of leather thongs. A large iron pot serves both to boil and to broil their meat. They use no linen for the table; no knives, forks, nor spoons. The boor carries in the pocket of his leather brecches a large knife, with which he carves for the rest of the family, and which stands him in as many and various services as the little dagger of Hudibras.

Their huts and their persons are equally dirty, and their whole appearance betrays an indolence of body, and a low groveling mind. Their most urgent wants are satisfied in the easiest possible manner; and for this end they employ means nearly as gross as the original natives, whom they affect so much to despise. If necessity did not sometimes set the in-

vention to work, the Cape boor would feel no spur to assist himself in any thing ; if the surface of the country was not covered with sharp pebbles, he would not even make for himself his skin-shoes. The women, as invariably happens in societies that are little advanced in civilization, are much greater drudges than the men, yet are far from being industrious ; they make soap and candles, the former to send to Cape Town in exchange for tea and sugar, and the latter for home-consumption. But all the little trifling things, that a state of refinement so sensibly feels the want of, are readily dispensed with by the Cape boor. Thongs cut from skins serve, on all occasions, as a succedaneum for rope ; and the tendons of wild animals divided into fibres are a substitute for thread. When I wanted ink, a mixture of equal quantities of brown sugar and soot, moistened with a little water, was brought to me in lieu of this article, and soot was substituted for a wafer.

To add to the uncleanness of their huts, the folds or *kraals* in which their cattle remain at nights are immediately fronting the door, and, except in the Sneuwberg, where the total want of wood obliges them to burn dung cut out like peat, these kraals are never on any occasion cleaned out ; so that in old established places they form mounds from ten to twenty feet high. The lambing season commences before the rains finish ; and it sometimes happens that half a dozen or more of these little creatures, that have been lambed over night, are found smothered in the wet dung. The same thing happens to the young calves ; yet, so indolent and helpless is the boor, that rather than yoke his team to his waggon and

go to a little distance for wood to build a shed, he sees his stock destroyed from day to day and from year to year, without applying the remedy which common sense so clearly points out, and which requires neither much expence nor great exertions to accomplish.

If the Arcadian shepherds, who were certainly not so rich, were as uncomfortable in their cottages as the Cape boors, their poets must have been woefully led astray by the muse. But Pegasus was always fond of playing his gambols in the flowery regions of fancy. Without a fiction, the people of the Cape consider Graaf Reynet as the Arcadia of the colony.

Few of the distant boors have more than one slave, and many none; but the number of Hottentots amounts, on an average in Graaf Reynet, to thirteen in each family. The inhumanity with which they treat this nation I have frequently had occasion to notice. The boor has few good features in his character, but this is perhaps the worst. Not satisfied with defrauding them of the petty earnings of their industry, and with inflicting the most cruel and brutal punishment for every trifling fault, they make it a common practice to retain the wife and children after turning adrift the husband; thus dissolving the tender ties of social intercourse, and cutting off even the natural resources of wretchedness and sorrow. It is in vain for the Hottentot to complain. To whom, indeed, should he complain? The Landrost is a mere cypher, and must either enter into all the views of the boors, or lead a most uncomfortable life. The last, who was

a very honest man, and anxious to fulfil the duties of his office, was turned out of his district, and afterwards threatened to be put to death by these unprincipled people, because he would not give them his permission to make war upon the Kaffers; and because he attended to the complaints of the injured Hottentots. The boor, indeed, is above all law. At the distance of five or six hundred miles from the seat of Government he knows he cannot be compelled to do what is right, nor prohibited from putting in practice what is wrong. To be debarred from visiting the Cape is no punishment to him. His wants, as we have seen, are very few, nor is he nice in his choice of substitutes for those which he cannot conveniently obtain. Perhaps the only indispensable articles are gunpowder and lead. Without these a boor would not live one moment alone, and with these he knows himself more than a match for the native Hottentots and for beasts of prey.

The produce of the grazier is subject to no colonial tax whatsoever. The butcher sends his servants round the country to collect sheep and cattle, and gives the boors notes upon his master, which are paid on their coming to the Cape. They are subject only to a small parochial assessment, proportioned to their stock. For every hundred sheep he pays a florin, or sixteenpence, and for every ox or cow one penny. With the utmost difficulty Government has been able to collect about two-thirds annually of the rent of their loan-farms, which is only 24 rixdollars a year. Under the idea that they had been dreadfully oppressed by the Dutch Government, and that their poverty was the sole cause of their run-

ning in arrears with their rent, the British Government forgave the district of Graaf Reynet the sum of 200,000 rix-dollars, the amount to which their arrears had accumulated. By descending a little closer to particulars we shall be able to form a better judgment of the condition of these people, and how far their poverty entitled them to the above-mentioned indulgence.

The district of Graaf Reynet, as we have already observed, contains about 700 families. Among these are distributed, according to the *Opgaaff* (and they would not give in more than they had, being liable to an assessment according to the number), 118,306 head of cattle, and 780,274 sheep, which, to each family, will be about 170 heads of cattle and 1115 sheep.

Out of this stock each boor can yearly dispose of from 15 to 20 head of cattle, and from 200 to 250 sheep, and, at the same time, keep up an increasing stock. The butcher purchases them on the spot at the rate of 10 to 20 rixdollars a head for the cattle, and from 2 to 2½ for the sheep.

Suppose then each farmer to sell annually,

15 Head of cattle <i>a</i> 12 <i>r.d.</i>	-	R. D.	180
220 Sheep <i>a</i> 2 <i>r.d.</i>	-	-	440
A waggon load of butter and soap 1200 pounds <i>a</i> 1 <i>s.</i>	-	-	300
			920
Amount of his income		R. D.	920 0

SOUTHERN AFRICA.

t23

Amount of his income brought over R. D. 920 0

Outgoings.

2 Waggons 800 <i>r. d.</i> Interest	-	R. D. 48
Clothing for 8 persons <i>a 15 r. d.</i>	-	120
Tea, sugar, tobacco, brandy	- -	150
Powder and shot	- - -	20
Rent to Government and stamp	-	25
Parochial assessments	- -	8
Contingencies, cattle to Hottentots, &c.		80

Amount of Outgoings R. D. 451 0

Yearly Savings R. D. 469 0

or £. 93 16 0

In what part of the world can even a respectable peasant do this? much less the commonest of all mankind, for such are the generality of the Cape boors. After quitting the ranks, or running away from his ship, he gets into a boor's family and marries. He begins the world without any property, the usual practice being that of the wife's friends giving him a certain number of cattle and sheep to manage, half the yearly produce of which he is to restore to the owner, as interest for the capital placed in his hands. He has most of the necessaries of life, except clothing, within himself; his work is done by Hottentots, which cost him nothing but meat, tobacco, and skins for their clothing. His house and

his furniture, such as they are, he makes himself; and he has no occasion for implements of husbandry. The first luxury he purchases is a waggon, which, indeed, the wandering life he usually leads at setting out in the world, makes as necessary as a hut; and frequently serves all the purposes of one. A musquet and a small quantity of powder and lead will procure him as much game as his whole family can consume. The *springboks* are so plentiful on the borders of the colony, and so easily got at, that a farmer sends out his Hottentot to kill a couple of these deer with as much certainty as if he sent him among his flock of sheep. In a word, an African peasant of the lowest condition never knows want; and if he does not rise into affluence, the fault must be entirely his own.

REVENUES OF GOVERNMENT.

From what has already been stated, in the last section, it will appear, that the public burthens are not of that nature as to furnish any subject of complaint. In fact, the proportion of produce paid by the colonists for their protection is less than in most other countries. They are not required to pay any land-tax, window-tax, excise, or tax on any of the luxuries of life; they are exempt from poor-rates, and from any assessment towards the maintenance of the clergy. Except the tenth on grain and wine, brought into Cape Town, and a small Custom-house duty on foreign articles imported, the duties to which they are liable are, in a great measure, optional, being levied on their extreme passion for buying, selling, and transferring property. The stamp duty, the

public vendue duty, the transfer duty on sale of immoveable estates, and the duty arising from the sales of buildings on loan-lands, are branches of the revenue mostly of this description.

The revenues of the colony are derived from the following sources, comprized under thirteen heads :

- | | | |
|------------------|---|----------------------------|
| 1. Land revenue, | } | Rents of Loan farms. |
| consisting in | | Gratuity lands. |
| | | Quit rents. |
| | | Places taken by the month. |
| | | Salt pans. |
2. Duties on grain, wine, and spirits, levied at the barrier.
 3. Transfer duty on sale of immoveable estates.
 4. Duty arising from the sale of buildings on loan farms.
 5. Public vendue duty.
 6. Fees received in the Secretary's office.
 7. Customs.
 8. Port fees.
 9. Postage of letters.
 10. Seizures, fines, and penalties.
 11. Licences to retail wine, beer, and spirituous liquors.
 12. Interest of the capital lent out through the loan bank.
 13. Duty arising from stamped paper.

1. The revenue arising from the soil has been sufficiently explained in describing the tenures of land ; but, in addition to the articles therein explained, may be mentioned the rents of some salt water lakes in the Cape district let out to the highest

bidder for the purpose of collecting the salt formed in them during the summer season ; as also some trifling rents of places for grazing cattle at certain seasons of the year, taken by the month.

2. The duties levied on grain, wine, and brandy at the barrier are as follows :

	<i>Rd.</i>	<i>sk.</i>	<i>st.</i>	<i>s.</i>	<i>d.</i>
For 10 muids of wheat	2	6	4	or 11	4
— 10 muids of barley	1	2	4	5	4
— 10 muids of peas	4	0	0	16	0
— 10 muids of beans	5	0	0	20	0

On wine and brandy the duty is exactly the same, being 3 rixdollars for every logger, let the price or quality be what they may. This duty amounts to about 5 per cent. on common wine, and not to $\frac{1}{2}$ per cent. on Constantia.

3. The transfer duty on the sale of immoveable estates is 4 per cent. on the purchase money, which must be paid to the receiver of the land revenues before a legal deed of conveyance can be passed, or, at least, before a sufficient title can be given to the estate.

4. The duty arising from the sale of buildings, plantations, and other conveniencies on loan-lands, is $2\frac{1}{2}$ per cent. on the purchase money, and must be paid in the same manner as the last, on the property being transferred from the seller to the purchaser.

5. The duty on public vendues is 5 per cent. on moveable, and 2 per cent. on immoveable property ; of the former, Government receives $5\frac{1}{2}$ per cent. and $1\frac{1}{2}$ per cent. of the latter. This is a very important branch of revenue.

6. Fees received in the Secretary's office are such as are paid on registering the transfer of property, and were formerly part of the emoluments of the colonial Secretary and assistants. They are very trifling.

7. The import and export duties at the Cape were formerly a perquisite of the Fiscal. At the surrender of the colony it was found expedient to make some new regulations with regard to this branch of revenue. All goods shipped in the British dominions, to the westward of the Cape, were allowed to be imported duty free ; but others, not so shipped, were liable to a duty of 5 per cent. if brought in British bottoms, and 10 per cent. in foreign bottoms. And no goods nor merchandize of the growth, produce, or manufacture of countries to the eastward of the Cape were allowed to be imported into, or exported from, the Cape of Good Hope, except as sea-stores, but by the East India Company, or by their licence.

The export duties vary according to the nature of the articles, but, on a general average, they amount to about 5 per cent. on commodities, the growth and produce of the Cape.

8. The port fees, or wharfage and harbour money, were formerly levied at a fixed sum on all ships dropping anchor at the Cape, whether they were large or small, but

were afterwards altered to sixpence per ton upon their registered tonnage.

9. The postage of letters was a small charge made on the delivery of letters at the post office, more with a view to prevent improper correspondence during the war, than to raise a revenue, which, indeed, amounted to a mere trifle.

10. Seizures, fines, and penalties. The law respecting smuggling is very rigid at the Cape of Good Hope. Not only the actual shipping or landing of contraband goods is punishable, but the *attempt* to do it, if proved, is equally liable; and the penalty is confiscation of the goods, when found, together with a mulct amounting to three times their value; or, if not found, on sufficient evidence being produced, the delinquent is liable to forfeit four times their value. Of all seizures and confiscations, and penalties for misdemeanors, the Fiscal receives one-third of the amount, the informer or prosecutor one-third, and the other third, which was formerly the share of the Governor, was directed by Lord Macartney to be always paid into the Government Treasury in aid of the revenue.

11. The licences granted for the retailing of wine, beer, and spirituous liquors, are farmed out in lots to the highest bidders; and they produce a very considerable sum to Government; proportioned, however, to the strength of the garrison, the soldiers being their best customers. Sir James Craig, wishing to discourage, as much as possible, all monopolies, proposed to divide the retailing of wine among thirty-two persons, but fifteen only were found to take them out; and these the following

year refusing to renew, it became necessary to recur to the old method, to prevent the revenue from suffering, as well as the disorders that might be supposed to arise from an unrestrained liberty of sale. It was, however, found difficult to get any one after this to undertake the farm on the most moderate terms. Such is often the effect of making sudden and violent changes, even where abuses are meant to be reformed, and a certain benefit procured for those who have long been suffering under them. Gradual alterations are usually the most acceptable, and, in the end, most effectual.

12. Interest of the capital lent out through the loan or Lombard bank arises from a sum of paper money issued by the Dutch Government as a loan to individuals, on mortgage of their lands and houses, with the additional security of two sufficient bondsmen. The sum thus lent out is about 660,000 rixdollars. The interest is 5 per cent., which is one per cent. less than the legal interest of the colony. Government receives a clear profit of 4 per cent., and the bank one per cent. for its trouble. The rule is never to lend a greater sum than half the value upon estates in town, nor more than two-thirds on estates in the country. The term for which the loan was made was not to exceed two years, and it rested with the directors to prolong the loan, or to call it in, at the expiration of that time.

The establishment of this bank, by the Dutch East India Company, was one of the many symptoms, that of late years had appeared, of the declining condition of their commercial

credit, and of their political influence in their Indian possessions. Driven to the necessity of raising revenues, by direct or indirect means, to defray the contingent expences of the year and to keep together their numerous establishments, and of maintaining their existence by temporary expedients, their finances were reduced at length to such a state, that their capital was employed to pay the interest of their debt. In order, therefore, to reform some abuses, and for the better regulation of their affairs in India, certain commissioners were appointed in 1792, under the name of Commissaries General, to proceed from Holland, without delay, upon this important office.

Finding, on their arrival at the Cape, that the resources of Government were nearly exhausted, the colony in most deplorable circumstances, and a general complaint among the inhabitants of the want of a circulating medium, they conceived it too favorable an occasion to let slip of converting the public distress into a temporary profit for the state; increasing, at the same time, the revenue of the latter, while they conferred a seeming favor on the former. They issued, through the Lombard bank, a loan of such sums of stamped paper money as might be required to satisfy the wants of those who could give the necessary securities; the whole amount being limited to the sum of one million rixdollars.

Thus, by this transaction, Government created for itself a net revenue of about 25,000 rixdollars a year, free of all deductions, without risk and without trouble, from a fictitious

capital. It did more than this. Part of the original capital, which, at its highest point was about 680,000 rixdollars, was repaid by the inhabitants, and restored to Government; but, instead of cancelling such sums, as it should seem in honor bound to do, it applied them towards the payment of the public expences, suffering the whole of the original capital to continue in circulation.

The operation of such a loan, from the Government to the subject, so much the reverse of what generally takes place in other states, might be supposed to produce on the minds of the people a disposition of ill-will towards the Government; which, indeed, was assigned as one of the motives to shake off their dependence, and thus free themselves at once from a load of debt by the destruction of the creditor. These short-sighted people did not reflect that the whole amount of paper money issued through the bank was not half the amount of paper currency in circulation; that a much greater sum, of the same fabric, but made on a different occasion, had been borrowed by Government from the inhabitants, for which the only security was its credit and stability. The consequence of Suffrein's visit to the Cape, and the expences of throwing up the lines, and putting the works in repair, obliged the Dutch to borrow plate and silver money from the inhabitants for the exigencies of Government, which was promised to be repaid on the arrival of the ships then expected from Holland; and, in the mean time, stamped paper, in pieces bearing different values, was given and thrown into

circulation, none of which has ever been redeemed by specie, nor, in all human probability, ever will. The balance of the paper lent by Government, and of the money borrowed from the people, is about 240,000 rixdollars in favor of the latter, so that they would gain little by destroying the credit of Government.

13. The duty arising from stamped paper was early introduced, but limited to such public writings as were issued from the offices of the Secretary of Government and of the Court of Justice; and for acts signed by public notaries, until the arrival of the Commissaries General, when it was considerably extended. At present all bills of sale, receipts, petitions, and memorials, must be made out on stamped paper. The limits of the stamps are sixpence the lowest, and one hundred rixdollars, or twenty pounds, the highest.

The net proceeds of the colonial revenue for four successive years will appear from the following table :

Branches of the Public Revenue.	Year 1798.			Year 1799.			Year 1800.			Year 1801.		
	<i>Rd.</i>	<i>sk.</i>	<i>st.</i>	<i>Rd.</i>	<i>sk.</i>	<i>st.</i>	<i>Rd.</i>	<i>sk.</i>	<i>st.</i>	<i>Rd.</i>	<i>sk.</i>	<i>st.</i>
1. Land Revenue	60,622	6	2	40,720	6	4	43,396	2	4	47,885	6	4
2. Duties on grain and wine levied at the barrier	36,867	6	0	35,164	2	4	31,930	1	3	37,759	3	0
3. Transfer duty on sales of immovable estates	33,211	4	2	66,843	3	3	45,576	1	3	67,483	7	0
4. Duty arising from sale of buildings on loan estates	5,441	5	4	5,677	1	3	5,939	1	3	5,247	5	1
5. Public vendue duty	48,182	3	3	59,916	1	2	61,166	3	0	85,960	2	4
6. Fees received in the Secretary's Office	1,654	0	0	1,365	6	0	1,193	3	0	1,312	7	0
7. Customs	43,331	4	0	42,828	5	0	38,582	4	0	47,833	1	0
8. Port fees	2,186	2	0	2,100	0	0	3,945	4	0	5,498	0	0
9. Postage of letters	641	5	0	950	0	0	1,111	7	0	1,396	6	0
10. Seizures, fines, and penalties	10,182	0	1	7,585	0	3	26,572	0	0	5,533	3	0
11. Licences to retail wine, beer, and spirituous liquors	36,255	0	4	51,133	2	4	65,191	5	2	93,200	0	0
12. Interest of the capital lent out through the loan bank	25,532	6	1	25,678	4	1	26,240	2	3	25,957	0	1
13. Duty arising from stamped paper	18,403	4	0	20,348	6	0	18,751	0	0	25,645	1	0
Amount	R. D. 322,512	7	5	360,312	0	0	369,596	4	0	450,713	2	4
	or £. 64,502	11	11	72,062	8	0	73,919	6	0	90,142	13	4

These sums were applied to the payment of salaries on the civil establishment, the expences of the several departments, the repairs of Government buildings, and the contingencies and extraordinaries of the colony, to all which, by a prudent economy, they were much more than adequate; for, on closing the public accounts the year after the departure of Lord Macartney from his government, there was a balance in the Treasury, amounting to between two and three hundred thousand rixdollars, after every expence of the year had been liquidated.

JURISPRUDENCE.

The constitution and the practice of the Court of Justice at the Cape are ill suited to the sentiments of Englishmen, yet, as their continuance was stipulated for in the articles of capitulation, they remained of course unaltered. The civil servants of the Dutch East India Company composed two-thirds of its members, and one-third was chosen from the burghers of the town. The Company, as proprietors of the settlement, directed their servants to take the ascendancy in all colonial affairs, but by way of reconciling the free citizens, not in their employ, a certain proportion were admitted into the civil courts and public boards; but, as might be supposed, the propositions and opinions of the former were generally found to preponderate. None of the members of the Court of Justice were professional men; nor were they supposed to possess a greater share of legal knowledge than the other citizens out of which they were chosen. The Fiscal and the Secretary were the interpreters of the law. The members might be considered as a kind of special jury, who, after hearing the evidence, decided on the facts by a majority of voices. As members, composing a Court of Judicature, they had no salaries under the Dutch government, and therefore were supposed not to reject presents from one or both of the parties who had suits before the Court. But although they had no special salaries, most of them either actually enjoyed other employments attended with profit, or were considered as entitled to succeed to them on vacancies, in recompence for their services as ministers of justice. And

as the situation, though honorable and conferring a distinction of rank, was attended with a considerable share of trouble and some expence, and as their lucrative offices, on the surrender of the settlement to the English, in a great measure ceased, it seemed but reasonable that so important a duty should be compensated by an allowance from Government, which was accordingly made to them by Lord Macartney.

One part of their practice was particularly repugnant to the feelings of Englishmen and to the principles of English jurisprudence. The proceedings of the Court were always carried on, *foribus clausis*, with closed doors, except in the single instance of the trial of the boors for sedition, on which occasion the Fiscal or Attorney General determined, though contrary to all precedent, to throw open, for the first time, the doors of the Hall of Justice. No oral pleading is admitted by the Dutch law; no confronting the accused with the witnesses; but the depositions of each are singly taken down before two commissioners, on oath, and afterwards read to the Court; all persons are excluded from entering the Court except the parties concerned. In all criminal causes the Fiscal, or Attorney-General, directed two commissioners of the Court to examine evidences, take depositions, hold inquests over bodies that had died suddenly by the visitation of God, accident, or violence; and to draw up, in every case, preparatory information for the trial. For this troublesome part of their duty they had no remuneration, unless when the delinquent should be condemned to labor for the service of government, in which case the expences of the trial were paid out of the produce of that labor.

The constitution and the practice of such a court gave but too strong grounds for supposing that justice was not always administered with strict impartiality. The cause of a foreigner was always indeed considered as hopeless. If in some few instances they may have leaned to the side of their countrymen, where the dispute respected property, yet I am inclined to believe that in all criminal cases they have acted, not only with impartiality, but with the greatest caution and circumspection. I do not here mean to include that unfortunate race of men who are doomed to slavery: the measure of justice was dealt out to these poor creatures with as sparing a hand at the Cape as in most other countries where the negro is scarcely considered to rank among human beings. If a slave should unfortunately lift his hand against a white man, he runs the greatest risk of being tortured and torn in pieces, it being always presumed, on such an event, that the intention was to murder; but if a white man should actually murder his own slave, little, if any, inquiry is made into the circumstances of the case; and if he should put to death the slave of another man, he has only to settle with the owner for the value he put upon him; unless indeed the owner, from principle or from pique, should bring the matter before the Court of Justice, a case which I fancy has rarely, if ever, happened.

Two irreproachable and concurring witnesses are required to substantiate a fact against a person accused of a capital crime; and *one* evidence of good character, produced on the part of a person accused of felony, is considered of equal weight with *two* produced against him: and even after sentence has been passed, until the moment of execution, the condemned is allowed to bring forward evidence in his favor. Nor can

circumstantial evidence, however strong, warrant the carrying of any sentence into execution, until a free confession be made of the crime. Such confession, it is true, was, under the Dutch government, sometimes extorted by the application of the torture; in which case, if the guilty had nerve enough, he was sure to escape, and if the innocent was feeble, he was equally sure of being hanged.

Even in civil causes, the presumption that the Court was generally right is in its favor; for since the establishment of an English Court of Appeal in the year 1797, to the evacuation of the colony, out of the number of cases brought before the said Court of Appeal, only one sentence was reversed; and it appeared that the error committed, in this instance, by the Court of Justice was owing to their tenacity rather to the letter, than to the spirit of the law; and that by rigidly adhering to the *summum jus*, their decision was productive of the *summa injuria*. It was also supposed that, in the case alluded to, a very undue influence was employed to sway the Court. Neither are the members of the Court of Justice in the Cape so wanting in talent or in legal knowledge as might be supposed; at least, they proved to the world that they had sagacity enough to detect, and integrity and firmness enough to punish, the authors of a most nefarious and barefaced transaction, which those persons had contrived to carry through the Court of Vice-Admiralty with complete success, though the imposition was of the grossest nature.

Capital crimes in the Cape district are less frequent than they might be supposed among such a mixed multitude,

where a great majority have no interest in the public prosperity or tranquillity. The strength of the garrison contributed materially to keep the slaves in order; and instances of capital crimes were less numerous under the British Government than in any former period of the same duration for the last thirty years. In six years 63 were sentenced to suffer death, of which 30 were publicly executed, and the rest condemned to work at the fortifications in chains for life. The sentence of such as escaped execution was not changed on account of any palliative circumstance or insufficient testimony, but because confession of the crime is indispensably necessary to the execution of the sentence; and this confession being now no longer extorted by the application of the torture, most of them persist to deny the crime of which they are accused; preferring a life of hard labor, with a diet of bread and water, to an untimely death. But though the rack and torture were by the Dutch laws allowed to be put in practice, in order to extort the confession of crimes, and breaking on the wheel was a common sentence of the law, yet the Court of Justice at the Cape pretended to say that these expedients were rarely resorted to; but, at the same time, on their abolition by command of his Majesty, they strenuously urged the necessity of their continuance, as proper engines of terror for preventing the commission of capital crimes, which, they thought, simple strangling with a cord would be insufficient to effect. Contrary, however, to the opinion of the Court of Justice, there were fewer executions, after the abolition of the rack and torture, than had taken place in an equal period for many years before: so much so, indeed, that one of the public executioners made

an application for a pension in lieu of the emoluments he used to receive for the breaking of legs and arms. The fate of the other hangman was singular enough: On hearing that the abolition of the rack and torture was likely to take place, he waited upon the chief magistrate to know from him whether it was the fashion among the English to break on the wheel. A few days after this he was found hanging in his room. It was thought that the fear of starving, for want of employment, on account of his having held such an odious office, had operated so powerfully on his mind as to have led him to the perpetration of self-murder. Under the idea of conveying terror into the minds of the multitude, the place of execution is erected close to the side of the great avenue leading into the town. The first object that presents itself to a stranger, after passing the Castle, is a large gallows flanked by wheels and engines of death—objects not well adapted for impressing any very favorable opinion either of the humanity of the people or the lenity of their laws. Though the custom of most European nations may have sanctioned public punishments, as warnings against the commission of crimes, the constant exposure of the instruments of death can have little share in producing this effect. The human mind, by long habit, becomes reconciled to objects that, for a time, might have created disgust and dismay; and nothing is more likely to happen than that the unreflecting part of the multitude should turn into a source of ridicule, when made too familiar to them, what was intended to convey the sensation of terror.

Two of the members of the Court form in turn a monthly commission, before which written evidence is produced by the attornies of the parties, and every information collected against the full meeting of the Court, which is held once a fortnight. In the intervening time all the written evidence and other attested documents that relate to each case are read by the several members. Were this not practised, so great is the litigious disposition of the people, they would not be able to go through the ordinary business. Forty or fifty causes are sometimes dispatched in the Court in the course of one morning; and they hear none where the damages are not laid at a greater sum than 200 rix dollars or 40*l*. All suits, under this amount, are decided in an inferior Court called the *Court of Commissaries for trying petty causes*: in the country districts the Landrost and Hemraadén are empowered to give judgment in all cases where the damages to be recovered do not exceed 150 rix dollars or 30*l*.

This litigious spirit in the people, who are mostly related one way or another, and who always address each other by the name of *cousin*, is encouraged by the attornies, who, in the Cape, may truly be called a nest of vermin fattening on the folly of the people. To become a *procureur* it is by no means necessary to study the law. Hence any bankrupt shopkeeper, or reduced officer, or clerk in any of the departments, may set up for an attorney. The business consists in taking down depositions in writing, and drawing up a state of the case for the examination of the monthly commissioners, and afterwards to be laid before the full Court. As their

charges, in some degree, depend upon the quantity of paper written, such papers are generally pretty voluminous. The expences of a single suit will sometimes amount to 400*l.* or 500*l.* sterling, when, at the same time, the object of litigation was not worth 100*l.*

The office of Fiscal is one of the most important in the colony. As public accuser it is his duty to prosecute, in the Court of Justice, all high crimes and misdemeanors; and as Solicitor-General to the Crown he is to act in all cases where the interest of Government is concerned. As Chief Magistrate of the police, both within and without the town, he is authorised to inflict corporal punishment on slaves, Hottentots, and others, not being burghers, for petty offences, riotous behaviour, or other acts that cannot be considered as directly criminal. The Fiscal has also the power of imposing fines, and of accepting pecuniary composition for misdemeanors, insults, breach of contract in cases where the offender does not wish to risk a public trial. The sum, however, that in cases of compromise can be demanded by the Fiscal, was limited, under the British Government, to 200 rix dollars. For it appeared that, under former Fiscals, many and enormous abuses had been practised in the levying of fines, particularly in cases where the nature of the offence was such that the accused chose rather to pay a large sum of money than suffer his cause to be investigated before a full court. The Fiscal, being entitled to one-third of all such penalties, took care to lay them as heavy as he thought the cases would bear. What a temptation was here laid for frail mortal man,

in his fiscal capacity to be guilty of injustice and extortion, by leaving the power of fixing the penalty in the breast of the very man who was to reap the benefit of it! To the honor of the man he it spoken, who held this important but odious situation, during the British government at the Cape, his most inveterate enemies, and he and every one who fills the office must daily make such, never accused him either of making an undue use of his authority, or of studying his own interest in this respect. The English found him poor, and left him so, but not without making some though not perhaps an adequate acknowledgment of his services.

The office of Fiscal consisted of the principal and a deputy, a clerk, two bailiffs, two jailors, eight constables, and nineteen blacks and Malays, usually called Kaffers. The whole expence to Government was under 10,000 rix dollars; the Court of Justice and Secretary's Office to the Court was about the same sum, so that the administration of justice cost the Government about 4000*l.* sterling a year.

*The Court of Commissaries for trying petty suits, and for matrimonial affairs, consists of a President, a Vice-president, and four members, whose situations are merely honorary, and are biennial. The duties of the Court, as the name implies, are divided into two distinct classes: first, to decide in suits where the sum in litigation does not exceed 40*l.*; and secondly, to grant licences of marriage where, on examination of the parties, there appears to be no legal impediment.*

In its first capacity it may be considered as a sort of Court of Conscience. The proneness of the people to litigation made it necessary, notwithstanding the scanty population, to establish this as a relief to the Superior Court, by taking off its hands the decision of a multiplicity of trifling suits, as well as, by a summary mode of proceeding, to prevent heavy costs. The process for the recovery of a debt is very simple. A summons is sent from the Secretary to the debtor, forty-eight hours before the meeting of the Court, which is on every Saturday. The parties are heard, a decision taken, and sentence pronounced. An appeal lies to the Superior Court.

In order to obtain a licence for marriage, it is necessary for both persons to appear personally before the Court, to answer to such questions as may be put to them concerning their age, the consent of parents or guardians, their relationship, and such like; after which a certificate is given, and the banns are published thrice in the church. The consent of parents or guardians is necessary to be had by all who marry under the age of twenty-five years. If the consent of parents or guardians be refused to a minor, the removal of the objections is left to the discretion of the Court. If either of the parties has been married before, and has children, a certificate must be produced from the Secretary of the Orphan Chamber, or from the notary appointed to administer to the affairs of the children, that the laws of the colony relating to inheritance have been duly complied with.

The *Weeskammer*, or chamber for managing the effects of minors and orphans, is one of the original institutions of the colony, and is modelled on those establishments of a similar kind that are found in every city and town of the Mother Country. The nature of their laws of inheritance pointed out the expediency of public guardians to protect and manage the property of those who, during their minority, should be left in an orphan state. In this instance the Dutch have departed from the civil or Roman law on which their system of jurisprudence is chiefly grounded. By their laws of property the estates and moveables of two persons entering into wedlock become a joint stock, of which each party has an equal participation; and, on the death of either, the children are entitled to that half of the joint property which belonged to the deceased, unless it may have been otherwise disposed of by will; and here the legislature has wisely interfered to allow of such disposal only under certain restrictions and limitations. The Dutch laws, regarding property, are more inclinable to the interests of the children, than favorable to the extension of parental authority. To enable a man to disinherit a child, he must bring proof of his having committed one, at least, of the crimes of children against parents, which are enumerated in the Justinian code.

To guard against abuses in the management of the provision which the law has made for minors and orphans, and to secure the property to which they are entitled, are the duties of the Orphan Chamber. Its authority extends also to the administration of the effects, either of natives or strangers,

who may die intestate. At the decease of either parent, where there are children, an account of the joint property is taken by the Chamber, and in the event of the survivor intending to marry a second time, such survivor must pass a bond to secure the half share of the deceased to the children by the former marriage.

This excellent institution is managed by a president and four members, a secretary, and several clerks. Their emoluments arise from a per centage of $2\frac{1}{2}$ on the amount of all property that comes under their administration, and from sums of money accruing from the interest of unclaimed property, and the compound interest arising from the unexpended incomes of orphans during their minority. The Secretary, in addition to a fixed salary, has an allowance of 4 per cent. on the sale of orphan property, which almost always takes place in order to make a just distribution among the children. This is considered as an indemnification for his responsibility to the board for the payment of the property sold. The clerks divide among them one per cent., so that all orphan property, passing through the Chamber, suffers a reduction of $7\frac{1}{2}$ per cent. upon the capital, which is $2\frac{1}{2}$ per cent. less than when left to the administration of private executors, who have 5 per cent. for their trouble, and must pay 5 per cent. to government on the public vendue, from which the Orphan Chamber is exempt.

at the growth of manhood, had also their meetings to decide upon the fate of the free and independent burghers, when the happy days of their own emancipation should arrive, which, from the conversations of their masters on the blessings of liberty and equality, and the unalienable rights of man, they were willing to suppose, could not be very distant.

In this state of things the British fleet appeared before the bay. The governor called an extraordinary council to deliberate upon the steps to be taken in this critical juncture. Some were inclined to throw the settlement under the protection of the British flag, but the governor and the greater number influenced, and perhaps intimidated, by the citizens, listened to the absurd proposals of resisting the English force, and, if successful, as they doubted not they would be, of setting up immediately a free and independent republic of their own. They talked of the thousands and ten thousands of courageous boors, who, on the signal of alarm being given, would flock to the Batavian standard; so ignorant were they of the nature and the number of their valiant countrymen. The *burgher cavalry*, a militia of country boors, who were then in the vicinity of the town, were immediately called out, and a few hundreds reluctantly obeyed the summons. The conduct and the cowardice of this undisciplined rabble, whose martial spirit had hitherto been tried only in their expeditions against the native Hottentots, might easily have been foreseen. A few shot from the *America*, man-of-war, striking the rocks of Muifenberg, soon cleared that important pass, and caused the regular troops to retreat to Wynberg, a tongue of land projecting from the east side of the Table.

entitled to seek connections with the first and wealthiest families in the colony. None would think of refusing his daughter's hand to the solicitations of a clergyman ; and the lady usually considered the precedence at church as a full compensation for the loss of balls, cards, and other amusements which her new situation obliged her to relinquish. Some changes, however, of such sentiments were said to have taken place, on the part of the ladies, with the change of their former Government, and that whatever might still be the opinion of the parents, they began to doubt whether the easy and unrestrained gaiety of a red coat might not be equally productive of happiness with the gravity of a black one.

But the introduction of new manners and new sentiments produced no direliction in the pious deportment of the clergy and their families ; nor was there any change in the exterior marks of devotion among the laity. The former are scrupulously exact in the observance of the several duties of their office, and the latter equally so [in their attendance of public worship. In the country the boors carry their devotion to an excess of inconvenience that looks very like hypocrisy. From some parts of the colony it requires a journey of a week or ten days to go to the nearest church, yet the whole family seldom fails in its attendance twice or thrice in a year.

The duties of the clergy are not very laborious, though pretty much the same as in Europe. They attend church twice on Sundays, visit the sick when sent for, and bestow

one morning in the week to examine young persons in the confession of faith. They must also compose their sermon for Sunday, and learn it by heart. Their congregation would have little respect for their talents if it was read to them, though of their own composing. Nothing will do in a Dutch church but an extemporary rant; and they all go to church in expectation of some glance being made at the prevailing topic of the day, and return satisfied or displeased according as the preacher has coincided with or opposed their sentiments on the subject of his discourse.

The clergy have also the direction of the funds raised for the relief of the poor. These funds are established from weekly donations, made by all such as attend divine service, from legacies, and from the sums demanded by the church on the emancipation of slaves. The interest is applied towards the succour and support of those whom old age, infirmities, accident, or the common misfortunes of life, may have rendered incapable of assisting themselves. This class is not very numerous in the Cape, and is composed mostly of such as have been denied, in their early days, the means of making any provision against old age; chiefly emancipated slaves, the best part of whose life has been dedicated entirely to the service of their owners.

An unsuccessful attempt was made some years ago to establish a public grammar-school at the Cape, and the clergymen were nominated as *curators*. A fund for this purpose was intended to be raised by subscription, and every one was ready to put down his name, but very few came forwards with the

money. After the purchase of a suitable house, they found there was nothing left to afford even a moderate salary for a Latin master ; and the clergy of the Cape, who are the only fit persons to take upon them the important task of instructing youth, are already too well provided for by Government to engage in so laborious an employ.

The amount of the funds belonging to the Reformed Church in Cape Town, in the year 1798, was, Rd. 110,842 1 2 or 22,168*l.* 8*s.* 8*d.*, and the subsistence granted to the poor was Rd. 5564 2 or 1112*l.* 17*s.* The funds of the Lutheran Church were Rd. 74,148 2 2 or 14,829*l.* 13*s.* 2*d.*, and the relief granted to the poor Rd. 972 2 2 or 194*l.* 9*s.* 2*d.*

IMPROVEMENTS SUGGESTED.

Before any considerable degree of improvement can be expected in those parts of the country, not very distant from the Cape, it will be necessary, by some means or other, to increase the quantity and to reduce the present enormous price of labor. The first step towards the attainment of these objects is the complete prohibition of the importation of slaves under any pretext whatsoever ; for, until such a measure shall be adopted, the increase of the price of labor is sure to keep pace with the increased population. The number of slaves that are already in the colony, and the number of Hottentots unemployed for want of due encouragement, render any importations of the former wholly unnecessary. But supposing the demand for labor was greater than they could supply, a