

members, proved that, instead of a deficit of £5000 or £1500, an actual surplus was in store in the colonial chest of £40,000! This instance of gross mismanagement and misstatement furnishes ample excuse for the Colonial Office having delayed the required boon. The deputation, therefore, as might be expected, were unsuccessful on this point; but we look back upon that day with pleasure, though overshadowed by one opinion. The subject matter of the deputation was actually disposed of for the time by Lord Stanley's reference to the Governor's extraordinary statement and his "Blue Book;" and of course, in his position, giving credence to the Governor he found appointed, he could not do otherwise. On that point, therefore, Lord Stanley's conduct was quite justifiable; only that some person in his office should be specially appointed to investigate statements of figures from the colonies. In this case the colony was injured simply from erroneous accounts transmitted.

Emigration for the time being thus disposed of, and the deputation about to depart, his lordship took the whole deputation with surprise by saying, "Now, gentlemen, as memorials have been sent from the colony praying for a Representative Assembly, I should like to hear your opinion as practical men whether you think it feasible and desirable. Is the colony ripe for representative institutions?" The subject not having been contemplated as part of the business of the deputation, a pause ensued, each waiting for the other. At length unpreparedness was acknowledged by one of the deputation, who ventured the opinion that it was possibly premature, the population being of a mixed character, coloured, semi-Dutch, and English; that the two first being the most numerous, legislation, though not imputing disloyalty, would not have a British tendency, and possibly they were not yet competent to such high functions. Grieved to hear this opinion against that remedy for all the grievances of the colony, and doubting the justice of disconfidence in the loyalty and competency of the native and Dutch population, the belief was expressed "that the fullest confidence might be placed in both; that much more loyalty existed than in Canada, and not such an antipathy of one race to another; and that as regards competency the municipality of Cape Town alone had, by their prudence, legislative, and economical proceedings, exhibited a tact and fitness for the greater trust of representative honours; that

the manner in which the monetary concerns of the Board had been conducted had shewn them to possess financial qualities entitling them to manage the public revenue of the whole colony, and that they would for their own sakes assuredly manage it better than those who had simply to receive it." To this it was allowed that as regards the money part of the business there could be no doubt, the only question was as to the preponderance of Dutch and coloured persons in the colony. To that it was again replied "that the English were the most enterprising, and increasing faster than the others; that in the Eastern Province particularly the English preponderated, and that emigration would soon make them predominate throughout the colony; but that even were it not so, the loyalty of the Dutch within the colony was not to be disputed." The deputation was thanked by his lordship, and thus the question was left by them. Nothing can exhibit more prudence and consideration in his lordship, who left the impression that he was inclined to grant the desired boon, could he be convinced of its safety. This would appear to be a correct conclusion, from the questions he has ordered to be submitted to the Cape community in reply to their memorial. They are found embodied in the following letter of the Secretary of Government at the Cape to the committee of the memorialists:

*" Colonial Office, Cape Town, July 25th, 1842.*

" GENTLEMEN,

" With reference to my letter of the 13th December last, in which I intimated to you the intention of his Excellency the Governor to transmit, and support with his recommendation a petition addressed to the Queen in Council, praying that, for the reasons therein set forth, the government of the colony may, as speedily as possible, be assimilated in principle and form to that of Great Britain; and that it may be composed of a governor appointed by the crown, an executive council also appointed by the crown, and a legislative assembly composed of representatives freely elected by the people; I am now directed by his Excellency to acquaint you, that he has received a despatch from the Right Honourable the Secretary of State, in which his lordship, while he recapitulates, and admits the abstract justice of the principles upon which the recommendation of his Excellency was founded, enters at length into the consideration of a number

of obstacles which appear to him to hinder the practical application of those principles to the circumstances of this colony, being unwilling to dismiss with a slight or cursory notice a petition bearing such signatures as those attached to that before him, and one supported by his Excellency.

“Nor, indeed, does his lordship wish his Excellency to understand him as meeting that petition by any irrevocable or fixed opinion against the prayer of it, since he limits himself, at present, to the conclusion that the proposal is open to many difficulties not adverted to by his Excellency or the petitioners; and that the scheme is presented in a form too incomplete to enable the confidential advisers of the crown to advise her Majesty as to the acceptance or rejection of it.

“Before transmitting an answer to the Secretary of State, his Excellency deems it proper to allow the petitioners an opportunity of applying their minds to the many considerations suggested by a perusal of his lordship's despatch, in order that he may be enabled to lay before his lordship more distinctly than he is at present in a situation to do the precise plan of government which the petitioners contemplate, and the mode in which they propose to obviate the objections which may appear to be against it.

“1. Do the petitioners contemplate that the legislative assembly to be elected by the people should be the only legislative power in the colony? or, is the council, called executive in the petition, also to possess legislative functions? and what, if any, are to be the legislative functions of the Governor?

“2. If, as the language of the petition would seem to import, the legislative assembly is to be the only legislative power in the colony, how can the change suggested be considered as an assimilation in principle and form to the government of Great Britain, or to that established in any other British colony?

“3. On what principle are the representatives to be distributed throughout the colony, so as to give to Cape Town, and the towns in general, their legitimate share in the representation, and no more? In other words, by what plan is it proposed to secure to a shattered population, occupying a large space, their due proportion of representatives, in competition with a more numerous population, occupying a more limited area?

“4. Assuming that proper electoral districts can be described,

is it contemplated by the petitioners that the representative should be selected by the distant districts of the colony from the inhabitants of the same? Or, is it contemplated that the districts generally would choose members resident in or near Cape Town? If the former, can fit persons be found who will be willing to give the necessary time, and encounter the inevitable expense? If the latter, how will the country districts be sufficiently secured against those local views and influences which will make their nominal representatives in reality the representatives of Cape Town; and how, in a country where communications between the representatives and their constituents must necessarily be tardy and imperfect, will the representatives be able to ascertain correctly the sentiments of their constituents upon the measures submitted for discussion and legislation?

“5. Where are the votes of the electors to be taken? If there be only one polling place in the district, is it expected that voters will be found disposed to travel what must frequently be very inconvenient distances, in order to exercise the suffrage? and will not the representation become in many places merely nominal from the non-attendance of voters? If there be many polling places, by what checks is the integrity of the voting to be adequately guarded?

“6. On what grounds do the petitioners conceive that the right of representation may be indifferently bestowed upon all the various races, as well of different European, as of African descent, of which the population of this colony is made up, so that each of those races may enjoy its due proportion, and no more, without causing or inflaming heats and jealousies, and tending to create a powerful majority and a discontented minority in some direction or another?

“7. Is there to be a property qualification for the electors? If so, what nature, and to what amount?

“8. Is there to be a property qualification for the elected? If so, of what nature, and to what amount?

“9. Assuming that the petitioners contemplated some property qualifications in both cases, are they able to fix it at a rate which will not on the one hand be so high as, generally speaking, to exclude the coloured population from the operation of the principle, or on the other hand be so low as to let in a number

of persons whose political power the rest of the community might regard as dangerous ?

“10. Do the petitioners contemplate that the constitution of the proposed assembly should be modified in any, and if so, in what manner by the existing division of the colony into its eastern and western districts ? and

“11. By what machinery do the petitioners propose that voters should be registered, and the business of the election managed ?

“When you shall have taken the opinions of those with whom and for whom you have acted on this occasion in such a manner as may appear the most expedient, I shall be happy to be favoured with your reply for the information of his Excellency.

“I have the honour to be, Gentlemen,

“Your most obedient humble servant,

“J. MOORE CRAIG.”

Some persons may complain that the prayer of the memorialists was not granted at once without any tantalizing delay, “that if it were well that it should be done, then it were well that it were done quickly.” Not so, perhaps, in this case; the memorialists had committed one error in their petition; they prayed to have the privileges of the British constitution, and yet, inconsistently, prayed to have an executive council mixed up in one assembly with the town and county representatives. That is the reason of his lordship’s second question. But, nevertheless, the good cause is not even discouraged by the minister. It is laid before the colony as a theme for their own decision. The feeling of Lord Stanley is—“Shew me how it can be accomplished; there is no difficulty on my part.”

Without any new circumstance to plead in favour of the grant, one event, notable hereafter in Cape history, must accelerate the boon. However leniently exercised, the power of government as formerly constituted was despotic, there was no shadow of representation. A mitigation was then made through the formation of the legislative council; the result of a prudent government paying some deference to public opinion; so far, then, that assembly is a favourite of the colony. It cannot be suppressed,

much less can it be depreciated or insulted. It is part of the government itself; and he is an ill-judge who slights that body in hopes of pleasing any other arm of the government. It weakens that deference to all constituted authorities, which clothes our judges with the power of a Roman consul without the exhibition of the Roman fasces. The recent disrespect of the Cape judges to the committee of the legislative council, by stepping beyond their province when they had an express duty to the colony and the Home Government to perform, will cause that council to be clothed with more power upon constitutional principles.

If the judges, receiving the wages of a rising colony, erect themselves into a council of three, an *imperium in imperio*, to check its rising energies, instead of fostering and affirming every reasonable British constitutional principle, it is not difficult to see that they must inevitably become political partisans, and liable to strong suspicion. Above every other individual, it became them respectfully to bow to the highest council recognised in the colony; instead of which they are the first to disgrace it with impotency, and thereby to compromise their own judicial independence. Clearly the powers of the bench cannot be allowed to arrest the political movement of the colony, without destroying those limited privileges already bestowed. Many are the constitutional ordinances now existing which were matured by committees, among them that determining the qualification for grand and petty juries. The jury system is a law of the colony, but if the process by which that law was passed was illegal, the jury system itself is in danger by such assumed dicta of the judges. But the constitution of England, and generally of her colonies, is not a *lex scripta*, but an entailed inheritance derived from our forefathers to be transmitted to our posterity, an estate specially belonging to the people, without any reference whatever to any other more general or prior right. The people of England well know that the idea of inheritance furnishes a sure principle of conservation and a sure principle of transmission, without at all excluding a principle of improvement. It leaves acquisition free, but it secures all it acquires. Such is the language of Burke, who, speaking of two truly great lawyers Coke and Blackstone, "*they were ever industrious to prove the*

*pedigree* of our liberties, and demonstrated the powerful prepossession towards antiquity with which our lawyers and legislators, and of all whom they wish to influence, have been always filled, and the stationary policy of this kingdom, in considering their most sacred rights and franchises as an inheritance." Such sentiments as these would become Mr. Justice Menzies and the judges of the Cape. Knowing that from the year 1825 the practice has been to authorize the legislative council to take evidence, the title to that inheritance of constitutional privilege should have been affirmed, instead of negatived. In such cases particularly it should be a proverb—"One precedent creates another; these accumulate and constitute law." A retrogression from liberties acquired is unpardonable in subjects who permit it, a crime in princes or judges who attempt it; and the judges of the Cape have aimed a blow at the nascent liberties of a rising colony for the moment prejudicial to its privileges, and for ever derogatory to themselves. Since this event the leader of these judges (for they have been so facile as to be led by their intemperate, hasty representative, Mr. Justice Menzies), they, the Governor and even the Home Government, have been compromised most mischievously and dangerously by his quixotic adoption of land beyond the colony. This feat has been performed, not while employed by the Governor for such a purpose, but whilst upon circuit to administer justice to Englishmen and coloured persons born in the colony. In the very midst, off he starts from his actual duties, to commit a positive wrong upon the coloured races (unless by their cordial consent) beyond the accepted frontier of the colony. It is true they are benefited, nay saved from extermination by becoming British subjects, but these are feats which naturally excite suspicions, however incorrect, even of legitimate colonial acquisitions. Mr. Justice Menzies has pamphleteered for the Governor, and therefore by the Governor he will not be dismissed; but how will the Colonial Minister act towards a judge who in two such instances abuses his power and position?

The following principles may be very profitably studied by the Cape judges, the colonists themselves, and the Colonial Secretary:—

"Judges are so far from depending upon the will of the

king, that they swear faithfully to *serve the people as well as the king*, and to do justice to every man according to the law of the land, notwithstanding any writs, letters, or commands, received from him; and in default thereof they are to forfeit their bodies, lands, and goods, as in cases of treason. These laws have been so often and so severely executed, that it concerns all judges well to consider them, and the cases of Tresilian, Empson, Dudley, and others, shew that neither the king's preceding command, nor subsequent pardon, could preserve them from the punishment they deserved. All men knew that what they did was agreeable to the king's pleasure; nevertheless, they were charged with treason for subverting the laws of the land, and executed as traitors. All wise men confess that none can abrogate but those who may institute, and all mitigation and interpretation varying from the true sense or practice is an alteration, and that alteration is an abrogation; for whatsoever is charged is dissolved, and, therefore, the power of mitigating is inseparable from that of instituting. This is sufficiently evidenced from Henry the Eighth's answer to the speech made to him by the Speaker of the House of Commons in 1545, in which, though one of the most violent princes we ever had, he confesses the parliament to be law makers, and that an obligation lay upon him rightly to use the power with which he was intrusted. The right, therefore, of altering being inseparable from that of making laws, the one being in the parliament, the other must be so also. Fortescue says plainly, 'the king cannot change any law; Magna Charta casts all upon the laws of the land and customs of England; but to say that the king can by his will make that to be a custom or an ancient law which is not, or *that not to be so* which is, is most absurd. He must, therefore, take the laws and customs as he finds them, and can neither detract from nor add anything to them.'

Such is the law of England, the law of common sense, and, consequently, should have been the law for the judges of the Cape of Good Hope; instead of which they have taken upon them abrogation as well as legislation.

Passing on from this digression, called for from the present posture of affairs, and the conduct of the judges, we resume our subject.

The Eastern Province of the colony, after unceasing applications from its inhabitants, was placed under the especial superintendence of a lieutenant-governor in 1836, two years after the invasion of the colony by the Kafir tribes, an event which the earlier appointment of a competent person for that important office there is every reason to believe would have averted. The first selection as regards the individual installed was unfortunate. It fell on Captain (since Sir Andries) Stockenström, whose incorrect evidence against the British settlers, and his own countrymen, the older colonists, before the House of Commons Aborigines' Committee, secured for him the gratification of his ambitious projects. His evidence, however, naturally awakened a violent feeling to his prejudice, and rendered him incapable to do the "state service," for which, otherwise, he was highly qualified. He was dismissed on the 13th of August, 1838, by her Majesty's Secretary of State, Lord Normanby, on the unprecedented but perfectly just ground of extensive *unpopularity*. Colonel John Hare, the chief military authority on the frontier at the time of Mr. Stockenström's removal, was invested with his mantle, though not his spirit. It has since been discovered that the situation was created for no other purpose than to satisfy popular clamour—"a tub to the whale;" for the functions of the lieutenant-governor, as now exercised, seem to be confined to the transmission of memorials to, and the receipt of orders from, the supreme authority in Cape Town. The management of our delicate relations with the Kafir tribes was the chief object intended by the people of Albany, when they solicited the appointment of a lieutenant-governor. In the most critical period, however, of those relations, when the inhabitants complained of the depredations they sustained and the dangers they apprehended from Kafir violence, and stated that unless their grievances were immediately redressed, they would be forced to abandon the colony, and follow the fortunes of their Dutch fellow colonists at Natal, (who, unburdened by an expensive government, were able to protect themselves,) the only act of the lieutenant-governor was to transmit the urgent complaints of the people under his immediate authority to the Governor at Cape Town, 600 miles distant. A lieutenant-governorship under such restraints, if administered by weak hands, is an expensive farce, and must be improved by

more extended powers and abler administrators. Unlike his brother sovereign at the Cape, his honour, the lieutenant-governor, has no council to share the trouble of his sway, or what would, perhaps, be more valuable, in case of need, to divide the obloquy of incompetent administration.

Each county or division of the colony, originally called *drostdys*, are presided over by an officer, named the civil commissioner, who discharges the varied and rather incongruous functions of collector of taxes and resident magistrate. By virtue of these offices he may be forced to appear in the double capacity of prosecutor and judge in his own court\*. He is also the immediate correspondent with the government of his province, upon all subjects connected with the affairs of his district. Of the six civil commissioners in the Eastern Province three are of British birth.

The several districts are further sub-divided into *veldt* or (field) *cornetcies*, over which a *veldt* (field) *cornet*, a petty magistrate of great service, exercises authority, arranging all minor disputes occurring in his neighbourhood, and acting as a higher sort of constable or *custos rotulorum*. Several justices of the peace, "glorious unpaid" gentlemen, also satellize round the civil commissioner, of whom, in the Eastern Province, twenty-four out of thirty-six are English. A general wish prevails that these very efficient officers should be empowered to meet in quarter sessions, for the repression of vagrancy and other offences, which would greatly benefit the settlement and lighten the labours of the *circuit* judges.

Municipal corporations, as already alluded to, have lately been allowed to establish themselves throughout the colony, by authority from the Home Government, and are operating incalculable good by attention to the roads, markets, and other local affairs, besides creating a spirit of self-reliance and

\* There appears to be a natural penchant among the statesmen who manage the Cape for these discordant concordances. The secretary of the lieutenant-governor, in that capacity, is, of course, the protector of her Majesty's subjects against the native tribes, and for this he is paid £350 per annum, but he is at the same time agent-general for the *Kafirs*, at £150 a-year! It would seem to be almost impossible, without the aid of extraordinary talent, to reconcile the two offices; nevertheless they are made, in some way or other, to dovetail very advantageously.

feelings of sturdy independence, hitherto unknown amongst the inhabitants in this colony, where the supreme or Cape Town government possessed everything connected with power and patronage, a species of monopoly and hard service that had actually cramped the very natures of the people, and from which the native-born colonists are only now emerging.

The financial resources of the Cape colony are derived from various channels, hereafter to be enumerated; and perhaps it is here fair to notice that it is the only British settlement in which direct taxation supplies so small a stream into the public purse. The assessed taxes do not contribute to the general revenue of the colony more than at the rate of 1*s.* per head, taking the population at the low official census of 161,484; but as there are, no doubt, not less than 220,000 souls within the borders, this sum is reduced to the insignificant proportion of about 9*d.* per individual, so that the "dun," "horrible monster, hateful to gods and men," elsewhere yclept a tax-gatherer, is no very alarming apparition at the Cape of Good Hope.

The assessed or direct taxes formerly consisted of imposts upon stock and produce, servants, horses, and carriages, whether used for pleasure or business, a capitation or head tax of 6*s.* each, and an income tax of two per cent., producing about £10,000 annually; but by a government advertisement, in the year 1839, it was directed that none other should be levied under this head than a capitation tax of 6*s.* upon males above sixteen and females above twenty, if unmarried, to which denomination few of the fair sex above maturity belong;—20*s.* upon each wheel of a pleasure carriage; and 1*s.* for all horses (except breeding). The assessed taxes for 1842 are estimated to produce about £4880.

*Stamps.*—These imposts are chiefly confined to law documents, although, if the proclamation of the 10th Dec. 1824, were strictly enforced, a number of other instruments would come under its regulations, amongst which are bills of exchange and promissory notes, now, by the practice of the colony, never stamped, unless sued for in the courts, and the deeds of appointment or promotion of civil servants, which it does not seem usual to tax. The amount of this duty is pitched low and does not press on the community generally. The heaviest (with the exception of licences to sell spirits retail) is levied on the

liquidation or administration accounts of the estates of deceased persons, in which case the largest stamp required, when the sum of both its credit and debit sides amount together to the considerable sum of £11,250, is £15. Stamps are required on all conveyances or transfers of landed property, at an ad valorem scale upon the purchase money, so that if an estate sold for £22 10s., it would pay a stamp of 1s. 1½d., and if for £7500 or upwards, £4 10s. Mortgages, all notarial documents, wills and all deeds connected therewith; papers relating to proceedings in the several courts of law, grants of land, private and other agreements, powers, &c., and newspapers, which last pay for each sheet one penny and an additional half-penny for any supplemental half-sheet, are subject to this duty.

Licences are also all stamped. To sell spirits, wines, &c., wholesale, £15; retail, £112 10s.; and at certain places at various enumerated rates. Butchers, bakers, retailers, hawkers, or pedlars, proprietors of club, ale, and beer houses, dealers in gunpowder, graziers on crown lands, hewers of firewood and cutters of timber, auctioneers, traders at border fairs, keepers of billiard tables, sportsmen, all come under this category, and are duly stamped. To be allowed to enter the colony used to require a stamp; to leave it still requires a stamp; but the custom of asking for or demanding these has fallen into abeyance. The very talented author of "The State of the Cape in 1822," the late Wilberforce Bird, Esq., thus amusingly but very exaggeratingly describes the stamping process of the colony in his day: "The operation at the Cape commences before birth, accompanies a man through life, nor departs at death. It is the old man of the sea, in the Arabian Nights' Entertainments, who, clinging to your back, can never be shaken off. Mark the progress of stamps at the Cape, how unwearied in their operation! A stamp of 200 rix-dollars places a couple in a situation honestly to give birth to an infant; and no objection is made to the payment, being the means of attaining so much pleasure and happiness. When a child is born, the register on a stamp attests the circumstance; and who can think about the expense of a stamp on such a joyful occasion! Then, as life advances, a stamp is wanted for the receipt of your portion of the property you inherit. If you vest your inheritance, another stamp is required.

An inventory also is necessary, and so is another stamp. Your memorial for any appointment in the colony requires a stamp; and the appointment requires another stamp. Your petition for a grant of land must be on a stamp; and it is granted on a stamp. You become sick, and the physician recommends the warm baths at Caledon; a stamp is required to allow you to go. There is good shooting for your amusement there; but not without a stamp. A wife is repudiated on a stamp; and a bond for her maintenance is given on a stamp. A last will and testament is made on a stamp; the certificate of death is on a stamp; and the transfer of a few feet of churchyard ground for burial is on a stamp; and thus before birth till after death this simplest of all taxes adheres."

It is, however, fair to remark that most of these impositions for they cannot be called imposts, have long since disappeared from the schedules of the tax collector of the colony.

The stamp duty for the current year 1842 is estimated will produce £14,780.

*Customs.*—This tax used to be derived from a duty of three per cent. upon all British and British colonial goods; ten per cent. on all foreign goods and goods imported from the East Indies; but a new tariff of duties is now imposed under an Order of Council promulgated in the colony the 10th December 1841, which will be seen under the article Trade\*.

The customs duties for 1842 have been estimated will produce £38,911; but this is certainly much below what may be reasonably anticipated. The revenue from this service in 1841 was £43,686 †.

*Auction Duty.*—A very large proportion of the sales of property in the Cape Colony are made at vendue, or public competition, a mode of disposition much admired by the "Capers," as they have only one debtor to look to instead of many—the

\* The Home Government, since the above was penned, have increased the Customs duties by two per cent.; that is, British goods imported will pay five instead of three, and Foreign twelve in lieu of ten per cent.

† The customs revenue for 1841 is thus stated from the official returns:

Customs duties	£43,686
Wharfage fees and warehouse rent	4,346
	<hr/>
	£48,032

auctioneer—who is bound to pay them within a specified time, from three to four months, or according to any agreement the parties are pleased to make with each other. The seller of moveable property pays to Government four per cent., and on immoveable, that is landed estates, two per cent., besides about five per cent. to the auctioneer; but it is usual in the conditions of sale to covenant that all expenses shall fall on the buyer, who is guided in his purchases accordingly. This duty is estimated, for 1842, at £16,300; the amount actually carried to account in 1840 was £16,385.

*Transfer Dues* are fees to Government of four per cent. on all conveyances or transfers of landed estates from one proprietor to another. Its high rate, being no less than 1-25th of the amount of the purchase money or valuation, has long been considered as oppressive and iniquitous, and particularly where land so frequently changes hands under the law of succession peculiar to the colony. It undoubtedly deserves such strong terms of reprobation. Instances are frequent in which, within the compass of comparatively a small number of years that the whole value of property has reverted to the Government. Of all colonial reforms none could be more properly made than a diminution of this tax, whose copious fountain poured into the Treasury, in 1839, £20,472; in 1840, £16,921; and which is estimated will produce in the current year (1842) £16,300\*.

*Tithes*.—These are assessments on wines, brandy, bread, and bread-stuffs, &c., passing the market. It is an impost confined to the Western Province, and not collected in the happier region of the East. Its produce, estimated for 1842, is £1500.

*Port Dues*, as their name signifies, are derived from an impost on vessels touching at the harbours of the colony for the purposes of trade, or for water and refreshments only. The produce for 1842 is estimated at £2510; in 1832 they realized only £1269†.

*Post Office* produced, in 1841, £6643; in 1832, not more than £3877.

\* The complaints against this imposition is of no recent date; the Abbé Raynal enumerates it among the other charges brought against the old Dutch Government. Vol. i. p. 238.

† Port dues are collected in the Eastern Province; and if encouragement to trade is desirable, none ever will be.

*Government Bank.*—The business of the Government money-shop has gradually declined since the establishment of other institutions by private individuals for the same purpose, all of which appear to be thriving. There are now, instead of the Government Bank, the South African Bank, established 1838; the Cape of Good Hope Bank, established 1837; and the Eastern Province Bank, established 1838.

The consequence of the institution of these successful companies has induced the colonial Government to order the immediate and complete reduction of its bank. The amount estimated from its proceeds, for the purpose of revenue for 1842, is £4000.

*Somerset Hospital* is placed on the estimates of revenue for 1842 as to bring in £350.

*Late Orphan Chamber*, or present *Guardian Fund*, will contribute as per estimate for 1842, £3050.

*Official Fees.*—The fees taken by Government in the various offices of the deeds registry, bank, matrimonial courts, police office, &c., are estimated, for 1842, at £3122.

*Land Rents*, or quit rents, arise from the rents imposed by Government on all lands alienated by it, and which have been fixed in proportion to the value of the estates at the time of the original grant. These rents are perpetual. The Dutch name for this tax is "Heereregt"—the lord's right—being in other words an acknowledgment of the sovereignty of the seignior or government. In 1840, the quit rents produced £12,092, and are estimated for the present year at £15,165, including arrears; and there is not the least doubt this item of the public revenue could be greatly augmented by a more careful collection, for it is allowed to fall into woful arrear, and there is a very large number of estates, which have been occupied for the last fifteen to twenty years, paying no rent whatever, for want of completion of the title deeds. A considerable part of the settlers of 1820 are still without their titles, and of course are not liable to the exaction of this tax.

*Fines and Penalties.*—An ever varying branch of the colonial revenue. In 1839, £828; in 1840, £1397; and estimated for 1842 at £880.

The legislators of the Cape colony, as has already been remarked, have no real control over the apportionment of the

revenue thus collected. It is true they complain whenever the estimates are introduced, but the expression of their grievances on this head soon melts away into thin air, and they feel, whatever may be their wishes to do justice, that their rulers in Downing-street are only using them like puppets to cry "Ay" whenever the affirmative is required. "It is all nonsense to make fine speeches about economy, when we know that, as these things are settled at home, we may just as well hold our tongues," such was the frank and true, but perhaps not the discreetest observation of the president of the legislative council, Sir G. Napier, in 1841, when discussing the budget of the year.

At the close of 1841, a deficiency between the revenue and expenditure of £5000 was publicly declared in council, which awoke a spirit of inquiry "why such things were" among the public, outside the walls of that august assembly, and at the same time a demand for a representative assembly, who should have the power to open or shut the purse strings of the colonists, as justice and prudence required, without intervention of irresponsible authorities. In an analysis\* of the proportion of the colonial revenue, distributable for the various exigencies of the state, laid before a meeting to petition for the assembly referred to, it appeared that

The judicial establishment of the colony absorbs . . . . .	28·8	of the revenue.
The executive . . . . .	20·6	"
The mixed departments . . . . .	9·6	"
The revenue do. . . . .	9·6	"
The church and schools . . . . .	9	"
Pensions . . . . .	7·2	"
Hospitals, &c. . . . .	4·6	"
Repairs, public buildings . . . . .	4·6	"
The construction of roads . . . . .	3·2	"
Kafir police and diplomatic agent . . . . .	1·8	"
Remittance to colonial agent . . . . .	1	"

100

So that the executive and political, the judicial, the revenue, the repairs of public buildings, and that most questionable of all establishments connected with our Kafir relations, the Kafir police, remittance to the colonial agent, and pensions, take the "lion's share" from the revenue, of 83 parts out of 100—leaving for the purposes of religion and of public education only nine per

\* This analysis was prepared by F. S. Watermeyer, Esq.

cent. ! for hospitals and support of the infirm, and therefore indigent, (for poor the colony cannot be said to know) only four 3-5ths per cent. ! and for the construction of roads, the very munificent ratio of three 3-5ths per cent. ! Or, out of a revenue of £157,944, for the Western Province about £4754, and for the Eastern, £612 10s. ! and for other public works and improvements and the introduction of productive labour into the colony—just nothing whatever ! The four first items in the above analysis consume sixty-eight 3-5ths of the revenue, or £108,496 out of £157,944, no trivial portion ; but it is to the pension list that the colonists point the finger of dissatisfaction more particularly. On this disgraceful chapter of colonial profusion, the inhabitants, pining for want of the means to develop the resources of the country ; read the name of a widow of a colonial paymaster, who only served the colony for thirteen months, set down for £300 a-year ; another widow of a colonial secretary for a similar sum ; a colonial secretary, a man of affluence, still living, who served the country but for a few months, £200 ; the widow of an English farmer, who vainly attempted to instruct the Dutch Boers in the neighbourhood of Cape Town into all the recondite mysteries of English farming, perfectly useless at the Cape of Good Hope, £150 ; another colonial secretary unfairly displaced from office while able and fitted to serve, £800 ; with many others in similar situations driven from their employments, not to save the public expenditure, but to make way for other and more costly successors ; and, lastly, the sum of £700 per annum to a lieutenant-governor, a native of the Cape, repudiated by the colony and his countrymen, and dismissed because too unpopular to be entrusted with the government. In short, the pension list exhausts a sum adequate to bring to the colony 800 able-bodied labourers annually.

The inhabitants of the Cape of Good Hope have, until lately, been very rarely indulged by the local government with a statement of their public accounts. But after an intermission of several years, it was gracious enough on the 15th May, 1840, to favour its loving subjects with an abstract of the revenue and expenditure for the year 1839 ; of which the following will be found to be a condensed account, and it has since continued the same praiseworthy course of publicity. The returns for 1841 have not yet appeared.

Cr.

Statement of the Revenue of the Cape of Good Hope, for the Years 1839 and 1840.

	1839.			1840.				
	£	s.	d.	£	s.	d.		
<b>ASSESSED TAXES.</b>								
Capitation	3198	10	4½	3678	18	0		
Servants	78	0	0	62	17	6		
Horses and carriages	2880	10	7½	2869	2	8		
Stock and produce	2048	15	3½	265	11	8		
Income	2075	11	0½	1810	11	9½		
			10281	7	4½	8187	1	7½
<b>DUTIES.</b>								
Stamps and licences	20603	4	10½	16719	0	10½		
Customs	51968	8	9½	41807	13	5½		
Auction	18906	17	7½	16385	18	7½		
			91478	11	3½	74912	12	11½
<b>DUES.</b>								
Transfer	20472	12	7½	16921	19	3½		
Tithes on wine and brandy	154	10	1½	136	5	6		
Tithes on grain	910	15	4½	538	19	0		
Market, Cape Town	2428	6	2½					
			25965	4	4	17597	3	6½
<b>Total revenue from taxes and duties</b>			<b>126726</b>	<b>3</b>	<b>0½</b>	<b>100696</b>	<b>18</b>	<b>1s</b>

Cr.

## Statement of the Revenue of the Cape of Good Hope (continued).

	1839.			1840.		
	£	s.	d.	£	s.	d.
Brought forward . . . . .			125726 3 0 $\frac{1}{2}$			100696 18 1 $\frac{1}{2}$
<b>PUBLIC ESTABLISHMENTS AND OFFICES.</b>						
Port dues . . . . .	2449	18	5 $\frac{1}{2}$	2211	14	3 $\frac{1}{2}$
Post-office . . . . .	5591	16	8 $\frac{1}{2}$	6119	5	3 $\frac{1}{2}$
Bank, government . . . . .	6709	9	11 $\frac{1}{2}$	4732	2	11 $\frac{1}{2}$
Fees, government offices . . . . .	3768	15	8	3573	4	11 $\frac{1}{2}$
Miscellaneous . . . . .	1034	1	10	3192	8	11 $\frac{1}{2}$
	19554	1	9 $\frac{1}{2}$	19828	11	4 $\frac{1}{2}$
<b>CROWN LANDS AND FINES.</b>						
Land rents . . . . .	9893	5	11 $\frac{1}{2}$	12092	19	6 $\frac{1}{2}$
Fines and penalties . . . . .	828	3	2 $\frac{1}{2}$	1397	4	9 $\frac{1}{2}$
	10721	9	2	13490	4	3 $\frac{1}{2}$
Total revenue not from taxation . . . . .			30275 10 11 $\frac{1}{2}$			33318 15 8 $\frac{1}{2}$
Total fixed revenue . . . . .	156001	13	11 $\frac{1}{2}$	134015	13	9 $\frac{1}{2}$
Incidental revenue . . . . .	13582	13	4	31265	10	8 $\frac{1}{2}$
Local revenue . . . . .	5260	19	10 $\frac{1}{2}$	5920	12	8 $\frac{1}{2}$
Gross revenue . . . . .	174845	7	2 $\frac{1}{2}$	171201	16	2 $\frac{1}{2}$



*Abstract of the Estimates of the Revenue of the Colony of the Cape of Good Hope, as laid before the Legislative Council for the Year 1842.*

	£	s.	d.	£	s.	d.
<b>REVENUE (Fixed)</b>						
<b>GENERAL DIRECT.</b>						
Assessed taxes . . . . .				4,880	0	0
<b>GENERAL INDIRECT.</b>						
Stamp duties . . . . .	14,780	0	0			
Customs . . . . .	38,900	0	0			
Auction . . . . .	16,300	0	0			
				<u>69,980</u>	0	0
<b>PARTIAL DIRECT.</b>						
Transfer dues . . . . .	17,515	0	0			
Tithes . . . . .	1,500	0	0			
				<u>19,075</u>	0	0
Total from taxation and duties . . . . .				<u>93,875</u>	0	0
<b>FROM PUBLIC ESTABLISHMENTS.</b>						
Port dues . . . . .	2,510	0	0			
Post-office . . . . .	6,597	0	0			
Somerset Hospital . . . . .	350	0	0			
Late Orphan Chamber . . . . .	3,050	0	0			
Government Bank . . . . .	4,000	0	0			
Fees in offices . . . . .	3,122	0	0			
				<u>19,629</u>	0	0
<b>FROM CROWN LANDS, &amp;c.</b>						
Land rents, with arrears . . . . .	15,165	0	0			
Fines . . . . .	880	0	0			
				<u>16,045</u>	0	0
Total not from taxation or duties . . . . .				<u>35,674</u>	0	0
Total fixed revenue . . . . .				<u>129,549</u>	0	0
<b>INCIDENTAL.</b>						
Sale of Government property . . . . .	13,849	0	0			
Permits to cut timber . . . . .	337	0	0			
Pound fees . . . . .	715	0	0			
Sundries . . . . .	2,374	0	0			
				<u>17,275</u>	0	0
<b>LOCAL REVENUE.</b>						
Public tolls, &c. . . . .				3,096	0	0
Total gross revenue . . . . .				<u>149,920</u>	0	0

*Abstract of the Estimates of the Expenditure of the Colony of the Cape of Good Hope, laid before the Legislative Council for the Year 1842.*

## ORDINARY EXPENDITURE.

	£	s.	d.	£	s.	d.
<b>WESTERN DISTRICTS.</b>						
Governor and Private Secretary . . . . .	5,300	0	0			
Colonial-office . . . . .	3,120	0	0			
Council-office . . . . .	527	0	0			
Treasury . . . . .	1,650	0	0			
Registry of deeds . . . . .	880	0	0			
Audit-office . . . . .	1,260	0	0			
Stamp-office . . . . .	245	0	0			
Surveyor general and civil engineer's-office . . . . .	1,655	0	0			
Secretary to the land board . . . . .	200	0	0			
Custom's Department, throughout the Colony . . . . .	4,115	12	6			
Port-office, Table Bay . . . . .	1,092	10	0			
Tax and Tithes' Departments . . . . .	702	0	0			
Government bank . . . . .	1,347	10	0			
Printing-office . . . . .	385	0	0			
Post-offices . . . . .	921	15	0			
Somerset hospital . . . . .	663	0	0			
Pauper establishment . . . . .	155	0	0			
Vaccine institution . . . . .	50	3	9			
Supreme court . . . . .	6,510	0	0			
Master's-office . . . . .	1,970	0	0			
Attorney-general's-office . . . . .	1,390	0	0			
Sheriff's-office . . . . .	750	0	0			
Police-office and Town gaol . . . . .	1,401	10	0			
Civil establishment, Cape division	2,101	10	0			
Stellenbosch, do. . . . .	1,130	0	0			
Worcester, do. . . . .	1,468	0	0			
Clanwilliam, do. . . . .	635	0	0			
Swellendam, do. . . . .	1,335	0	0			
George, do. . . . .	935	0	0			
Beaufort, do. . . . .	715	0	0			
Gaols in the country . . . . .	2,413	10	0			
Church establishment . . . . .	5,471	0	5			
Free schools throughout the colony, (fixed allowance) . . . . .	2,500	0	0			
Pensions . . . . .	10,473	2	7			
Colonial agency . . . . .	200	0	0			
				65,668	4	3
<b>FIXED CONTINGENCIES.</b>						
Conveyance of mails and other post-office expenditure . . . . .	4,618	11	6			
Somerset hospital . . . . .	2,270	0	0			
Carry forward, G	£6,888	11	6	65,668	4	3

Expenditure brought forward,	£6,888	11	6 65,668	4	3
Pauper establishment . . . . .	856	0	0		
Leper institution . . . . .					
Police department, for provisions clothing and transport of convicts . . . . .	7,070	0	0		
Transport and lodging of judges on circuit . . . . .	1,100	0	0		
Expenses, witnesses in criminal cases . . . . .	910	0	0		
Horse-hire, serving summonses . . . . .	482	0	0		
Inquests . . . . .	140	0	0		
Expense of carrying into effect corporal punishments . . . . .	112	0	0		
Stationery, newspapers and other small items . . . . .	4,563	3	3		
			<u>22,112</u>	<u>4</u>	<u>9</u>

## UNFIXED CONTINGENCIES.

Governor's travelling expenses . . . . .	300	0	0		
Printing, &c. . . . .	580	0	0		
Surveyor general, for resurveys . . . . .	1,100	0	0		
Civil engineer's department, for repairs alterations, &c. . . . .	2,357	17	6		
Somerset hospital, clothing, &c. . . . .	200	0	0		
Sheriff's-office, summoning juries . . . . .	£1,654				
Expenses, criminal punishments, &c. . . . .	203				
			<u>1,857</u>	<u>0</u>	<u>0</u>
Police department, town prison, house of correction, &c., for bedding, &c. . . . .	1,125	2	6		
Robben Island, establishment for convicts . . . . .	1,565	2	0		
School establishment . . . . .	1,150	0	0		

## MISCELLANEOUS.

Aid of schools not on the government establishment . . . . .	£1,000				
South African College, annual contribution . . . . .	200				
Allowance to Griqua Chief . . . . .	155				
Waterboer, &c. . . . .	1,350				
Sundries . . . . .			<u>2,605</u>	<u>0</u>	<u>0</u>

## SUNDRIES.

Cape division . . . . .	526	0	0		
Stellenbosch . . . . .	522	10	0		
Worcester . . . . .	525	0	0		

Carry forward, £14,413 12 0 87,780 9 0

Expenditure brought forward,	14,413	12	0 87,780	9	0
Clanwilliam . . . . .	245	0	0		
Swellendam . . . . .	445	0	0		
George . . . . .	251	10	0		
Beaufort . . . . .	258	0	0		
Conveyance of gazettes to field-cornets, &c. . . . .	742	0	0		
				16,960	12 6
Increase of salaries and allowances to ministers of new churches . . . . .				2,481	0 10
Four temporary magistracies . . . . .				1,483	1 8

## EASTERN PROVINCE.

## ORDINARY EXPENDITURE.

Lieutenant-Governor's establishment.	2,000	0	0		
Civil establishment, Albany division	1,500	0	0		
Utenhuy, do. . . . .	1,804	0	0		
Somerset, do. . . . .	785	0	0		
Cradock, do. . . . .	390	0	0		
Graf Reinet, do. . . . .	1,080	0	0		
Colesberg, do. . . . .	410	0	0		
Post-office establishment . . . . .	161	0	0		
Gaols and police, do. . . . .	1,557	0	0		
Church, do. . . . .	2,832	6	6		
				12,599	6 6

## FIXED CONTINGENCIES.

Transport for circuit judges . . . . .	459	0	0		
Police depart., maintenance convicts and paupers . . . . .	4,050	0	0		
Transport for Lieutenant-Governor . . . . .	200	0	0		
Do. convicts and prisoners . . . . .	625	0	0		
Do. of functionaries . . . . .	480	0	0		
Expenses witnesses in criminal cases . . . . .	980	0	0		
Horse-hire summoning do. . . . .	500	0	0		
Maintenance, &c., lepers . . . . .	520	0	0		
Stationery . . . . .	500	0	0		
House-rent for Lieut.-Governor . . . . .	300	0	0		
Do. other functionaries . . . . .	489	0	0		
Sundries . . . . .	806	1	0		
				9,901	1 0

## UNFIXED CONTINGENCIES. ALBANY.

Repairs gaols and other buildings, &c. &c. . . . .	£525	0	0		
Part payment for new offices . . . . .	877	18	0		
Presents to native tribes . . . . .	200	0	0		
Sundries . . . . .	319	0	0		
				1,921	18 0

Carry forward, £1,921 18 0 43,425 2 3

Expenditure brought forward,	£1,921 18	0 43,425 2
Utenhay, sundries . . . . .	571 10	0
Somerset do. . . . .	135 0	0
Cradook do. . . . .	265 0	0
Graf Reinet do. . . . .	450 8	0
Colesberg do. . . . .	279 0	0
Post-offices rent . . . . .	30 0	0
Sundries, printing, repairing roads, water-pipes, &c. . . . .	1,000 0	0
Conveyance of gazettes to field-cornets	311 0	0
		<u>4,963 16 0</u>

## SUPPLEMENTARY EXPENDITURE.

Albany, salaries for extra clerks and allowances, &c. . . . .	935 2	6
Utenhay, do. . . . .	632 12	0
Somerset, do. . . . .	168 15	0
Cradook, do. . . . .	418 5	0
Graf Reinet, do. . . . .	403 15	0
Colesberg, do. . . . .	462 15	0
Post-offices, do. . . . .	143 0	0
Engineer for repair and formation of roads . . . . .	200 0	0
		<u>3,354 5 3</u>
Kafir police, provision, pay and cl. . .	1,300 0	0

## KAFIR DEPARTMENT.

Salary to agent-general	£150 0 0	
House-rent . . . . .	50 0 0	
Clerk . . . . .	100 0 0	
Interpreter . . . . .	100 0 0	
Assistant, do. . . . .	50 0 0	
Agent to Galka tribe . . . . .	300 0 0	
Slambie & Congo . . . . .	300 0 0	
Tambookies . . . . .	150 0 0	
Creill's Kafirs . . . . .	150 0 0	
Interpreter to agent to Galka tribes . . . . .	27 0 0	
Kafir interpreter at Graham's Town for forage . . . . .	18 15 0	
		<u>1,395 15 0</u>
Cost of Kafir relations . . . . .		<u>2,695 15 0</u>
Total expenditure . . . . .		<u>142,229 6 6</u>
Western Province	£108,705 3 0	
Eastern Province	33,524 3 6	

The nominal military expenditure of the Colony is paid by the Home Government, being spent to guard British interests from aggression in our vast Eastern Empire, it therefore does not figure in the colonial accounts. The cost is said to be £206,000 a-year\*. But they are garrisoned here in a more healthy climate than England, are gradually seasoned to the Indian heat, and cost the nation one-half they would in England. The last contract for supplying the barracks at Graham's Town and outposts with one pound of bread, one pound of beef or mutton, and the usual quantity of fuel and candles, was taken at fourpence per diem; the nation, therefore, considerably saves by the Cape. In conclusion we quote the words of the late Marquis Wellesley, containing enough of political wisdom and foresight to outweigh the chivalrous tender to withdraw all the British forces from the Cape. Sir Home Popham, in 1804, not only talked of "withdrawal" from the Cape, but actually left the colony undefended and sailed to Buenos Ayres. For this withdrawal Sir Popham was arrested and impeached in the Commons House by Lord Howick, now Earl Grey; but notwithstanding an able defence, Sir Popham, by court-martial, was found guilty of dereliction of duty, and severely reprimanded. And if there be spirit in the House of Commons of the present day, and the public virtue in the son as in the father, the present Lord Howick will produce articles of impeachment for the "withdrawal" of the troops from Natal, and for afterwards sending an inadequate force overland to retake the place.

THE MARQUIS OF WELLESLEY'S LETTER.

"Before my arrival here, I had formed very high ideas of the intrinsic value of the Cape as a colony; but I had not estimated so highly its value with reference to the defence of our trade to the East, and of our territories in India.

"You must consider it as a possession which cannot furnish

\* The Hon. Mr. Ross—"They (Home Government) keep the Cape merely for military and political purposes, and we should not be obliged to maintain their officers." His Excellency the Governor, Sir G. Napier—"Will you allow me to ask whether you can maintain the colony yourselves? If you are willing to pay the £206,000 which it costs the Home Government for defending and looking after, *I have no doubt the Government will consent to our withdrawal.*"—Speeches in the Hon. Legislative Council, 20th April, 1841.

the means of maintaining its own expenses\*, and you must look for its value in the positive advantages it would afford to the enemy as a military and naval station for offensive purposes against you, and in the relative advantages which can be imagined, to a power compelled to maintain a large European force in India. The climate is remarkably healthy; so much so, that the appearance both of the officers and soldiers stationed here bears striking testimony to the fact. You will hardly see regiments in England of so healthy an appearance as those which have been here for some time. The heat is, however, frequently very severe, so that a soldier who has been here for a-year or two is well accustomed to be exposed to a very ardent sun, and receives a sort of preparation for the climate of India. The advantage of this circumstance has lately been proved in India, where the regiments which had passed through the seasoning of this climate have arrived, and continued in much better health than those which proceeded thither directly from Europe, or which remained here but for a very short period of time. As a depôt, therefore, for the maintenance of a military force in India, the Cape is invaluable; and to the enemy, in this view, it would furnish easy means of pouring in troops either upon the coast of Coromandel or of Malabar, in such a state of health, as to be able to encounter at once all the inconveniences of our Indian climate. With this opinion you may judge with what serious apprehensions I should see this place in the hands of the enemy, to whose political consideration in India such a possession would always be a powerful accession; but at no time so formidable as in the present disturbed state of the native powers.

“As a naval station I look upon the Cape to be still more important. Many ships in the Indian and China trade make the land upon the outward, and all upon the homeward-bound

\* In this the Noble Marquis was in error; however, he wrote in 1798, since which things have greatly changed, and the resources of the country have gradually developed themselves in such abundance as amply to sustain for it the highest position as an emigration field, by an excess of revenue over the expenditure. We refer to the preceding tables and also to the Appendix for proof of its progress, particularly in the Eastern division of the colony, Algoa Bay, founded since the Marquis's visit.

passage. The course of those, even, which keep furthest to the southward, never is more distant from the Cape than two or three degrees of latitude. An enemy's squadron, stationed at the Cape, could not fail to intercept the greater part of our trade to and from the East, without being under the necessity of making any very distant cruizes. We should find it impossible to check the operations of such a squadron, unless we could continue to send out with every trading fleet from Europe a convoy of such considerable force as must compel us greatly to increase our present naval establishments. The expense of fitting out such large fleets of ships of war, victualled and stored for the whole voyage to India or China, would be enormous; and here, in my opinion, is the point of the question upon which the whole argument must turn—which would be the heavier expense? To retain the Cape, keeping up a large naval and military establishment here, and using it as an outpost to your Indian empire; or to leave the Cape in the hands of the enemy, and, by so doing, incur the necessity of increasing, to a vast amount, the protecting naval force requisite for the defence of your Indian and China trade? The expense of the Cape in our hands, however large, must not be estimated as so much positive loss. There are two points of view in which that loss may be considered to be compensated by a proportional diminution of expense in other establishments. The army stationed at the Cape might always be looked upon as a part of the Indian force, and a corresponding saving ought to be made in the expense of your European army in India.

“Your India and China ships might, under proper regulations, be victualled at the Cape at a much cheaper rate than in Europe; consequently, their valuable cargoes, both outward and homeward, might be increased in proportion to the smaller quantity of tonnage occupied by their provisions. Instead of taking six months' provisions from Asia or Europe, they need not take more than three, and the vacant tonnage might serve for an augmentation of their cargoes of merchandise. In this view, a great advantage would result to the East India Company from the possession of the Cape. The whole of this comparative statement might be reduced to calculation; and it would not be difficult for you at once to estimate the several articles of expense which

must be incurred by the public, in either event of retaining the Cape, or of abandoning it to France.

"But I doubt whether, with the Cape in the hands of the enemy, it would be possible for you to maintain your Indian trade or empire, unless you could acquire some other settlement on the southern continent of Africa. This I know to be Lord Macartney's opinion; and if this opinion be just, the question of the expenses of maintaining the Cape will be materially varied.

"On reading over my letter, I find that I have omitted to state one consideration relating to the value of the Cape as a military station. I believe the necessity of retaining Ceylon is now admitted universally. With the Cape in the hands of an enemy, would it be possible to retain Ceylon for any long period of time?"

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## SECTION II.

### LAW.

THE laws of the colony are those of Holland, founded upon the Roman Dutch code, which are extracted by the patient student out of the ponderous tomes of Grotius, Voetius, and Vander Linden. The Batavian Regulations issued by the Dutch East India Company, collected in 1715, and known by the name of the Statutes of India, are often also dexterously brought into play by the forensic gladiators; and what with the more recent introduction of some parts of British law and practice, since the establishment of the new Supreme Court of Justice, suitors in civil cases are rather at a loss to know by what law or combination of laws their own especially important case is to be determined. The Supreme Court, appointed by the Royal Charter 4th May, 1833, holds its terms in Cape Town four times in the year, and is presided over by three judges, two English and one Scotch. It sends out its circuit through all the districts of the colony every six months, which is attended by several talented advocates, well able to conduct their clients' cases.

In all criminal suits a jury of nine persons, whose verdict must be unanimous, is impanelled; but civil actions, for some strange

reason unexplained, have not yet been admitted to that privilege. A man's neck may be entrusted to the uncertain judgment of nine country bumpkins, but his purse is more carefully guarded by the bench alone.

In the western division of the colony there is a Grand Jury, the qualification being the possession of £3000 in landed property; but although there are many men of the same amount of property in the eastern division, the institution has not been extended.

On the Petit Jury all persons between the ages of twenty-one and sixty, and paying 20s. taxes in Cape Town, and 15s. in the country, are liable.

The circuit terms usually take place in March and September.

Besides the Supreme Court and the Courts of Circuit, there are subordinate local jurisdictions established in every district, called Resident Magistrates' Courts, presided over by the civil commissioner in the chief towns, and in some others by an especially appointed functionary, in which petty offences are summarily punished, and civil actions involving the amount of £10, can be decided almost *die in diem*. A more extensive power with regard to civil cases in these courts has been called for by the inhabitants, in consequence of the rapid growth of the colony, and it is probable that very shortly cases where sums to the extent of £40 are at issue will be allowed to be pleaded before these limited tribunals, subject (as even the present confined jurisdiction is) to review or appeal before the higher courts.

A court of Vice-Admiralty, for the trial of offences committed on the high seas, and other maritime matters, sits occasionally at Cape Town only.

*The law of succession to property* is unquestionably one of the deepest interest to an emigrant from Britain. It is particularly simple in the colony, being founded on Dutch law, and unlike that of England, recognises an equal division of property, both real and personal, among all the children.

The practice in this state of the law is as follows:—

All persons who do not marry under an "ante-nuptial contract" are supposed to have entered into that state in "community of goods," and on the death of either head of the family without a will, the property then existing, whether originally

brought into the marriage, acquired during its continuance, or inherited by either party, is inventoried and appraised, and after realization, by sale or otherwise, is then divided into two portions; one-half is kept by the survivor as being his or her own proper estate, and the other half is distributed into other two equal parts, one moiety going to the survivor as inheritance from the deceased, and the remainder equally divided amongst the children. Thus A. and B. are possessed of property worth £1000; A. dies intestate, when the estate is divided

B. the survivor retains his estate of . . . . .	£500	
and inherits half of deceased's . . . . .	250	
		750
Five children by the marriage of A. and B. divide remainder of A.'s estate, in equal shares of £50 each . . . . .		250
		<u>£1000</u>

If the children are majors, their respective inheritances are to be paid immediately to them; but should those be minors, their shares are either secured by being paid into the Government Guardian Fund, or lent at the option of the office administering that department, to the survivor, upon a mortgage of landed property.

The parties thus married can, however, make a joint or common will, which, although it cannot materially alter the division of the property, except by enabling them to bequeath a child's portion to the longest liver, over and above the half he or she is entitled to out of the estate of the first deceased, permits the testators to leave for the survivor's use during his or her life, while continuing unmarried, the property of the children, for which, however, a deed must be passed, protecting their interests, called in the law a "kinderbeury's," which takes preference and precedency over every other description of bond, and is secured by sufficient mortgage, and not unfrequent by personal suretyship in addition. A second marriage obliges the survivor to pay at once into the hands of the heirs, who have attained the legal age, the full amount of their patrimony.

The Dutch law does not allow the right to a parent of the total disinherison of a child without special legal reasons being

given *in judicio*. It permits, however, of restricting its amount of inheritance to be reduced to what is called "*the legitimate portion*, which, if the children are four or less in number, amounts to one-third, and if five or more, to one-half among them of the parent's property." It also grants the privilege to tie up or entail the inheritance of their children, and give to them only the usufruct during their lives, and this entail, called a *fidei commissum*, has in the colony been made to run over two generations, the principal sum left becoming payable only to the third.

The British settlers who immigrated into the colony in 1820, unaccustomed and disinclined to this rule of distribution, memorialized the Home Government in 1821, and procured a law for themselves, by which it was enacted that "all residents and settlers in the colony being natural born subjects of Great Britain and Ireland, *provided they had married in Great Britain or Ireland*, were to have the privilege of enjoying the same rights of devising their property both real and personal, as they would be entitled to exercise under the laws and customs of England."

Persons marrying in the colony have, however, the means of regulating the disposition of their property, by making an agreement previous to the ceremony, called in law an ante-nuptial contract, in which they can arrange such matters according to their wishes; but should they neglect this precaution, their property is divided as already explained, that is, one-half to the surviving spouse, and the other moiety in equal shares to the children and survivor.

Amongst some of the English colonists there is an impatience for the laws of England on this subject, for they complain of a practice which takes out of their hands the power of rewarding for good, or punishing for ill-behaviour towards themselves, or of regulating the control of their heirs over property which they may have proved themselves incapable of managing. They contend too, that this constantly recurring division of estates, occasioned by the working of the colonial law, prevents their improvement, which is more than a mere theoretical objection. No argument, however, is likely at present to convince the large body of native-born colonists, that the law of primogeniture is anything better than a fraud upon the remaining branches of a

family, and that the right of disinheriting, exercised under English law, is anything but absolute tyranny.

All original wills of persons dying in the colony must be registered in the chamber of the Master of the Supreme Court, who is obliged to see that every provision therein contained be duly carried out, and all intestate estates fall under his especial management. The property of foreign and of minor heirs is safely and cheaply protected by this very valuable institution, and the provisions of the existing law may be pronounced to be fully adequate to secure the interest of every class of the inhabitants devolving to its charge. From an intimate knowledge acquired in a three years' administration of a commission issued in 1828, to prepare the transfer of the business of the late orphan chamber, to the Master of the Supreme Court, (who now exercises the functions of the late chamber), under the new title of "the Guardian Fund," I have no hesitation in saying, that for safety sake, as well as economy, I should greatly prefer making that office the administrator of my own will, rather than appoint private executors.

Under the subject of colonial law naturally fall those of the tenures by which landed property is held, and the mode of their conveyance from seller to buyer. The tenures at present in use are—1st, Freehold; 2nd, Loan; and 3rd, Perpetual Quit-rent.

*Freehold farms* are rare in the Eastern Province, but there are a few near the Cape; a small number of the quit-rent estates, in various parts of the colony, have, from time to time, been converted into this description by the redemption of the annual rents, while all plots of building ground (called *erven*) in the townships, throughout the colony, continue to be alienated under this tenure.

*Loan farms* are such as were originally granted on an annual rent of twenty-four rixdollars (or £1 16s. of present money,) but a large number of these have since become quit-rent estates, by agreement with Government, the rent in no case exceeds £18 15s.

*Quit-rent.* By far the large majority of farms are held under quit-rent tenures, and the amount these pay to the state is dependent upon the quality of the lands, and the circumstance of their proximity, or distance, from markets, and other essential

points, which are reported to a land board by the civil commissioner in whose district the property lies, and fixed by that board, at whose head is the surveyor-general, subject to the consideration and approval of the Governor, *at the time the property is first granted*. The rent then determined can never be increased, although instances are not rare wherein the original assessment, having subsequently been found to be too highly rated, a *reduction* of the tax has been made\*. The extent of these estates vary from 2000 to 10,000 acres, but the general area is about 6000. It is, perhaps, impossible to average the amount of the quit-rent of the colony, but it may be very roughly stated, as at about 1s. 4d. per 100 acres.

On the subject of transfer or conveyance of landed property, it may be observed that it is easy, expeditious, and cheap, if we make one exception, and that is the payment or duty to Government of four per cent. on the amount of purchase money. The transfer is also perfectly secure, and free from all possible dis-

\* Since 1828 the regulation of the quit-rents has been more uniform and fair, but for those rated in former and not remote periods, it has justly been stigmatized as partial and unequal; favouritism in many instances has no doubt pitched the amount of rent.

The rule now upon a government inspection of an estate previous to its sale or grant is, to estimate it, as follows:—

Capable of being used as garden ground . . . . .	6s. per acre.
Good arable land . . . . .	9d. “
Grazing ground . . . . .	½d. “

So that farms of 6000 acres pay the respective quit-rents of 7l. 10s., 9l. 7s. 6d., 9l. 15s., and 12l. per annum.

The Civil Commissioner whose duty it is to inspect the lands in order to their being rated for quit-rent, has to report:—

1. The quantity of land.
2. The quantity of arable land.
3. The quantity of garden land.
4. The quantity of grazing ground.
5. The quantity of stock that can be kept during the whole or part of the year, and what part of the year.
6. Distance from Cape Town.
7. Distance from nearest town.
8. Supply of water at different seasons.
9. Timber.
10. What objections exist against the cession by government?
11. Whether the cession would be consistent with the interests of the government?
12. What conditions should be inserted in the title?
13. What in the Commissioner's opinion would be a fair annual quit-rent?

pute or doubt, as all original titles are lodged in the surveyor-general's department, and every transfer of the same, as well as every mortgage thereon, are obliged to be registered in the land registry office, otherwise no mortgage, not so registered, can be pleaded in the courts, so that no legal conveyance can be effected without the knowledge both of the proprietor as well as of the mortgagee; and thus a complete check is secured against all fraud. This institution is one on which the colony has real reason to pride itself, for none can be more perfect. Every deed connected with land and its incumbrances can be traced in this office, from the very establishment of the colony in 1652, up to the present moment.

In concluding this brief view of the laws of the colony, it may be stated, after a twenty-two years' experience of their operation, and especially of their administration by the present authorities, that the impression is, upon the whole, favourable, although they are susceptible of many valuable reforms.

"In no part of the world is the administration of justice more pure than in this colony, or have the judges and magistrates of the country exhibited a higher tone of independence, or more inflexible integrity. The great complaint is, that from the widely scattered state of the inhabitants the laws are inoperative, and that from the distance at which they reside from the district towns, offences are committed with impunity which, under a better and more stringent system would be either prevented or punished. Another grievance of which the inhabitants justly complain is, the ruinously lax system, which obtains, with regard to the important relations between master and servant. With abundance of *labourers*, the great want of the colony is labour. The mass of the coloured classes is just emerging from a state of degrading barbarism, and yet the Government is so weak and impolitic as not to see the imperative necessity for measures which shall prevent vagrancy, and counteract that habitual slothfulness and dishonesty which are the strong characteristics of a people so circumstanced. The inhabitants have in vain petitioned the Government on this subject; a false philanthropy has interposed to thwart all their efforts, and thus capital and labour have been separated, to the great injury of the colony by the stoppage of public improvements, and the serious deteriora-

tion of much valuable property."—*Sketches of the Eastern Districts of the Cape of Good Hope.*

It may, perhaps, be useful to some inquirers to note that the marriage laws are substantially the same as those of England. Parties inclined or obliged to rush into that blissful state can do so by a special licence procurable either from the governor or the lieutenant-governor for £18 only; which prevents the publicity of banns, and gains three weeks' time; perhaps it may be also satisfactory to repeat the observations made so long ago by the celebrated Abbé Raynal in his work on the Indies, that, "*married life is very happy at the Cape.*"

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### SECTION III.

#### BELIGION.

WITH much truth we may describe the inhabitants of the Cape colony at large as a serious and religious people, and especially with reference to that portion forming the most considerable part of the community, the Dutch Boers, who are deeply imbued with strong sentiments of genuine piety, and are consistent members of the Christian church. In the towns and villages the strictest attention is paid to a close and regular attendance on public worship, as well as to the catechetical instruction of the youth, and no young person in any part of the country is considered eligible to enter into the married state (and they all marry at a very early age) unless he or she has first undergone the ceremony of admission into the church, and been admitted at the sacramental table.

In the country districts, where churches are "few and far between," the opportunities to wait upon the public ministrations of religion are difficult, but the private altar every morning and evening is duly served by the head of the family, and four times in each year the Lord's Supper is attended at each of the various towns and villages, and many other places where buildings for worship have been erected by the private subscriptions of the inhabitants, to which by far the greater part of the popula-

tion, rural and urban, make a point of resorting, with all the members of their families, although the distance to be traversed for the purpose often exceeds 200 miles.

The established church of the colony is Calvinistic, or the Dutch reformed; and there is a place of worship and minister for the administration of its services, at least for each district, and a larger number in the most populous. The clergy constantly itinerate through their respective cures, preaching at such farm-houses as are most conveniently situated, and they deserve high commendation for the zeal and industry, with which they exercise their sacred calling.

The doctrine and discipline of the church of Scotland, agreeing so closely with that of the reformed community, the Cape Dutch church has been of late years chiefly supplied with ministers from that establishment; but several colonists, brought up for the pulpit, and who have studied in Holland or Scotland, have latterly been inducted into the colonial churches of the reformed persuasion, and proved bright ornaments to their profession, as well as an honour to the country to which they owe their birth.

Although recognised by law as the established church of the colony, it is not invested with supremacy. There are no exclusive privileges enjoyed by its professors. Every sect possesses full and complete freedom of worship and liberty of conscience, and no man is excluded from the government or any other service, in any capacity, on account of his religious creed.

A Lutheran congregation assembles at Cape Town, in the most beautiful Christian temple of the colony; but this denomination, although a very large body, has not erected any place of worship beyond the walls of the western metropolis.

The Episcopal Church of England, next to that of the Dutch reformed church, numbers the largest congregation as a community of Christian worshippers. At present this establishment is considered, as it regards its government, under the diocese of Calcutta\*; but the consecration and appoint-

\* This is somewhat questionable, and requires a settlement, which the appointment of a local bishop will put to rest. It is believed that the Bishop of London has the right of jurisdiction, while the Governor claims to be the ordinary.

ment of an independent bishop to be resident in the colony, is anxiously desired by all its well-wishers, as indispensably requisite for its perfect efficiency. The apathy and neglect shewn by the parent government to the colonial members of the church in this colony, especially to those upon the frontier district, the settlers of the great emigration of 1820, chiefly members of the church of England, has naturally resulted in a large secession from her pale. The heads of the English episcopal population, bereft of the privileges of the church of their childhood on their arrival in this colony, and naturally and conscientiously alarmed at the fearful consequences of the absence of all religious instruction, were thus forced, by a sense of religious duty, into the places of worship of the Wesleyans and Independents, who with feelings of true Christian charity, seconded by their well-known zeal, have covered the Eastern Province with their chapels. Thus the large majority of the youth have been brought up under a dissenting ministry, and now possibly may not return to the time-hallowed church of their fathers. This evil so long deplored is now acknowledged in high quarters, and it is hoped that the efforts now making in England will supply the urgent desires of so many of her sons, ardently attached to their venerable church and its primitive liturgy.

An episcopal church cannot subsist without a bishop, and an establishment containing above 10,000 members ought not to be deprived of the services of its directing ecclesiastical pastor. The plain common sense of the Cape colonists has already called for such an appointment. The members of the Church of England "want the means of carrying their church ordinances and discipline into effect. They want a centre of authority to which the clergy could refer in matters of difficulty, and to which laymen would defer in matters of dispute; they want the means of ordaining, as circumstances may require, additional labourers for the vineyard, and the means of confirmation of their children\*." It is now six years since a bishop last performed that

\* The above quotation is from a very well written article on the subject of the report of the Council referred to, and published in the "Albany Magazine for March, 1842." The writer, evidently well acquainted with his subject, recommends that the bishop should not permanently fix his residence in Cape Town, both because the greatest

ceremony in the colony, and as the visits of prelates for India are only occasional, and restricted to Cape Town, the Eastern Province is effectually excluded from the performance of that ordinance. Of the 5000 members of the Church of England, resident in the Eastern Province, perhaps not 1000 have been confirmed.

The Roman Catholic community, until these few last years, were a proscribed, though not a persecuted people. By an old law of India, Jesuits and Roman priests were to be forcibly apprehended, and immediately deported. "The Catholic Relief Bill" has set these matters in a new view, and the Cape has several Roman clergy zealously exercising their vocation. A bishop resides in Cape Town, where a splendid cathedral is building. The county of Albany and Utenhay also have their appointed pastors, and that of George its preachers. Proselytism is making quiet but considerable strides through this essentially Protestant colony. A Kafir mission is also said to be in contemplation; what effect this may have on the barbarians already under the instruction of the Wesleyans, Independents, Moravians, Scotch, French, and German missions, it is not difficult to predict.

The Church of Scotland has a place of worship in Cape Town, a chaste and elegant building, and well attended.

**MISSIONS.**—To all the various societies of Christian missions\* in this colony, unbounded praise is due for their attention to the spiritual wants of all the inhabitants, especially of the coloured races, and of the heathen beyond the colony, among whom,

increase of congregations may be reasonably expected to the eastward, where the English population preponderates, and because it seems now less improbable than ever, that circumstances may sooner or later cause the seat of Supreme Government to be transferred to the Eastern Province, as recommended by Sir Benjamin D'Urban, probably to Utenhay or Graham's Town, which places being nearly equi-distant from Cape Town on the West, and from Natal, now to be permanently occupied on the East, would form a central position at a convenient distance."

\* To the missionaries of the Wesleyan body we are indebted for two excellent grammars of the chief languages spoken over the vast interior of South Africa. The Kafir by the Rev. W. Boyce, and Sechuna by the Rev. Jas. Archbell. Mr. Moffat, the very talented missionary of the London Society, long resident at Littakoo, has translated a great part of the New Testament into the latter language. These gifts to Christianity are deserving of all praise.

nearly as far as the tropic on one side, and 200 miles from the eastern frontier on the other, they have established promising institutions. These bodies have at least fifty-five stations within the colonial boundaries, and fifty-four dispersed over the north and south-eastern interior.

The following return will indicate the date of the commencement of their labours in South Africa, their respective spheres of usefulness, and the extent of their missions :—

SOCIETY.	Date.	In the colony.	In Kaf-fria.	In the Sechuana-country.	In Namaqua-land.	In the Griqua-country.	Total of each society.
Wesleyan . .	1820	20	13	8	2	—	43
London . .	1795	21	4	2	1	3	31
Rhenish . .	1837	4	1	—	3	—	8
United Brethren or Moravians . .	1736	6	1	—	—	—	7
French . .	1838	1	6	—	—	—	7
Church of Scotland . .	1820	—	5	—	—	—	5
Berlin . .	1837	2	2	—	—	1	5
South African	1799	1	—	—	—	—	1
Total . .		55	32	10	6	4	107

At all these institutions day, Sunday, and infant-schools are established, which doubtless are effecting great progress in the important branches of education, religion, and morality.

An attempt has been made by some few of the members of the London Missionary Society in South Africa, to impress upon the minds of the people of Britain, that a general prejudice exists against the missionary cause, and against missionaries themselves, on the part of the colonists, especially the Dutch farmers or Boers. Nothing can be either more unjust or more untrue, and within these few weeks a public and most positive denial has been given to the accusation by the Rev. W. Hodgson, the superintendent of the Wesleyan Mission, who, as a body, have more extensive opportunities of forming a calm and correct judgment than any other community of missionaries. It is true, indeed, that there is a strong feeling afloat against the present superintendent of the London Society's missions in South Africa, whose proceedings and incredible evidence against

the colonists have caused one universal sentiment of disapproval against that individual; but it is confined to him alone, and the colonists regret that the usefulness and interests of the noble society which he represents, should have been so greatly endangered in the colony by his conduct, and religion maligned in consequence.

It has also been recently charged against the colonists, by a writer in an Irish periodical, that a spirit of indifferenciam in religious matters is generally prevalent, a libel more than sufficiently refuted by the anxiety displayed by all classes for increased opportunities of religious worship and instruction, and by their efforts for the conversion of the surrounding barbarous and heathen tribes. In few, if any other portions of the Christian world, is there existing a greater spirit of cordiality between the ministers of all religious professions, or a higher sense of their duties, than is evinced by the respective congregations.

It is difficult to arrive at the extent of the church and chapel accommodation of the colony, from the very defective state of the returns on this head, as well as that of almost every other statistic paper collected by the Government, but it is assumed that there are at least 100 places of worship, including those of all Christian denominations, forty-four of which are in the Eastern Province, wherein perhaps 50,000 persons can be assembled, leaving the large remainder of the Christian population without the means of public devotional exercise.

The following return will shew the number of religious denominations, churches, and ministers, established in the Colony:—

Return of the Number of Religious Denominations, Places of Worship, and Clergy in the Colony of the Cape of Good Hope.

DISTRICTS.	Extent in square miles.	Dutch Reformed.		English Church.		Scots Church.			Roman Catholics.		Lutherans.		Protestant Dissenters.		Mahom- medans.	Heathen
		Popula- tion.	Churches. Ministers.	Popula- tion.	Churches. Ministers.	Popula- tion.	Churches. Ministers.	Popula- tion.	Churches. Ministers.	Popula- tion.	Churches. Ministers.	Popula- tion.	Churches. Ministers.	Popula- tion.	Popula- tion.	
<i>Western Provinces :—</i>																
Cape Town - - -	9½	15000	1 3	4500	† 3	750	1 1	676	1 2	1800	1 2	2069	4 6	6492		
Cape District - - -	3584	7900	4 4	1260	3 3	—	—	97	—	—	—	1535	3 6	400		
Stellenbosch - - -	2280	4982	4 5	550	—	—	—	40	—	—	—	3000	4 7	268		
Swollenadam - - -	7616	8500	5 4	160	—	—	—	30	—	—	—	700	5 13	20		
George - - -	4032	6056	2 1	40	—	—	—	75	1	—	—	5881	3 3	100		
Worcester - - -	20000	3192	2 2	10	—	—	—	—	—	—	—	600	2 4	300		
Clanwilliam - - -	22111	5000	1 1	30	—	—	—	10	—	—	—	900	6 6	—		
Beaufort - - -	13050	2714	1 1	20	—	—	—	10	—	—	—	30	—	—		
<b>Total W. Province</b>	<b>72682½</b>	<b>53344</b>	<b>20 21</b>	<b>6570</b>	<b>6 6</b>	<b>750</b>	<b>1 1</b>	<b>938</b>	<b>1 3</b>	<b>1800</b>	<b>1 2</b>	<b>14715</b>	<b>27 45</b>	<b>7680</b>		
<i>Eastern Provinces :—</i>																
Albany - - -	1792	1000	2 2	2500	† 3	—	—	700	1 1	—	—	7800	15 16	50		
Utenhay - - -	8960	4268	1 1	1000	2 1	—	—	50	† 1	—	—	2900	8 11	150		
Somerset - - -	4000	4500	2 2	60	—	—	—	5	—	—	—	100	1	—		
Graf Reinet - - -	8000	3250	2 2	90	—	—	—	5	—	—	—	100	1 1	50		
Cradock - - -	3168	2541	1 1	112	—	—	—	8	—	—	—	50	2 2	—		
Colesberg - - -	11654	3530	—	102	—	—	—	4	—	—	—	20	2 2	—		
<b>Total E. Province</b>	<b>37574</b>	<b>19089</b>	<b>8 8</b>	<b>3864</b>	<b>5 5</b>	<b>—</b>	<b>—</b>	<b>772</b>	<b>2 2</b>	<b>—</b>	<b>—</b>	<b>10970</b>	<b>29 32</b>	<b>250</b>		
<b>Grand Total</b>	<b>110256</b>	<b>72433</b>	<b>28 29</b>	<b>10434</b>	<b>11 11</b>	<b>750</b>	<b>1 1</b>	<b>1710</b>	<b>3 5</b>	<b>—</b>	<b>—</b>	<b>25685</b>	<b>56 77</b>	<b>7830</b>		

\* Including a chapel of ease and the military chapel. † One church building at Utenhay. ‡ One church building at Elizabeth Town.  
 This Table includes, under Churches and Ministers, in the column of Protestant Dissenters, those established and appointed for the conversion of the Heathen.

Not known with any certainty; probably from 60,000 to 80,000.

## SECTION IV.

## EDUCATION AND SCHOOLS.

THE deplorable and inefficient state of public instruction at the government schools, throughout the whole country, for many years attracted the attention of the friends of the colony, and more especially that of Colonel Bell, late Secretary of the Government, and the celebrated philosopher and astronomer, Sir John Herschel, who visited the Cape in pursuit of scientific objects in the year 1832. To the efforts of these gentlemen we owe the present reformed and satisfactory state of our educational system. Their views having been communicated to his Excellency Sir G. Napier, shortly after his arrival to assume the government of the colony, that officer immediately represented the defective nature of the existing institutions, to the home authorities, and received directions to place the public schools in charge of men professionally qualified to undertake the important office of public instructors. These orders were promulgated on the 23rd May, 1839, and on the same day "a superintendent-general of education" was appointed under whom the public instruction of the colony was placed.

The gentleman very judiciously selected for this office was Dr. James Rose Innes, who originally arrived in the Cape in 1822 with a number of instructors that were sent out by the British Government, to several of the country districts, in order to promulgate the English language, which it had been determined to introduce into all legal and official proceedings. Mr. Innes was stationed for several years in the town of Utenhay, where he conducted one of the most numerous and efficient seminaries in the colony, and subsequently accepted the offer of a professor's chair, in the South African College, a very valuable institution established at Cape Town by public subscription, and which, under the care of the Reverend Mr. Faure, the Reverend Dr. Adamson, Mr. Innes, and Mr. Changuion, has educated a considerable mass of the colonial youth, some of whom have since deservedly earned distinguished honours at British and continental universities.

The superintendent of education, finding, after a tour made

through the different districts, that the greater part of the incumbent teachers were unqualified to carry out the new course of education, made a visit to Scotland, and brought out to the colony a number of young men calculated for the purpose, besides providing for further supplies as they may be required.

The system of instruction adopted by these schools will be found by reference to the government memorandum in the appendix, where it will be seen that a normal seminary, for the purpose of training young men to the office of teachers, was also contemplated, thus making the colony self-dependent, and which was formally established on the 27th January, 1842.

The following précis of the progress of the new system during 1841, was published at the commencement of the present year:—

“Ten government schools have been established on the new system, under the superintendence of the teachers sent from home. These schools, during the last six months, have had an average attendance of 1169 pupils. The branches taught are:—

“A. English language, reading, orthography, grammar.

“B. Dutch language, reading, grammar, translation.

“C. Arithmetic; abstract and commercial.

“D. Geography, elements of history, chronology.

“E. Elements of natural history and physical science.

“F. Writing, and the first principles of drawing.

“Religious instruction is given daily from the scriptures.

“Besides these branches, which are embraced in the elementary course, and in which instruction is given free of charge, the senior pupils, in six of the schools, have commenced Latin and elementary mathematics.

“At three of the stations, boarding establishments have been formed by the teachers, which afford accommodation to some fifteen or twenty pupils.

“In addition to the schools now alluded to, there are seven others of a more elementary character in the establishment, which are attended by 396 pupils, making the aggregate attendance in the government schools during the last six months, to be 1565. It ought to be observed that the attendance is steadily on the increase.

“The normal seminary for the training of future teachers will

be opened with its model schools, in Cape Town, under the superintendence of the Rev. Mr. Buchanan in the course of the ensuing month.

“ Besides the schools in the establishment there are eleven others which receive aid from Government, on the following conditions :—

*“ Memorandum of Conditions upon which Allowances will be granted from the Colonial Treasury, in aid of the Funds of Mission, and certain other Schools, not on the Government Establishment.*

“ 1. Every such school shall occupy some district of the town not otherwise provided for, or be removed to a district of which Government shall approve.

“ 2. The aid afforded shall be in a shape of a grant, renewable annually (reckoned from the 1st July of one year, to the 30th June of the succeeding year), should the school be conducted to the satisfaction of the superintendent-general of education, and should the necessary funds be voted by council for that purpose.

“ 3. The government grant shall be exclusively appropriated to the support of the teacher or teachers as the case may be.

“ 4. The superintendent-general of education shall have the right to inspect all schools receiving aid, and to call for such returns as will enable him to ascertain to what extent and with what efficiency the schools provide for the education of the district in which they are placed.

“ 5. The schools shall be accessible to all, and the religious instruction given to the pupils during the ordinary school hours, shall be confined to the scriptures. This condition has no reference to the Sunday and evening schools, which may be opened in the several districts, in connexion with the schools receiving aid.

“ 6. The English language shall form a branch of instruction in all schools thus aided, and, where practicable, it shall be used as the colloquial language of the school.

“ 7. Though the first object of such schools must be the religious education of the poor, yet such objects of a secular character as are laid down in the elementary course of the government school shall be gradually introduced, to a greater or less extent, as circumstances may admit.

“ By his Excellency's command,

(Signed) “ J. MOORE CRAIG.”

These schools have been established, chiefly by missionary and other benevolent associations, for the religious instruction of the poorer classes. They are at present attended by 1710 pupils. Of these 940 belong to Cape Town—they are all day schools; but there are also very extensive Sunday and evening schools for the instruction of adults, in connexion with most of them.

The Eastern Province has already established at Graham's Town, Utenhay, Port Elizabeth, Graf Reinet, and Somerset schools under the new system, where instruction in the elementary branches is imparted gratuitously, and to which are invited all classes and colours, who come clean and decently clothed.

For the higher studies, as the classics, mathematics, and natural philosophy, the low sum of 21s. per quarter is charged to each pupil, a rate which opens the most important branches of education to all classes.

The salary of the superintendent, Dr. Innes, is £500 per annum. That of the teachers varies from £100 to £200 a-year, with £40 allowance per annum for house rent. They have all been selected in Scotland, are all Presbyterians, and belong to that well-educated people; are able and zealous young men in their vocation, of high moral reputation, and appear to be perfectly adapted to the arduous task they have undertaken.

Besides the Government institutions, there are in every village and town a number of private schools, so that education is attainable and pretty well diffused, and most of the elegant accomplishments may be acquired in the principal towns. Lectures on science are also now regularly given in Graham's Town and Utenhay.

In conclusion, we may say with the "Graham's Town Journal," "On the subject of education, the Government has shewn an earnestness of intention that is beyond all praise, and though in matters of detail there has been much that is objectionable, yet we are bound in justice to award to the authorities due credit for purity of motive and for a sincere desire to benefit in this particular the people at large."

## SECTION V.

## THE PRESS AND PERIODICAL LITERATURE.

THE arrival of the British settlers of 1820 found the Government in the most despotic form, and opposed not only to all change, but to everything in the shape of discussion and inquiry. The first ship with emigrants brought out a printing press; but no sooner was this noised abroad (while the vessel still lay before Cape Town), than significant hints were given that it would be better to sell it to the Government, as it could not be allowed to be used if carried to the frontier, and it was sold accordingly. By a singular order of events, several years afterwards, having been sent to Graf Reinet, merely for the purpose of printing Government notices there, it found its way round to its original destination and proprietor, and sent forth the first number of the first newspaper ever issued in the Eastern Province of the colony, which was the "Graham's Town Journal," published on the 1st of January, 1832.

In 1823 the late Thomas Pringle, Esq., projected a journal to be published in Cape Town, permission for which was refused by the Governor, who, for very substantial reasons, was jealous of the establishment of an independent press. The idea was then abandoned; but in 1824 the secretary of state, through the advice of the commissioners of inquiry, authorized the publication of a literary periodical, "provided that nothing appeared in it detrimental to the peace and safety of the colony." The "South African Journal" was then commenced, as well as the "South African Commercial Advertiser." Within four months after the appearance of the latter publication, under alarm at the free tone of some of the articles, a censorship of the press was ordered by the Governor, Lord Charles Somerset, which was very properly resisted by the editors and proprietors of the paper. Resistance, however, was unavailing for the time, and the paper was suspended, soon followed by another victim, the "Literary Journal." In 1825 the newspaper was re-established, to be suppressed in 1827 by order of the Colonial Secretary of State, Lord Bathurst. In the following year, however, it was restored to the colony upon the safe and sound footing of legal responsibility,

and has maintained its course from that period to the present. The credit of the establishment of a free press, therefore, is justly due to Messrs. Pringle, Fairbairn, and Greig, aided by the powerful influence of the inhabitants of every portion of the colony. Mr. Fairbairn was very properly rewarded by the public presentation of a very handsome piece of plate for his exertions in the good cause, nearly two-thirds of the subscription for which was raised among the Cape Dutch slave-holders—a sadly maligned people.

The periodical press of the colony at present in existence is as follows\* :—

*Published in Cape Town.*

1. The South African Commercial Advertiser, printed on Wednesday and Saturday of each week; its cost on the frontier is 15s. per quarter.

The management and talent of this journal is highly creditable;

\* The first three periodicals are printed in the Dutch and English languages, and the three following in the English only.

The Editor has given a practical hint to the inhabitants of Elizabeth Town to start a newspaper, by printing and sending from hence, as a specimen, the “Algoa Bay Gazette and Elizabethan Chronicle.” In England the Eastern Province is called Algoa Bay, and therefore a paper ought to exist with that title. Information will be always early acquired from Cape Town, as well as from vessels calling there; and however small the sheet, it will act as a purveyor of the news received at that thriving port for the perfection of the existing journals published in other places.

The “Algoa Bay Annual Almanac and Directory” is unaccountably delayed; it should be sent home extensively to friends of the colony. The “Cape Town Almanac” cannot be excelled, but the Editor is persuaded, if sent home, many would be sold to the great benefit of the colony. The colonists, indeed, should support these publications, and send them as annual presents to their friends at home. Is an agreeable remembrance of distant friends not worth half-a-dozen shillings?

Occasional publications, such as pamphlets, are issued to serve the occasion required, and the records of the colony, now in course of publication by Mr. Moodie, are bringing to light facts of great importance for an extended and faithful history of the colony; and it is to be hoped that due assistance and reward will be extended to him for the completion of his undertaking. The “History of the Kafir War and the Account of the Eastern Province,” published by the editor of the “Graham’s Town Journal,” are such creditable productions as to excite the hope that the Western Province will find in its old patriotic editor an advocate worthy of the country of his adoption. Expensive works reach not the parties who are wanted in the colony; a cheap, popular publication is, however, sadly called for.

its advocacy benevolent almost to excess, its influence considerable.

2. The Zuid Afrikaan, a highly respectable paper, published every Tuesday and Friday, at 10s. 6d. per quarter.

3. The Government Gazette, principally advertisements and Government intelligence, without being political; every Friday; 13s. 6d. per annum.

4. The Cape Town Mail every Saturday, at 7s. 6d. per quarter; a new and very valuable publication, reporting with great care and fidelity cases before the law courts, proceedings of council, the municipality and public meetings, &c.

5. De Verzamelaar, Dutch and English, published every Tuesday, at 4s. 6d. per quarter, a useful paper for the Dutch.

6. Silberbauer's Price Current, 16s. per annum.

7. Silberbauer's Shipping List, 30s. per annum.

8. De Hönning Bij, a religious periodical, 1s. per month.

9. Van Der Sandt's Almanac and Directory, a work of great industry, replete with useful and interesting information, and would do credit to London itself; 6s. 6d.

*Published in Graham's Town.*

1. The Graham's Town Journal, every Thursday, at 6s. 6d. per quarter; a well written newspaper, on whose information respecting frontier affairs and occurrences beyond the colonial border the utmost reliance can be placed. It is edited by one of the first party of British settlers of 1820.

2. The Cape Frontier Times, every Thursday, at 8s. per quarter; conducted with much spirit, and also a well written periodical, containing much useful intelligence.

3. The Albany Magazine, a monthly journal devoted to literature and science; 1s. A very interesting and respectably conducted work.

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## SECTION VI.

### AGRICULTURE.

THE Eastern Province of the Cape of Good Hope is particularly well adapted for the production of all descriptions of grain, fruit, vegetables, and farming stock. It is a fact well known that samples of Cape wheat, weighing 65 lbs. and upwards the

bushel, and exhibited in Mark Lane, have been pronounced to be equal, and even superior, to the growth of any other country\*. The same reputation attaches to this produce at Mauritius and Calcutta, to which places considerable quantities are annually shipped. For several years after the settlement of the colony, the wheat crops in the frontier counties were severely injured by the occurrence of a disease called the rust, but this has been declining in virulence, and for some time past the harvests have been prosperous, the crops this last season (1841) have been most heavy and abundant. There is no question but the Cape generally, by the introduction of more effective labour, or by rendering that *steady* which the colony at present possesses, could be made an extensively exporting country for grain; barley, oats, rye, maize or Indian corn, and millet are successfully grown in very large quantities.

In Albany, the Winterberg division is the most fertile grain district. The lofty mountain range which intersects this neighbourhood is frequently capped with snow for several months in the year, and from this source are fed numerous streams, or spruits, as they are here called, which enable the agriculturist,

\* The following is from a highly respected house, the fathers of the Corn Exchange. It may, however, be mentioned, that in the commencement of the year, 1842, a parcel of Cape wheat sold at 74*s.*, and the highest Essex that day was 68*s.* :—

*London, 6th April, 1840.*

SIR,—In answer to your inquiry, we beg to say that we consider the quality of the finest Cape of Good Hope wheat to be equal, and in some respects superior, to the *best English, or any foreign wheat*, which we have seen.

It is very rarely that English wheat weighs 64 lbs. per bushel, but we have had Cape of the finest quality which weighed upwards of 65 lbs. per bushel.

In October, 1831, we sold Cape wheat at 75*s.* and 81*s.* per quarter, and our highest quotation for the best English white at that time was 74*s.* per quarter. In May, 1832, fine Cape sold at 80*s.*, and at the same time the top price of English white was 76*s.*; and in August, 1835, fine Cape sold at 52*s.*, whereas the best English white did not realise more than 48*s.* Since this last mentioned period, owing to high duties, the English markets not offering a remunerating prospect, scarcely any wheat has arrived in London from the Cape.

We remain, Sir, your obedient servants,

DANIEL AND JOHN BIRKETT, & Co., Corn Factors.

*Mr. J. S. Christophers.*