

BECHUANALAND.

FURTHER CORRESPONDENCE
RESPECTING THE
AFFAIRS OF BECHUANALAND
AND
ADJACENT TERRITORIES.

(In continuation of [C.—5363.] April 1888.)

Maps will be found at pages 6, 9, and at the end.

Presented to both Houses of Parliament by Command of Her Majesty.
August 1888.



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No. 3.

SIR HERCULES ROBINSON to SIR H. T. HOLLAND.
(Received March 20, 1888.)

Government House,
Cape Town, February 29, 1888.

SIR,

I HAVE the honour to enclose for your information a copy of a telegram which has been received from the Administrator of British Bechuanaland forwarding a message from the Assistant Commissioner in the British Protectorate, Mr. Moffat, reporting that the Matebele Chief Lo Bengula had signed an agreement similar to that recently concluded with Zambile, Queen of the Amatongas.

The Right Hon.
Sir H. T. Holland, Bart., G.C.M.G.,
&c. &c. &c.

I have, &c.
(Signed) HERCULES ROBINSON,
Governor and High Commissioner.

Enclosure in No. 3.

FROM ADMINISTRATOR, Vryburg, to His Excellency the HIGH COMMISSIONER,
Cape Town.

TELEGRAM.

28th February.—Following just received from Mafeking; Begins: Assistant Commissioner to Deputy Commissioner Gubuluwayo February 9th. I hope to move southwards within the week if the Chief's illness does not unduly retard business. All well to date. Ends.

Second telegram begins: Assistant Commissioner to Deputy Commissioner.

Starting to-day February 13th Gubuluwayo. Chief very poorly, but has signed agreement similar to that of the Amatonga. Ends.

No. 4.

SIR HERCULES ROBINSON (SOUTH AFRICA) to LORD KNUTSFORD.
(Received April 10, 1888.)

SIR,

Government House, Cape Town, March 21, 1888.

I HAVE the honour to enclose, for your information, copies of a correspondence which has taken place respecting the legal status of the Settlement of Gordonia, which is situated in British Bechuanaland upon the confines of the Cape Colony.

The Right Hon.
Sir H. T. Holland, Bart., G.C.M.G.,
&c. &c. &c.

I have, &c.
(Signed) HERCULES ROBINSON,
Governor and High Commissioner.

Enclosure I in No. 4.

ADMINISTRATOR to GOVERNOR.

Administrator's Office, British Bechuanaland, Vryburg,
August 26, 1887.

SIR,

I HAVE the honour to enclose and to recommend to your Excellency's favourable consideration a draft Proclamation for establishing a Court of Resident Magistrate at Kuruman, fixing the limits of the district of Kuruman, and defining with greater precision than heretofore the boundaries of the districts of Mafeking, Vryburg, and Taungs respectively.

The Surveyor General has, in accordance with my instructions, defined the boundaries of the four magisterial districts so as to include the whole territory of British Bechuanaland, and cure the defect of vagueness which was unavoidable when Proclamation No.3 B.B. was issued in 1885.

With regard to the districts of Mafeking and Taungs, I am of opinion that no better plan could be adopted than to restrict the jurisdiction and authority of the Courts of Resident Magistrate within the limits assigned by the Proclamations establishing Divisional Councils for those Divisions respectively; while the Mashowing River forms a natural boundary between the districts of Vryburg and Kuruman.

I propose to include in the district of Vryburg the country north of the Mashowing River up to and inclusive of the Moroquen Native Reserve, as I consider such an arrangement the most advantageous in view of the fact that, according to the police arrangements, patrols have always been, and can still be, most conveniently despatched to that part of the country from Vryburg, the great distance and the bad condition of the roads rendering communication between Mafeking and Moroquen more difficult.

With regard to the proposed exclusion of the Settlement of Gordonia, on the Orange River, from the territory within which the Resident Magistrate of Kuruman will exercise jurisdiction, I beg to remind your Excellency that Gordonia is a Hottentot or Koranna Settlement, which, by the sufferance of the Government of the Colony of the Cape of Good Hope, and by virtue of express agreement with that Government, has for many years enjoyed, on certain conditions, a kind of limited independence with a certain measure of self-government under the protection of the Cape; subject, however, to the control of the Special Magistrate of the Northern Border, a Cape official who resides at Upington on the Orange River, and with whose authority I consider it would be inexpedient for the Government of British Bechuanaland to interfere.

His Excellency the Governor,
Cape Town.

I have, &c.
(Signed) SIDNEY SHIPPARD,
Administrator.

PROCLAMATION

By his Excellency the Right Honourable Sir HERCULES GEORGE ROBERT ROBINSON, a member of Her Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of Her Majesty's Colony of the Cape of Good Hope, in South Africa, and of the territories and dependencies thereof, Governor of the territory of British Bechuanaland, and Her Majesty's High Commissioner for South Africa, &c., &c.

WHEREAS, in section 2 of the Laws and Regulations for the Government of British Bechuanaland, it is provided that in addition to the Courts of Resident Magistrate erected, constituted, and established for and within each of the districts therein specified, it shall be lawful for the Governor of the said territory, by any proclamation to be by him from time to time issued for that purpose, to erect, constitute, and establish Courts of Resident Magistrate, to be held for and within such other districts respectively as the said Governor shall think fit to create, which courts shall respectively be holden before such persons as shall respectively be appointed to be Resident Magistrates of such districts; and whereas, in section 3 of the said Laws and Regulations, it is provided that it shall also be lawful for the said Governor, by proclamation, to define, fix, alter, and appoint the local limits of the territory which shall be comprehended and included in any of the aforesaid districts, whether those already created, or such as shall hereafter be created, and within which the Resident Magistrate for such district shall have and exercise jurisdiction and authority; and whereas it is expedient to erect, constitute, and establish a Court of Resident Magistrate to be held for and within the district of Kuruman, by and before the Resident Magistrate of the said district, and also to define, fix, and appoint the local limits of the said district within which such Resident Magistrate shall have and exercise jurisdiction and authority, and further to provide that so much of the district assigned for the exercise of the jurisdiction of the said Court of Resident Magistrate for the district of Kuruman, as was heretofore either wholly or in part within the jurisdiction of the Court of Resident Magistrate of Taungs, shall henceforth wholly cease to be within, or subject to the jurisdiction of the said Court of Resident Magistrate of Taungs; and whereas it is also expedient to define, fix, and appoint with greater precision the local limits of the territory which shall be comprehended and included in each of the districts within which the Resident Magistrate for such district shall have and exercise jurisdiction and authority:

Now therefore, under and by virtue of the powers in me vested, I do hereby proclaim, declare, and make known as follows :—

1. Proclamation No. 3 B.B., and so much of any other Proclamation and legislative enactment whatsoever as may be repugnant to or inconsistent with any of the provisions of this Proclamation, are hereby repealed.

2. A Court of Resident Magistrate shall be and the same is hereby declared to be erected, constituted, and established for and within the district of Kuruman, in the territory of British Bechuanaland; and the said Court shall be holden by and before the Resident Magistrate for the district aforesaid, and so much of the said district of Kuruman as was heretofore within the jurisdiction of the Court of Resident Magistrate of Taungs, shall henceforth wholly cease to be within or subject to the jurisdiction of the said Court of Resident Magistrate of Taungs.

3. The Resident Magistrate for Mafeking shall exercise jurisdiction and authority within the limits fixed and determined by Proclamation No. 29 B.B., constituting and establishing a Divisional Council for the Division of Mafeking.

4. The Resident Magistrate for Vryburg shall exercise jurisdiction and authority within the territory bounded by a line drawn from a point on the Molopo River due magnetic north from the most northerly corner beacon of the Moroquen Native Reserve, in a southerly direction along the western and southern boundaries of the district of Mafeking until the Transvaal border is reached; thence in a southerly direction along that border until the northern limit of the division of Taungs as defined in Proclamation No. 30 B.B. is reached; thence in a westerly direction along the western boundaries of sub-divisions of districts 6 and 5 of the division of Vryburg as defined in Proclamation No. 20 B.B. until the north-western beacon of Farm No. 368 is reached; thence along the northern boundary of the Takoon Native Reserve until the Mashowing River is reached; thence along the Mashowing River to its junction with the Molopo River; thence in an easterly direction along the Molopo River until a point due magnetic north from the most northerly corner of the Moroquen Native Reserve is again reached.

5. The Resident Magistrate for Taungs shall exercise jurisdiction and authority within the limits fixed and determined by Proclamation No. 30 B.B., constituting and establishing a Divisional Council for the division of Taungs.

6. The Resident Magistrate for Kuruman shall exercise jurisdiction and authority within the territory bounded by a line drawn from the point of junction of the Mashowing River with the Molopo River in a southerly direction along the Mashowing River until the Takoon Native Reserve is reached; thence along the eastern boundary of the said reserve until the north-eastern limit of the division of Vryburg, as defined in Proclamation No. 20 B.B., is reached; thence in a southerly direction along the western boundary of the division of Vryburg until the north-western limit of the division of Taungs, near Tlaring, as defined in Proclamation No. 30 B.B., is reached; thence in a southerly direction along the western boundary of the division of Taungs until the border of Griqualand West is reached; thence in a westerly direction along the border of Griqualand West to its junction with the Orange River; thence along the said Orange River as far as, but exclusive of, the Settlement of Gordonia; thence along the southern, western, and northern limits of British Bechuanaland until the point of junction of the Mashowing and Molopo Rivers is again reached.

GOD SAVE THE QUEEN.

Given under my hand and seal this 8th day of September 1887.

HERCULES ROBINSON,
Governor of British Bechuanaland.

By command of his Excellency the Governor of British Bechuanaland.

GRAHAM BOWER,
Imperial Secretary.

No. 39 B.B.

Sir H. ROBINSON'S MINUTE ON Sir SIDNEY SHIPPARD'S DESPATCH, No. 214 G.,
26th August 1887.

THE IMPERIAL SECRETARY,—

Send to Mr. Schreiner. As Gordonia, which is part of British Bechuanaland, is now excluded from the Kuruman district would it not be well, either in this or in another proclamation, to declare it a Magisterial District, giving to the Cape Magistrate at Upington, a commission enabling him, if necessary, to administer the Bechuanaland laws in Gordonia? Mr. Schreiner may, if he thinks desirable, consult with the Attorney-General on the subject.

Enclosure 2 in No. 4.

OPINION.

Acting upon his Excellency's intimation, I have made inquiry from the Attorney General as to the local limits of what is known as Gordonia and its history, which is embodied in documents, access to which has been kindly afforded to me.

By Proclamation 1 B.B., 1885, the territorial limits of Bechuanaland (British) are so defined as to include this Settlement, which had previously been in effect autonomous, the Colonial Magistrate on the northern border exercising no definite jurisdiction, but acting in a quasi-judicial capacity with the consent of the inhabitants of Gordonia. I apprehend that he has continued to exercise these functions since the proclamation above referred to; but in so doing can, of course, only have had such jurisdiction as an arbitrator might have by consent. For the legislative and administrative functions were, by his Excellency's commission of the 29th September 1885, vested in him as Governor of the Cape of Good Hope.

It follows that it is desirable to make provision for the administration of justice in this as in other parts of British Bechuanaland.

The proposed draft proclamation excludes Gordonia from the local limits of Kuruman, and thus Gordonia will, unless provision be made for special administration, be without any territorial administration or court of justice.

I consider, therefore, that looking to the history of the Settlement, and the existing state of affairs there, it would be well were his Excellency to adopt the course, submitted to me for advice, of specially proclaiming Gordonia as a locality within which a magistrate appointed by his Excellency should exercise the same jurisdiction according to the laws of British Bechuanaland which other magistrates will exercise in the other divisions of the country under the proposed proclamation now submitted by Sir Sidney Shippard.

This I would recommend should be done by a separate proclamation and not by an additional clause in this. For (1) the local limits of Gordonia though roughly and vaguely known are not, so far as I can ascertain after inquiry in the office of the Surveyor-General of this Colony, so clearly marked and defined that a proper verbal description could be at once framed, clearly showing the territorial jurisdiction of the new magistracy.

The plan before me sets limits to Gordonia, but I cannot see how the results of survey are to be described; and the limits shown are not apparently those which are (of course roughly) considered to be correct historically by the officials of this Colony.

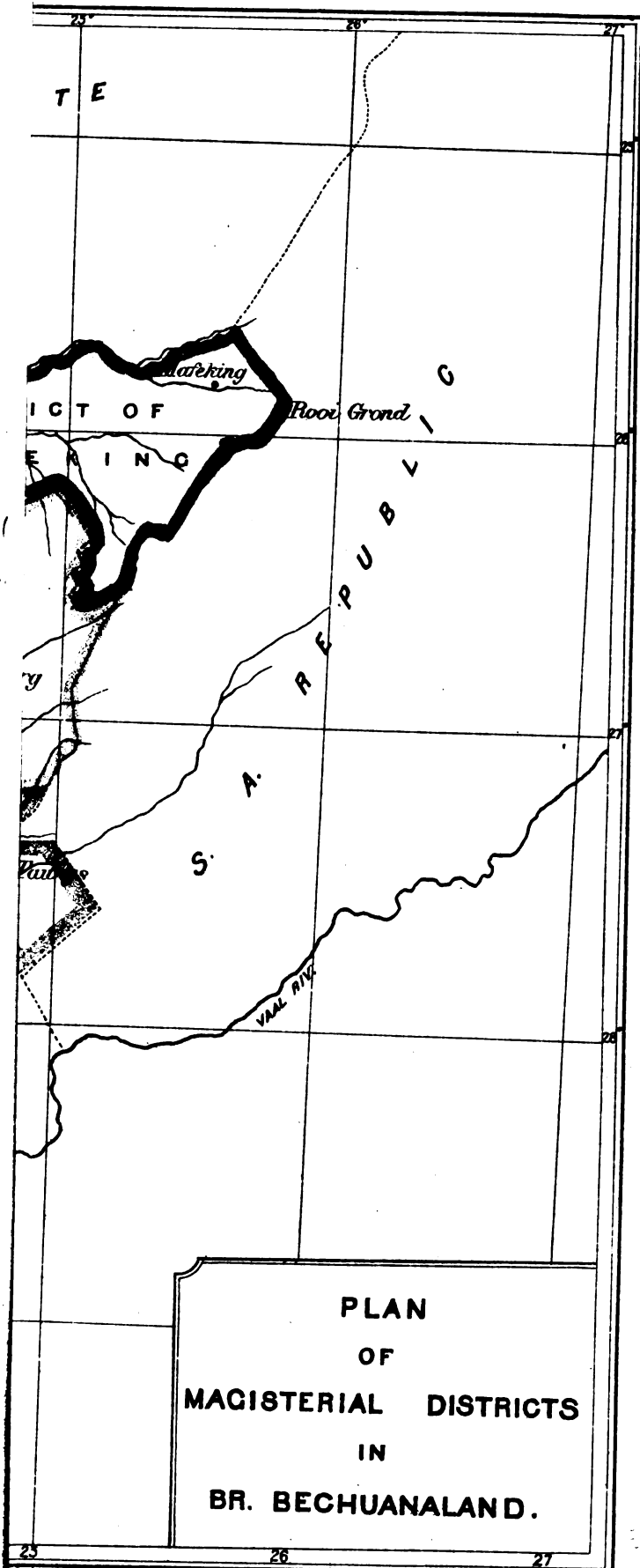
(2.) It is, therefore, very necessary to have an exact description included in the proclamation creating the jurisdiction, for if any vagueness is admitted disputes as to the proper form, Kuruman, or Gordonia, may soon arise.

3. The population of Gordonia is special, and has occupied the Settlement for some time, with satisfaction in the quasi-judicial functions of the magistrate on the northern border. It will, therefore, perhaps best carry out his Excellency's wish to preserve as nearly as possible the form of their existing judicial institution, if inquiry be directed to ascertaining how far the same population extends locally in different directions. I am not advised that his Excellency is at present furnished with the requisite information on this point.

When once the magistracy has been proclaimed it will be competent to his Excellency to commission any magistrate to the jurisdiction; and, no doubt, the Cape magistrate at Kenhardt, who has hitherto acted as an arbitrator in disputes or cases arising in Gordonia since the proclamation of British Bechuanaland, might be deemed by his Excellency a fit person to be clothed under an imperial commission with a definite judicial and magisterial status. But the details of this arrangement would naturally be settled with the Cape Colonial Government and the magistrate himself, before a commission issued to him.

Chambers,
5th September 1887.

(Signed) W. P. SCHREINER.



DANGERFIELD LITH 22, BEDFORD ST. LOVENT GARDEN 16597.

Enclosure 3 in No. 4.

GOVERNOR TO MINISTERS.

MINUTE.

Government House, Cape Town,
October 7, 1887.

THE Governor and High Commissioner transmits herewith, for the information of Ministers, a copy of a proclamation which he has issued defining the boundaries of magisterial districts in British Bechuanaland, as well as an opinion by Mr. W. P. Schreiner on the legal position of the Settlement of Gordonia.

Ministers will observe that the Settlement of Gordonia has been excluded from the magisterial district of Kuruman, though the boundaries of Gordonia have not yet been defined, and that the quasi-judicial authority of the Cape Government Border Commissioner is held to be exercised only as an arbitrator, and by consent.

If Ministers should concur in the opinion given by Mr. Schreiner that it might be expedient to legalise Mr. Scott's position, the Governor will be glad if they will be so good as to invite Mr. Scott, the Border Commissioner, to give his views on the following points.

1. Whether, in Mr. Scott's opinion, it would be desirable to put his authority on a legal basis, by issuing to him a commission as Resident Magistrate of British Bechuanaland, and constituting Gordonia a magisterial district of British Bechuanaland?
2. Whether it would be possible and desirable to satisfy the claims which the Bastards have acquired to local self-government by constituting a divisional council for Gordonia?
3. Whether the introduction of Bechuanaland law, authority, and taxation would be readily accepted by the inhabitants of Gordonia?
4. What amount of revenue would be collected?

Ministers will understand that it is the desire of the Governor to proceed gradually, and to consult as far as possible the wishes of the inhabitants of Gordonia. He will be glad, therefore, if Mr. Scott will give the fullest and frankest expression to his views and suggestions as to the best course to be pursued.

The Governor thinks, too, that any details respecting arrangements with Mr. Scott, regarding his salary, might be postponed until Mr. Scott's reply has been received. If a change in the existing system should be found necessary, an arrangement could then be come to as regards a division of salary between the Governments of the Cape Colony and British Bechuanaland.

(Signed) HERCULES ROBINSON,
Governor and High Commissioner.

Enclosure 4 in No. 4.

MINUTE.

Government House, Cape Town,
March 6, 1888.

THE Governor transmits herewith, for the information of Ministers, a letter which he has received from Messrs. Turner and Garlick reporting the discovery of gold in Gordonia and enquiring as to the legal position of gold miners, if payable gold be found.

As the question asked by these gentlemen raises the question of the legal status of the existing administration of Gordonia, the Governor will be glad to receive from Ministers an expression of their views on the questions referred to in his minute of the 7th October last.

(Signed) HERCULES ROBINSON,
Governor and High Commissioner.

Re Gordonia Territory, Northern Border.

Corner of Strand and Bree Streets, Cape Town,

March 6, 1888.

SIR,

WE beg respectfully to bring to your notice that recently auriferous quartz has been found in the above territory, that tested up to date only showing a small per-centage of gold (about eight grains to the ton), but from indications found and the general character of the district near the Orange River, we believe and are encouraged by Dr. Hahn's reports to think, that eventually payable quartz will be found, in the event of which we would feel obliged with your kind advice as to the position individual prospectors, peggers-out of claims, and owners of farms, would be in.

The Government of the territory, its position in regard to the Cape and Bechuanaland Governments being doubtless well known to you, we need not enter into details, but would like to know, if in view of the enhanced value of the territory, provided payable gold is found, and if in event of prospectors working under the Bechuanaland Gold Law, and pegging out, &c., &c., in conformity therewith, will the Cape Government interfere, or are the relations of the Cape Government with the Gordonia territory such, that we should peg out and generally work in conformity with the Gold Law of Cape Colony, and will the Imperial or Colonial Government grant or extend protection to us; or must we arrange with the individual owners of property, or the people collectively, through the committee of management?

Naturally, having found indications of gold, we would like to have some assurance that, provided we invest capital in developing same, the result of such capital and labour shall be assured to us.

At present we have worked in conformity with the Cape law.

Thanking you in anticipation, and soliciting your early consideration,

We beg to remain, &c.

Captain Bower, R.N., C.M.G.,

For self and D. Turner,

The Imperial Secretary to the
High Commissioner, Cape Town.

(Signed) JNO. GARLICK.

Enclosure 5 in No. 4.

MINISTERS TO GOVERNOR.

(MINUTE.)

Prime Minister's Office, Cape Town,

March 7, 1888.

MINISTERS have the honour to acknowledge the Minutes of his Excellency the Governor and High Commissioner, of the 7th October 1887, in which his Excellency suggests, that certain questions should be addressed to Mr. Scott, the Special Magistrate on the Northern Border, relative to the Settlement of Gordonia, and of the 6th instant, covering a letter from Mr. Garlick concerning the discovery of gold in that territory.

2. In reply, Ministers beg to transmit herewith copy of a letter from Mr. Scott, dated the 3rd November, and copy of the Attorney General's Report of the 3rd December 1887.

3. Ministers beg to state that should his Excellency consider that Mr. Garlick's letter indicates the near approach of a practical difficulty with which the present anomalous Government of Gordonia would be unable to cope, they are of opinion that an officer having a properly defined legal jurisdiction should be appointed in that territory, who would be responsible to the Administrator of Bechuanaland.

(Signed) J. GORDON SPRIGG.

Re GORDONIA SETTLEMENT.

Office of the Special Commissioner,
Northern Border, Upington,

November 3, 1887.

SIR,

I HAVE the honour to acknowledge receipt of your letter of the 12th October, forwarding extract from a Minute to Ministers by his Excellency the Governor and High Commissioner, together with copy of opinion by Mr. Advocate Schreiner on the subject of the position of the Settlement of Gordonia.

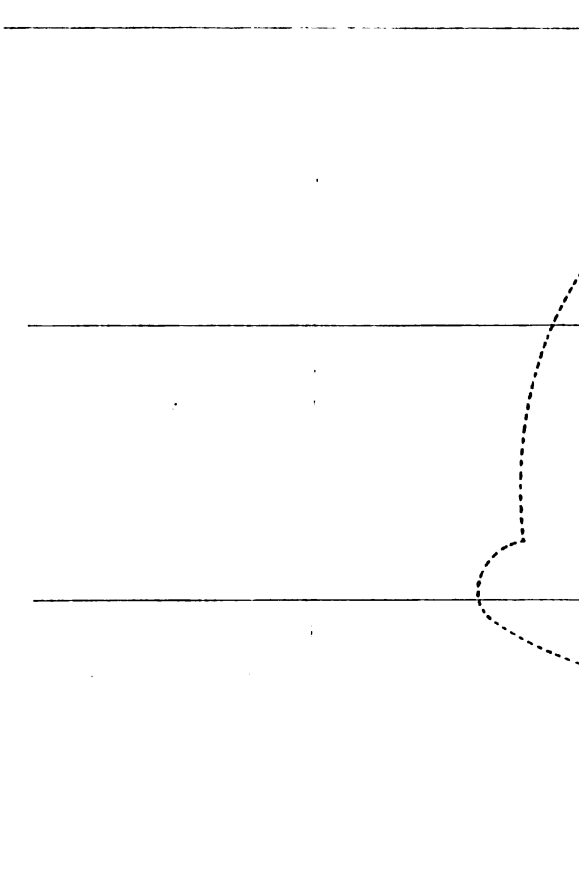
Boundaries of Gordonia

South. Orange River.

West. Line due (not magnetic) North from where the water

East. Boundary of Griqualand West.

North. Southern line of Kalahari Sand Dunes. There



* *From this point the course of the Malopo is lost, and can only at intervals be guessed at, so that it is a bad boundary, only fortunately the country through which this supposed course runs is almost uninhabited and uninhabitable.*

M 30 U

J. H. Scott.

3.1.84.

by letter to
S.N.A.

1/133.

As requested, I shall give my views on the points raised fully and frankly.

A little study of the sketch map herewith will show that it will be no easy matter to arrange matters in this neighbourhood, bringing them into harmony with existing proclamations, and putting affairs on the legal and constitutional basis so dear to the lawyer and logical mind.

In my opinion the attempt to do so would give rise to difficulties and complications, and the practical benefits to be derived therefrom would be infinitesimal in amount and value.

The country now forming the Settlement of Gordonia is to a great extent geographically, and altogether historically, divided from, and unconnected with, the country forming British Bechuanaland. It has always seemed to me that it was a mistake to include the Settlement in that territory, especially as the boundary (the Malopo) is such a very indeterminate one, and is not coincident with the boundary of Gordonia.

From its formation until now the Settlement has been autonomous.

Justice has been administered by field cornets appointed by the committee of management, a body elected by the people themselves, and in difficult cases by myself.

Practically the country has been governed by myself, I always acting in the interests of the Colonial Government, to meet whose wants the Settlement was formed, and hitherto with their consent and approval.

The Government of the Settlement has had the same basis as all Governments, viz., the approval and support of the major quantity of the intelligence, respectability, and physical force in the Settlement. Hitherto the plan has worked well. The Settlement has cost the Colony nothing, it has for ever removed the danger of disturbance before its establishment existing on this border, and law and order have been very well maintained.

Of course the present state is merely transitional. In the nature of things autonomy cannot long be maintained by a small community of coloured people. They cannot resist the temptation of parting with their ground when what appears to them a high price is offered, and in the course of not very many years there will be such an influx of white people that the Settlement will of itself merge either into the Colony or British Bechuanaland.

When, however, British Bechuanaland was proclaimed a horrible anomaly arose. Her Majesty became then the sole fount of authority and jurisdiction in the greater part of Gordonia, and authority and jurisdiction continued to be exercised which did not take its rise from that fount.

I am of opinion that the best way of getting rid of this anomaly is to so modify the British Bechuanaland Proclamation that Gordonia may fall out.

The line would then be "The Malopo to where that river is crossed by the 22nd meridian south along that meridian to the 28th parallel of latitude, and along that to its junction with the Griqualand West boundary."

The Settlement would then fall into the Protectorate. As Protector Her Majesty would not be sole fount of authority and jurisdiction. The autonomy of all tribes and Settlements in the Protectorate is recognised, and such oversight merely given as tends to the protection of the inhabitants and the prevention of scandals against civilisation.

It may be objected that the autonomy of this Settlement may give rise to difficulties. A man may not always be found who could succeed in governing it while the people are quite sure they are governing it themselves. The Settlement might be attacked, murder might be committed, and so on.

In reply, I would say that the coloured people are easy to manage, and any fairly intelligent man with the interests of the Colony and of the Settlement at heart, could easily do even more than I have been able to do.

The Settlement can defend itself against any attack at all likely to be made on it.

If murder or such serious crime were committed, I doubt not that little difficulty would occur in getting real and substantial justice done. And finally that it is not always wise too much to consider difficulties that may only possibly arise.

If the Proclamation cannot be modified then the anomaly must be allowed to continue or a commission issued by the High Commissioner and Bechuanaland laws, &c. be put in force here, and thus in reply to his Excellency's minute I reply:—

1st. I do not think it would be desirable to issue to me a commission as a Resident Magistrate of British Bechuanaland. If Gordonia be constituted a magisterial district of British Bechuanaland, such a change will take place in everything, that I think it would be better to appoint a new man. At the same time if it were considered necessary to take this step, and were thought that I could assist by remaining here, I would accept the commission.

2nd. I do not think it would be either possible or desirable to satisfy the claims of the Bastards to self-government by the constitution of a divisional council for Gordonia. A Resident Magistrate might well work through, and with an elected committee of advisers, but I don't know whether there would be room for such a body under the constitution of British Bechuanaland.

3rd. The people would much prefer to remain as they are, and would not accept any largely increased taxation.

They accept Colonial law, which is the law of the Settlement, modified by regulations rendered advisable by local circumstances.

At present liquor is kept out of the Settlement practically, and any relaxation on this point would be resented by the best of the people.

At present each male adult pays 10s. per annum poll-tax, and there is a land tax of 2/ 10s. on each farm. This gives an estimated revenue of about 350/. Owing to severe drought and having no sale for slaughter stock the people are much in arrear.

4th. I do not think that with the most grinding fiscal government a revenue of 1,000/. (one thousand) per annum could be screwed out of the Settlement. Of course if gold fields are discovered in it or near it, then a handsome revenue can be got. At present it is a very poor Settlement; people can live, but have nothing they can turn to money.

I have, &c.

The Under Secretary for Native Affairs,
Cape Town.

(Signed) JOHN H. SCOTT,
Special Commissioner, Northern Border.

MEMORANDUM by ATTORNEY-GENERAL.

THERE seem to be three courses open in case any change is determined upon, first, to throw Gordonia back into something like its original position by amending the Proclamation defining magisterial districts, such amendment to have the effect of excluding the whole of Gordonia from any magisterial district, while retaining it within the Protectorate: secondly, to amend that Proclamation by including the whole of Gordonia within one of the existing magisterial districts instead of having part within and part without a magisterial district, as at present: or thirdly, to proclaim the whole of Gordonia to be a separate magisterial district with its own Resident Magistrate.

The first course savours somewhat of retrogression, and, therefore, is probably not admissible. The second course would *prima facie* appear to be desirable under any circumstances, for undoubtedly it looks strange to have a civilised code of law in one part of a territory, and another part abandoned to such crude system as the inhabitants may be able to establish. On the other hand, it may be that the part within the Crown Colony contains the great bulk, if not all, of the inhabitants to whom duly constituted legal tribunals are a benefit. The third course suggested, has the disadvantage of additional expenditure, but if that were not of importance, and the number of inhabitants of Gordonia justified the step being taken, I should advise that it be adopted, inasmuch as the great distance to Kuruman practically cuts off Gordonia from the benefit of a legal tribunal. If a new district be created, I think the Resident Magistrate should be an officer of the Imperial Government. If a commission be given to Mr. Scott, he will be in an anomalous position, and, until Bechuanaland becomes part of this Colony, I think it more judicious to confine the duties of our officers to our own territory.

But is any change really necessary at present? Although part of Gordonia is within a magisterial district, I doubt if the people will, for some time at least appeal, to the magisterial tribunal.

Undoubtedly there is danger of a litigious person proceeding to Kuruman, and, by means of a summons, harassing a neighbour, but I should say the chances of such an act are very small. If things are allowed to remain as they are the result will be that Mr. Scott will continue to act as an arbitrator in the same manner as he now does.

(Signed) T. U.

December 3, 1887.

Enclosure 6 in No. 4.

GOVERNOR to MINISTERS.

MINUTE.

Government House, Cape Town,
March 9, 1888.

THE Governor has the honour to acknowledge the receipt of Ministers' Minute of the 7th instant, covering a copy of a letter from Mr. Scott, respecting the Gordonia Settlement, and giving their views on the questions which have been raised by a reported discovery of gold in the Settlement.

The Governor considers that in view of the strongly expressed opinions of Mr. Scott it would be undesirable at present to make any change in the existing position of the Settlement of Gordonia, and that the change which, as suggested by Ministers, may become necessary, should be delayed as long as possible.

The Governor would propose, therefore, if Ministers should concur, to inform Mr. Garlick that any prospecting rights in accordance with the Bechuanaland prospecting law which may be granted to him by Mr. Scott, will be respected by the Government of Bechuanaland, should events render a change in the existing administration of the Settlement necessary.

(Signed) HERCULES ROBINSON,
Governor and High Commissioner.

Enclosure 7 in No. 4.

MINISTERS to GOVERNOR.

MINUTE.

Prime Minister's Office, Cape Town,
March 14, 1888.

WITH reference to the Minute of his Excellency the Governor and High Commissioner of the 9th instant, Ministers have the honour to state that they agree with the views of his Excellency regarding the inexpediency of making any change at present in the management of affairs in the Settlement of Gordonia, and concur in the reply which his Excellency proposes to send to Mr. Garlick.

(Signed) J. GORDON SPRIGG.

Enclosure 8 in No. 4.

IMPERIAL SECRETARY to Mr. J. GARLICK.

Government House, Cape Town,
March 20, 1888.

SIR,

I HAVE the honour to acknowledge the receipt of your letter of the 6th inst. reporting the discovery of gold in the Settlement of Gordonia, and enquiring whether, if you should peg out claims, the Imperial or Colonial Government will extend protection to you.

In reply I am directed by his Excellency the Governor to inform you that any prospecting rights in accordance with the British Bechuanaland prospecting law which may be granted to you by Mr. Scott, the Commissioner for the Northern Border, will be respected by the Government of British Bechuanaland, should events render a change in the existing administration of the Settlement necessary.

John Garlick, Esq.,
Strand Street, Cape Town.

I have, &c.
(Signed) GRAHAM BOWER,
Imperial Secretary.

Enclosure 9 in No. 4.

GOVERNOR TO ADMINISTRATOR.

Government House, Cape Town,
March 20, 1888.

SIR,

WITH reference to your Despatch of the 26th August last, I have the honour to enclose, for your information, copies of correspondence which has taken place respecting the legal status of the Settlement of Gordonia.

His Hon. Sir Sidney Shippard, K.C.M.G.,
&c. &c. &c.
Vryburg.

I have, &c.
(Signed) HERCULES ROBINSON,
Governor and High Commissioner.

No. 5.

SIR HERCULES ROBINSON to SIR H. T. HOLLAND.
(Received April 10, 1888.)

(Extract.)

Government House, Cape Town,
March 21, 1888.

I HAVE the honour to enclose, for your information, a copy of a Despatch which I have received from the Administrator of British Bechuanaland covering a copy of the agreement recently signed by the Matebele Chief Lo Bengula.

In recommending that I be authorised to ratify this agreement on behalf of Her Majesty's Government, I would beg to express my sense of the tact and ability displayed by Mr. Moffat in the conduct of negotiations which have resulted in an agreement highly advantageous to British interests in South Africa.

The Right Hon.
Sir H. T. Holland, Bart., G.C.M.G.,
&c. &c. &c.

I have, &c.
(Signed) HERCULES ROBINSON,
Governor and High Commissioner.

Enclosure in No. 5.

ADMINISTRATOR TO GOVERNOR.

(Extract.)

Administrator's Office, British Bechuanaland,
Vryburg, March 9, 1888.

I HAVE the honour to forward, for your information, a copy of a letter which I have received from the Assistant Commissioner enclosing a certified copy of an agreement signed by Lo Bengula, the original of which Mr. Moffat states he is bringing with him.

His Excellency the Governor,
Cape Town.

I have, &c.
(Signed) SIDNEY SHIPPARD,
Administrator.

SIR

Gubulawayo, February 11, 1888.

I HAVE the honour to forward certified copy of an agreement into which the Chief Lo Bengula is willing to enter with Her Majesty's Government. He has just put his own hand to it after protracted discussion and explanation. I am thoroughly satisfied

No. 6.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, April 13, 1888.

I AM directed by Lord Knutsford to transmit to you, for the information of the Marquis of Salisbury, Despatch of March 21* from the High Commissioner of South Africa containing the text of the agreement signed by Mr. Moffat with the Chief Lo Bengula.

The Under Secretary of State,
Foreign Office.

I am, &c.
(Signed) JOHN BRAMSTON.

No. 7.

LORD KNUTSFORD to SIR HERCULES ROBINSON (SOUTH AFRICA).

SIR,

Downing Street, April 18, 1888.

I HAVE the honour to acknowledge the receipt of your Despatch, of the 21st ultimo,† respecting the legal status of the district of Gordonia in Bechuanaland.

2. I concur in the view expressed in your Minute of the 9th of March, to the effect that it would be undesirable at present to make any change in the existing legal position of this Settlement, and in the reply which you directed to be sent to Mr. Garlick's letter of the 6th ultimo.

3. Should, however, any serious difficulty arise in connexion with the discovery of gold or otherwise, which could not be dealt with under existing arrangements, it may become necessary to appoint an officer having properly defined legal jurisdiction over the Settlement, and responsible to the Administrator of Bechuanaland.

Sir H. Robinson.

I have, &c.
(Signed) KNUTSFORD.

No. 8.

LORD KNUTSFORD to SIR HERCULES ROBINSON.

TELEGRAPHIC.

April 24.—You have authority to ratify agreement signed with Lo Bengula.

No. 9.

LORD KNUTSFORD to SIR HERCULES ROBINSON.

SIR,

Downing Street, April 25, 1888.

I have received your Despatch of the 21st ultimo,‡ in which you forward correspondence respecting the arrangement concluded by Mr. Moffat with Lo Bengula, the King of Matabeleland, together with a copy of the agreement itself.

I conveyed to you by telegraph on the 24th instant,§ authority to ratify the agreed ment.

I have now to express my appreciation of the tact and ability shown by Mr. Moffat in his dealings with Lobengula.

Sir H. Robinson.

I have, &c.
(Signed) KNUTSFORD.

* No. 5.

† No. 4.

‡ No. 5.

§ No. 8.

Enclosure in No. 20.

SEÑOR DE CARVALHO to Sir H. ROBINSON.

Portuguese Consulate, Cape Town,
April 27, 1888.

EXCELLENCY,

IN the Government Gazette Extraordinary of the 25th instant (25th April) is published a Treaty entered into between Lobengula, ruler of the Amatabele, and the Assistant Commissioner, J. S. Moffat, and duly approved and ratified by your Excellency as Her Majesty's High Commissioner for South Africa. In this Treaty the tribes of Mashonaland and Maka Kalaka are acknowledged as tributaries to the said Lobengula, ruler of the Amatabeles.

The Crown of Portugal claiming rights of sovereignty to the Mashona country by right of conquest and cession, I therefore in my capacity as representative of Portugal, beg to record my protest against that part of the Treaty by which the Mashona tribes are acknowledged as tributaries of Lobengula, ruler of the Amatabele.

I have, &c.

(Signed) EDUARDO A. DE CARVALHO,
Consul for Portugal.

To His Excellency Sir Hercules Robinson, G.C.M.G.,
Her Majesty's High Commissioner
for South Africa.

No. 21.

COLONIAL OFFICE to FOREIGN OFFICE.

(EXTRACT.)

Downing Street, May 23, 1888.

As regards the recent treaty between Great Britain and the Matabele King, it may be noted that it is not the first time that this country has entered into a treaty with the Matabele King. Such a treaty was concluded on the 3rd of March 1836, between Sir Benjamin D'Urban, and the representative of the then Matabele King, Umsiligas, therein called the King of the Araqua Zooloos. By that treaty the King engages to act in concert with the Government of the Cape in "subduing whatever may be calculated to disturb the general peace, or retard the civilization and prosperity of the native tribes of South Africa."

In later parts of the treaty it is provided that the King and his people are to be regarded as the "subjects and friends" of the Governor of the Cape; and the appointment of a British Resident in the country is provided for. A copy of this treaty will be found at page 13 of the House of Lords Paper of 1884 (42).

Lord Knutsford is not aware that the treaty has ever formed the subject of protest by Portugal during the 51 years of its existence.

No. 22.

SIR HERCULES ROBINSON to LORD KNUTSFORD.

(Received June 4, 1888.)

Government House, Cape Town,
May 16, 1888.

MY LORD,

WITH reference to my Despatch, of the 21st March last*, I have the honour to enclose, for your Lordship's information, a copy of a minute which I have received from Ministers, notifying their intention to withdraw Mr. Scott, the Border Commissioner, together with his establishment and the police from the settlement of Gordonia, which is situated on the northern side of the Orange River and forms a part of the Crown Colony of British Bechuanaland.

Consequent on this decision of Ministers it will become necessary to make arrangements in regard to the future status of the settlement which has hitherto been supervised by Mr. Scott. Gordonia might be erected into a separate magisterial district of British Bechuanaland, or it might be incorporated in the magisterial district of Kuruman, or it might be considered advisable to leave the existing settlement free from magisterial control, and to recognise in some manner the present system of local self-government established by the Bastards. But, as Mr. Scott will shortly arrive in Cape Town, I

* No. 4.

propose to delay making any recommendation on these points until I have had an opportunity of obtaining full information from him as to the circumstances of the settlement, and of ascertaining his views as to its future government.

I have, &c.
(Signed) **HERCULES ROBINSON,**
Governor and High Commissioner.

The Right Hon. Lord Knutsford, G.C.M.G.,
&c. &c. &c.

Enclosure in No. 22.

MINISTERS TO GOVERNOR.

Prime Minister's Office, Cape Town,
May 7, 1888.

(Minute.)

MINISTERS have the honour to submit to his Excellency the Governor the following observations respecting the administration of affairs on the Northern Border:—

The district known as "the Northern Border" was created by Act, No. 27, of 1868. The object of that enactment may be gathered from its preamble, viz., to make better provision for the peace and good order in certain portions of named divisions in that part of the Colony. The boundaries of this new judicial district are defined in the Act and the jurisdiction and nature of the administration to be exercised by the officer appointed for that purpose are clearly set forth. It is unnecessary to refer in detail to the circumstances which led to the passing of that Act; but it may be stated generally that the tract of country to which it relates was, until quite recent times, occupied by Bushmen and Hottentots. Gradually farmers, most of them Bastards, moved up from the more settled parts of the Colony in the south, and established themselves there. As the natural consequence of their proximity to Bushmen and Hottentots, depredations were committed upon the flocks and herds. Armed parties were organised to recover stolen stock, frequent collisions took place between the farmers and Bushmen, and many of the latter were shot.

Some 27 years ago an officer, Mr. Anthing, was sent by the Colonial Government to look after the country, and to endeavour to reclaim the bushmen to some sort of orderly life. A large expenditure was incurred for this purpose, and everything was done to secure that object, but all in vain.

About 1867 the state of affairs had become such, that Government was obliged to take action in consequence of the numerous thefts that occurred, and the objectionable nature of the measures of self protection adopted by the inhabitants. A special police force was therefore sent to restrain the marauding habits of the Bushmen and Hottentots which led to resistance on the part of those tribes, ultimately developing under the leadership of Piet Rooi and others into a most serious state of affairs which required a force of over 800 men, under the late Sir Walter Currie to deal with. After the lapse of a considerable time, the loss of much life, and the expenditure of a large sum of money, order was restored.

The country having been cleared of marauders, it was found that the only way of preventing a recurrence of such a state of things was to restrain the natives from again obtaining possession of the numerous islands in the Orange River, from which, owing to the nature of the country, it was extremely difficult effectually to drive them. This object was attained by the assistance of Klaas Lucas and Poffadder who were induced to join the Colony in subduing the Bushmen, and who for their services were rewarded by the grant to them of the country north of the Orange River between it and the Kalahari, and from Khuis to the Waterfalls. The islands, as a matter of course, were excluded from the territory given to them.

In return for this grant, they engaged by treaty, not to allow anyone to settle in the country who was disapproved by the Government, to keep their own people from plundering the Colonial farmers, and to apprehend and give up all criminals escaping from the Colony. The magistrate at Kenhardt, 70 miles from the nearest point of the river, was to be the medium of communication between them and the Government.

For a time these obligations were fairly well observed, but as there was no one among the settlers on the northern side of the Orange River representing the Government who could exercise a wholesome influence over them and put them on their guard against being misled by false information of what was taking place in other parts of the Colony, it was not long before they slackened in their performance of the stipulations of the

treaty. They commenced by allowing a considerable number of colonial Bastards to reside in the country, paying a grazing rent for their stock. The influx of Bastards led to the impression that the Natives were being pushed to the wall; and rumours about this time becoming current to the effect that all the coloured races had combined to drive out the white man, and that the Kafirs on the frontier had obtained signal successes over the colonial forces, they informed the Bastards of their intention to attack them, and what they would do if Government protected the Bastards. This so alarmed the Bastards that they fled into the Colony, followed by the marauders, who stole their cattle. This was the originating cause of the late Koranna war, and was followed by the establishment of the Bastard settlement north of the Orange River, which, under the able administration of Mr. Scott, has been successfully ruled.

Mr. Scott was appointed by letter from the office of the Secretary for Native Affairs of 7th January 1880, as special magistrate, with general jurisdiction on the southern side of the Orange River, under the Northern Border Protection Act, No. 27, of 1868, and Commissioner for certain purposes on the northern side of that river. His place of residence was fixed at Olyoehont Drift, and he was to hold a judicial court at Kenhardt within the Colony.

A mounted police force of 80 men was enrolled under the above Act, and placed under his orders. They were to be used for patrolling the country on both sides of the Orange River, for the prevention of crime, the maintaining of order, and keeping the islands clear; and, in order to prevent reoccupation by the Korannas, the vacant country north of the Orange River was to be filled up by such Bastard farmers residing to the south of the river as were willing to cross it for that purpose, the object being to establish a community having no sympathy with the Korannas, Griquas, Bondelswarts, or any wandering tribes, as a means of preventing the country being occupied by such tribes. The country thus filled up by the Bastard farmers, now called Gordonia, was to be defended by themselves, and they were required to prevent the ingress of any Native tribes and to provide for the maintenance of law and order, appointing their own officers, and, in fact, adopting such measures for self-government as they deemed necessary, at their own expense. These were the distinct conditions upon which the settlement was founded.

These Bastards, however, doubting their ability to discharge the responsibilities of their new position without the assistance and advice of the Commissioner, it was decided, upon representations to the Government, that Mr. Scott should reside across the river, where he would at all times be accessible and able to advise them in all matters upon which they sought or required his friendly counsel, he having no legal jurisdiction amongst the community.

The principal object sought to be attained, as above stated, having now been secured and the district known as Gordonia having been included within the limits of the Colony of Bechuanaland, there is no longer occasion for the continued residence of a Special Commissioner on the northern side of the Orange River. It is therefore intended to remove him and his establishment with the police, and to erect Kenhardt into a magistracy, with a defined district south of the river which the police will patrol.

It will be necessary to make arrangements for the supervision of the affairs of the inhabitants of Gordonia upon the change occurring, which it is proposed shall take place at the conclusion of the financial year on the 30th June next.

Mr. Scott, the Special Commissioner, has been summoned to Cape Town, to receive instructions regarding another mission upon which it is intended to employ him, and he will, during his visit, be instructed to give his Excellency the fullest information respecting the past and present condition of the district of Gordonia and its future requirements.

(Signed) J. GORDON SPRIGG.

No. 23.

SIR HERCULES ROBINSON to LORD KNUTSFORD.
(Received June 4, 1888.)

Government House, Cape Town.
May 16, 1888.

MY LORD,

I have the honour to enclose, for your lordship's information, a cutting from the newspaper "De Volksstem" published at Pretoria, giving the substance of a proclamation issued by the Government of the South African Republic notifying the appointment of