



5 Volle Maan.	10a. 28m. 's Nachtslags.
12 Laatste kw.	1a. 28m. 's Namiddags.
20 Nieuwe Maan.	4a. 26m. 's Morgens.
28 Eerste kw.	8a. 55m. 's Morgens.

## DE ZUID-AFRIKAAN.

KAAPSTAD DEN 3 AUGUSTUS 1838.

Wy hebben altoos het onberaden besluit onzer Boere, om de Kolonie te verlaten, betreurd; want, vertrouwende op de wysheld en voorzienigheid van een hooger en grootmagtige Wezen, wiens hand hulp kan verleenen, als menschelike bystand te kort schiet, waren wy geneigd, om met Christelyk gediuld, dat tyd afwachteten, wanneer gelukkigdag zouden aanbreken. En, terwyl ons de toestand bedroeft, waarin Zy volgens de laatste berichten schynen te verkeeren, kunnen wy insgelijks niet dan diepe smart gevoelen, dat de zucht tot wegtrekken, ondanks dien berichten, nog niet opgehouden, maar steeds in volle werking is, en dat, in den loop der verleeden jaren, is voortgegaan, het Adres van den Gouverneur NAPIER, gedateerd 21 Mei II., die eerste en enige officiële kennismeming daar van heeft.

Doch, terwyl wy geres zyn, dergelyke maatregelen te ondersteunen, zyn wy tevens gehouden, ons te kanten, tegen enige scheiding van onzer publieke regten en vryheden, of enige aanmatiging van magt door het Gouvernement der Kolonie. Zoo wy eerst eenmaal gedogen, dat onze vryheden worden verkracht, en de wachten verdaaid, om de doeleinden van den dag te bereiken, openen wy aan schraapzuchtige vyanden, onze geheiligde woningen, geven ons leven en eigendommen aan hunne genade over, en worden slaven der magthebbers van den dag, en de gemakkelijke prooi van kleine dwingelanden. Byaldien de ledien der burgerlyke maatschappij, door wetten worden bestierd, zyn zekerheit, vrede en welvaart, de heilige gevolgen; doch hangen zy af van den wil des regeerders,—of worden zy geregeerd door de yzere roede eens dwingelanden, dan worden de banden der burgerlyke zamenleving van elkannder gereten, en geweld, onderdrukking en bloedvergieten, verstooren den geweigerden staaten des afgemachten.

Godz yz dank!—dat wy over dusdanige schending, nog niet te klagen hebben. Maar, wanneer wy bemerken, dat dezer dagen, zy die voorwendien gevoelen, om de oortuigen van uiteenlopende jaren, is voortgegaan, het Adres van den Gouverneur NAPIER, gedateerd 21 Mei II., die eerste en enige officiële kennismeming daar van heeft.

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Het was reeds een onderwerp van redekavelling, in het voorleden jaar, of de boeren, door uit de Kolonie te verhuizen, zich onderhevig maakten aan straf of boeten, dan wel, of Zy volgens de wetten der Kolonie, geregtig waren, en de magt hadden, zich aldus aan het bewind des Kolonialen Gouvernement, te onttrekken. Twee bekwaam geschreven briefen, door een "Waarheids Vriend," zyn in ons blad van den 10 Febrary en 31 Maart des voorleden jaars geplaatst, ten doel hebbende, aantoonende, dat onse koloniale wet, zoodanige verhuiszing niet verbindt. Volgens het Engelsch regt, houdt een Engelschman, die naar Frankryk verhuist, met het erkende doel om nimmer meer dan een halfjaar te blijven, en dat de gevolgen daarvan, na den 1 December zullen zyn, vereischt geen betoog. Zy zyn klarblykelyk. Waarop is de veronderstelling gegeerd, dat daa dat tyd, de appreitie beter zullen zyn dan thau. Op welk geschrift beginnen het gevonden, dat zy na de geheele vrystelling een puchter en nyverig gedrag zullen voeren, terwyl de wachten, hun aanhoudend uitnodigen, en de middelen van toegang tot die wolvennesten zoodi makakkelyk zyn. Wy zien er geen.

Ons is door een Correspondent, zich zelven teekende, "Ren Liefhebber van Zang en Muzyk," toegezonden, een pakje dat op aanzoek kan worden ontvangen, door den jongen Heer Hablutzel, Directeur van het Muzik-Gezelsschap, genaam "Harmonie en Eendragt." De wyze, waarop ons Correspondent zyne minzame ondersteuning aanbedt, verleent ons volkomen goedkeuring, en wy vereenigen ons met hem, in hartelijke wenschen, dat het jonglii Zang- en Gezelsschap, onder deszelfs tegenwoordige motto, vermaak en uitspanning in toekomstige winter avonden mag opleveren.

Wy hebben der eer niet, van "No Bachelor," te kennen die de plaatsing van zyne brief heeft begeerd; anders zou den wy het genoegd gehad hebben, om hem, onzaaen kinderen, privaat mede te delen. Het spyt ons, dat wy de moeite gedaan hebben, om dien brief te doen zetten, in de veronderstelling, dat het "Huwelyk-rigtnoer voor Dames, in den Mediator," van den 19 Juny, oorspronckelyk van den Editore selwas was, tot dat wylt opgetreden werden, gemaakt dat het nietkes was uit een Engelsch blad. En wylt yl om eenen Editore aantekelen, wegens enige anecdote, welke hy als zoodanig, in zyn blad heeft overgenomen, komt ons voor iets vreems te zyn. Tevens, dryven wy genen handel in personaliteiten, en de geheimen van het huyskrijf leven, zyn voor ons even heilig, als de schimmen der overledenen. Ons doel is publick goed,—en wy zyn slecht geregtig, om publicke karakteren, en dit nog man wegens publike daden, te berispen. Alt hegen van cepen privaten aart is, blykbaar, een heilige, niet te verhindern door eenne byzondere plaatstelyke wet. De groote Romeinsche Redenaar noemde dit te regt, het bolwerk der burgerlyke vryheit, dat geen onderdaan gedwongen kan worden een onderdaan van den staat te blyven, man deswegens zyne vrye keuze heeft. Indien het van de eneuvels van slavery is, dat geen slaven zyne eigen moeite kiezen kan, geldt hetzelfde hier, wan't het zoode niets anders zyn dan een vry onderdaan tot eenen slaaf te verneiden, indien hem de keuze ontzegd werd van den staat en de wetten, waaronder hy begeert te leven.

Zoo dit dan de wet des lands is, door Hare Majesteits voorzaant by het Koninklyk Charter aan ons Hooge Gereghof ter handhaving opgedragen,—moet het klarblykelyk zyn, dat zoo de Gouverneur der Kolonie het overtrekken der Noorderlyke grenzen strafe, of de tegenwoordige wegtrekking poogde te verhindern, ander dan door wettige middelen, diu daad, die eerste stap zoude zyn tot een iabreuk op onze publieke regten en vryheden; en geducht zal de verantwoedelikheid zyn, waar aan Zyne Excellentie zichzelfe zoudde blootstel.

Thans is er niets, om eene vrees te koesteren, dat de Gouverneur de palen zyns gezags zal overschreden, of zich eene magt aannemt, die hy niet bezit;—dit blykt uit den aart van het Adres, aan de uitgewekene Boeren, en dit hebbet wy reden te verwachten van den rondborstigen en edelen inborst van Generaal NAPIER. Doch moeten wy om dien reden zichtjies insluimeren, als een publiek Nieuwsblad, Zyne Excellentie aldus aanspreekt!

De bestaande wetten van de Kolonie stellen den Gouverneur in sta't, het overtrekken der grenzen ten Noorden door Britsche onderdaanen te straffen, wanneer Zy geene behoorlyk verlof daartoe hebben. En zelfs, indien er geene plaatstelyke wet op dit punt bestond, zou het Gouvernement van de Kaap geregtig zyn om voorzien in de rust der binnenlanden en de sterke van deszelfs eigen frontier, door eene inspanning van het vermoeden en gezag, natuurlyk eigen aan alle Gouvernementen.

Geft het in andere woorden, en op een meer onmiddelyke wyze, aan het Gouvernement der Kolonie, den raad niet aan de hand,—idien gy de magt niet heb, om de emigratie te beteugelen, kunt gy evenwel, daar gy als Gouverneur, aan het hoofd onzer maatschappelyke aangelegenheden geplaatst zyt, den Dictator spelen; neem eens dispuetie magt in uwe handen, matig u eene magt aan, die de wet u niet geeft, en bestampel dezelve met den naam van "magt en gezag, natuurlyk eigen aan alle Gouvernementen!" Geen geavaalyk grondbeginsel, hebben onze nieuwbladeren, gedurende eenen geruime tyd, durven te berde brengen. Indien hetzelfe bedoeld zy, om het Gouvernement tot het daaraanstaan van de sene of andere wetsbepaling, doorgaande te nopen,—kan men tot de wegevende magt der Kolonie, zynne toevlucht nemen, en, wy hopen dat deze eerst ernstiglyk zal overwegen, alvorens, tot een besluit te komen in eene zaak van zoo veel aangehang voor onze regten en voorrechten. Maat het doelt klaarblykelyk op iets anders,—deszelfs doelwit is de vernietiging van die regten en vryheit, die wy als eene erfenis van onze Vaders hebben gekregen, en die wy ongeschieden behoeven te bewaren, en onbevelekt aan het nageslacht overteleveren.

Indien de emigratie van de Kolonie nadelig zy—en wy zyn niet bereid dit te ontkennen—betaamt het elk Gouvernement dat kwaad te beteugelen, en tot dat einde, de redenen en oorzaken uitgevonden hebbende, zoodanige maatregelen te nemen, als die oorzaken uit den weg kunnen ruimen. Indien een Gouvernement op de bezittingen en het leven onderdaan, die niet met de magt en het gezag, aan hetzelfe eigen, weigert deszelfs onderdaan te beschermen, in het gerust bezit en vredzame genot huner regten en eigendommen,—indien het de "ingeschapene" regten van deszelfs blanke onderdaanen als niet voelen vertrap; dan ryt het den banden des maatschappelyke levens van een, het vernietigt die maatschappelyke overeenkomst tusschen zichzelven en den onderdaan, en laastigmede krygt het onbetrouwbare regt, van naaen anderen staat te verhuzen, alwaar zyn eigen leven, en dat zyn huisgezin, behermd word, zyn bezittingen veiliger zyn, en zyne regten en vryheden, beter worden erkend. Indien dus de oorzaken der emigratie van dien nat zyn, gebrukt deszelfs onderdaanen van die regt, en gene zwaarden en bajonetten, ter staking van deszelfs, maar bedwingend den voortgang van zulk eenne gegrond misnoegheid, doet eenne aanwending van het gezag nuwer reden, waarmede de Voortziengelheid moet ten tone van het menschelyk geslach heeft begaasd. Herstel de euvels. Byaldien uwe onderdaanen uit honsgenoed wegtrekken en gy wilt zullen tegengaan, geef hen daa voedsel, doch drukt het zwaard hen niet in de keel, om de van hoger rummelende ingewanden, te vernielen. Wy vertrouwen derhalve, dat de Gouverneur zoa lang het mogelyk is, om de oorzaken der tegenwoerige wettige wegtrekking uit den weg te ruimen, de Kolonie niet zal blootstellen, aan nieuwe stuip trekkingen, door middelen te bezingen, en beginsalen antenomen, welke Harer Majesteits onderdaanen in onvermydelyke kommer zouden doldempen, en hen aan de zwaarste rampen blootstellen.

Wy hope, dat de Gouverneur zal overwegen, alvorens te handelen, zoo weinig overeenkomstigen eenen Engelschman, door zich sene magt aantematigen, welke hem door de wetten des lands niet wordt toegekend.

Op den 28 verledene maand, is 'ene Verkooping gehouden, onder de Deelhebber in bovengemeinde Bank, van enige onbeschikte Aandeelen ten getale van 120; welke allen verkocht zyn of £91 tot £101 elk. Dit is voorzeker een sprakend bewys, van den bloeienden staat der Bank, en haer wezenlijke en toekomstige voordeelen. De nominale waarde van elk Aandeel is £50, waarop slechts eenne £33 6 8, is betaald geworden. Men spreekt van de oprichting van eene tweede private Bank in de stad.

KAAP DE GOEDE HOOP BANK.

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CLAN-WILLIAM.

Een Correspondent meldt, onder dato 23 July, "er syn weder ze zaken waarin verklaringen worden ingewonnen, wat waarschijnlyk voor het aanstaande Rondgaande Gereghof, te worden gebragt. Er zyn 2 wegens moord, en 4 wegens braak en diefstal, synne ontsnappingen worden begrepen, en voorzeker een sprakend bewys, van den bloeienden staat der Bank, en haer wezenlijke en toekomstige voordeelen. De nominale waarde van elk Aandeel is £50, waarop slechts eenne £33 6 8, is betaald geworden. Men spreekt van de oprichting van eene tweede private Bank in de stad.

DE UITGEWEKENE BOEREN.

Wy hebben geres berichten wegen de uitgewekene Boeren, omtrent hunnen tegenwoerige toestand. De latste Graham's Town Journal, belooft ons in syn volgende nummer, gewigste mededelingen.

"Wy hebben," zegt het, "een onstandig veralg ontvangen, van de verigtingen en vooruitzichten, van de uitgewekene Boeren, wegens de lengte waarvan, wat hetzelfde onvolledige wegtrekking uit den weg te ruimen, de Kolonie niet zal blootstellen, aan nieuwe stuip trekkingen, door middelen te bezingen, en beginsalen antenomen, welke Harer Majesteits onderdaanen in onvermydelyke kommer zouden doldempen, en hen aan de zwaarste rampen blootstellen.

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De uitstekende tydingen van de Trekkboeren, hebben het krank, uit die Districk, een weinig gestopt."

Wy hopen opregtelyk, dat deze berichten bewaarheid mogen worden;—en dat onse maliëde landgenoten huuren, en dat vermoordene eens maliëde kinderen, en dat het zinnoelheid is om een wortel te gaan ophalen, zynne zullen medeënmeedelen.

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Graaf-Reinet, 28 July 1838.

"Het schijnt, dat er by ons mensche eene verandering begint te ontstaan. Sedert Boshof, en de andere syn teruggekomen, zyn de menschen niet zoal te voen opgekomen, weg te trekken. De geest van uitwijkende schijnt, en van dezen verigtingen en vooruitzichten, van de uitgewekene Boeren, wegens de lengte waarvan, wat hetzelfde onvolledige wegtrekking uit den weg te ruimen, de Kolonie niet zal blootstellen, aan nieuwe stuip trekkingen, door middelen te bezingen, en beginsalen antenomen, welke Harer Majesteits onderdaanen in onvermydelyke kommer zouden doldempen, en hen aan de zwaarste rampen blootstellen.

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## TO CORRESPONDENTS.

We think a man might consider him happy, in having one friend, but here we have two at the same time; they both call themselves Amicus—the one we will call Amicus R., and the other shall have the unknown letter of Amicus X. They shall both appear in our next.

## THE ZUID-AFRIKAAN.

CAPETOWN, AUGUST 3, 1838.

We always regretted the desperate resolution of our farmers to emigrate from the Colony; because, confiding in the wisdom and providence of a higher and superior Being, in whose hands is the granting of relief, when human power shall fail, we were inclined with Christian patience to await the time, when brighter days would shine upon us. And while we deplore the situation in which, by the latest reports, they appear to be placed, we cannot but also feel a deep sorrow, that notwithstanding those reports, the spirit of emigration has not subsided, but is still in its fullest vigour; and that, while about 150 wagons have passed the boundary during the preceding month, numbers of inhabitants are still preparing themselves, to discede from the jurisdiction, under which for so many years, they have been living as peaceful subjects.

With this feeling, we cannot but highly applaud, that *legal* means be resorted to, and the language of persuasion employed, for the purpose of preventing this Colony from being deprived of such useful members of our Colonial State. And it is rather a matter of surprise to us, that while the emigration has been going on for the last three years, the address of the Governor NAPIER, of 21st May last, should have been the *first* and *only official* notice taken of it.

But while we are prepared to support such measures, we are at the same time bound equally, to oppose ourselves to any violation of our public rights and liberties; or to any assumption of power, by the Government of this Colony. If we once allow our liberties to be trampled upon, and the laws to be distorted, for the convenience of the day, we open to a rapacious enemy the entrance to our sacred dwellings,—we place our lives and properties at his mercy,—and we become impotent slaves of the power of the day, and the easy prey of petty tyrants. If the members of civil society are governed by laws,—security, peace, and happiness are the beneficial consequences;—but if they are dependent from the will of him who governs,—if they are to be swayed by the iron rod of a despot, the ties of civil consociation are rent asunder, and violence, oppression, and bloodshed, disquiet the refused slumber of the most weary.

Thank God! that of such violation we have not yet cause to complain. But when we find, that in the present days those who pretend to express public feeling, appear to justify such despotic assumption of right, and advise its exercise, it behoves us, seriously to reflect upon the consequences.

It was already a matter of controversy last year, whether the farmers, by emigrating from the Colony, became subject to punishment or penalties, or whether, by the laws of the Colony, they were entitled, and had the power, thus to secede from the Rule of the Colonial Government.—Two ably written letters, by “*A Friend to Truth*,” were inserted in our numbers of 10th February and 31st of March, purporting to show, that our Colonial law does not forbid such emigration.—By the law of England, an Englishman emigrating to France, with the avowed object of never returning, and there becoming a subject to King LOUIS PHILIPPE,—does not cease, nevertheless, to be a subject of the QUEEN of England.—But the law of this Colony is different;—and a reference to the authorities, to which the Correspondent above mentioned has alluded, will at once remove all doubts thereon.—By the Law of Holland, every subject is entitled, to become the subject of another State, and thus free himself from the allegiance of the former, unless restricted by a special Local Law.—The great Roman Orator, justly called this the great bulwarks of civil liberty, that no man can be compelled to remain the subject of the estate, but shall have the right of election.—If it be one of the evils of slavery, that a slave cannot choose his own master, the same reason prevails, for it would be subverting a free subject into a slave, where he refused to make choice of the State and the Laws under which he prefers to live as a subject.

If this, then, be the law of the land, which Her Majesty’s predecessors, by the Royal Charter, directed our Supreme Court to follow and execute,—it must be evident, that were the Governor of the Colony to punish the passing of the Boundary Northward, or endeavour to prevent emigration, unless by legal means, that act would be the first step towards an invasion on our other public rights and liberties;—and awful will be the responsibility to which His Excellency would subject himself.

There is nothing at present to justify any fear, that the Governor will overstep the limits of his authority, or assume to himself a power, which he does not possess;—This is evident from the spirit of his Address to the Emigrant Farmers, and this we have reason to expect from the candid and liberal-minded character of General NAPIER.—But are we therefore peacefully to slumber, when a public Paper, addresses to His Excellency the following words? “The existing laws of the Colony enable the Government to punish the crossing of the boundary northward, by

permission so to do.—And even were no local law in existence on this head, the Government of the Cape, would be justified, in providing for the peace of the Interior, and the strength of its own Frontier, by an exertion of the POWER AND AUTHORITY, naturally inherent in all Governments.”

Does it not convey to the Government of the Colony, in other words, and in a more direct manner, the advice,—if you have not the power of checking the emigration, still, as you are as Governor at the head of our social affairs, be the dictator;—take into your hands despotic power, assume a power which the law does not give you, and cloak it, under the power and authority naturally inherent in all Governments?”—A more dangerous principle, our public papers, have not for a long time dared to express.—If it means to call upon the Government, for the adoption of some legal enactment on that head,—the legislative power of the Colony can be referred to, and gravely and seriously, we hope, they will consider, before concluding upon a subject of such vital importance to our rights and privileges.—But it evidently aims at something else,—its object is the destruction of those rights and liberties which we have inherited from our fathers, and which we ought to preserve inviolate, and hand down to posterity unpolluted.

If the emigration is an evil to the Colony, and we are not prepared to deny this,—it behoves the Government, to check the evil, and for that purpose, having ascertained the reasons and causes of it, to adopt such measures, as may remove those causes.—If a Government let loose upon the properties and lives, of her subjects, a host of robbers and plunderers, if with its “inherent power and authority,” it refuses to protect her subjects in the quiet possession and peaceful enjoyment of their rights and properties,—or if it tramples upon the “inherent” rights of her white subjects; it unites the bands of social life, it annuls the social compact between itself and the subject, and the latter becomes to all intents and purposes free to remove to any other state, where the lives of himself and family are better protected, his properties more secure, and his rights and liberties more respected. If then such are the causes of emigration, employ no swords and bayonets to stop it, but check the current of just dissatisfaction, by an appeal to your power of reason, with which Providence has gifted you, for the good of the human race.—Remedy the evils.—If your subjects emigrate from famine, and you wish to check that emigration, give them bread; but thrust not the sword down their throats, to destroy the entrails that yearn for food.—We hope, therefore, that the Governor, as long as he has the means of removing the causes of the present emigration, will not expose this Colony to new convulsive fits, by a recourse to measures, and the adoption of a principle, which would plunge Her Majesty’s subjects into unavoidable distress, and expose them to the most calamitous evils.—We hope the Governor will pause, before he presumes to act so un-Englishlike, as to assume a power which the laws of the land do not give him.

We call the attention of our readers to a letter from Mr A. J. Louw, the Field-Cornet of Koerberg, than whom there is not a more respectable and intelligent Farmer in the Colony, or one who can boast of more practical experience in husbandry.—The examples cited by him, of his apprentices who have purchased their entire emancipation, and of the Hottentot who left his service, ought to open the eyes of those who are appointed to hold the helm of the Government. Instances of the same nature are numerous; and what the consequence, after the 1st of December will be, really requires not to be pointed out.—They are manifest.—Upon what is the presumption founded, that after that period, the apprentices will be better than at present? Upon what solid basis rests the opinion, that after the entire emancipation, they will betake themselves to sober and industrious habits, while the canteens are invitingly open to them, and the means of entrance into these wolf’s dens are so easily obtained?—We can see none.

We have received a packet from a Correspondent, signing himself “*A Lover of Choral and Vocal Music*,” which may be received, on application by Master HABERZEL, the Director of the Musical Company called “*Harmonie en Ensemble*.”—The manner in which our Correspondent tends his friendly support, deserves our best approbation; and we heartily join in the hope, that the Juvenile Musical Society may, under their present motto, become the pleasure and delight of future winter amusements.

We have not the honor to know “*No Bachelor*,” who requested an insertion of his letter in our columns, otherwise we would have had the pleasure of submitting our observations to him privately.—We are sorry that we have taken the trouble of having that letter composed, being under the impression, that the *Matrimonial Maxims for Ladies*, in the *Meditator* of 19th June, was originally the Editor himself, until our attention was suddenly called to the circumstance, that it was an extract from an English Paper.—Now, surely to attack an Editor, for any anecdote, which, as such, is taken over in his Paper, is, to our mind, most extraordinary.—Again, we deal not in personalities; and domestic life is to us as sacred as the manes of the dead.—Our object is public good,—and we are only entitled to censure *public characters*, and this only in regard of their *public deeds*.—Whatever be of a private nature, is their sacred property, and no one has any right to draw it into public controversy.—This is our renewed confession of faith.—If to this the public agree, they will support us; but if they think, our Paper should be the medium of private attacks and scandal, they may withdraw their support, for they will be sadly mistaken.—We abhor and detest private attacks, and have already treated with due silent contempt, those which have been made on ourselves.—For these considerations, we decline inserting that letter, which will be returned on application.

We have been informed, that another Association for the Administration of Estates, is about being established, on very liberal principles, and under the *direct control* of the public.—We have not yet been favored with the outlines, but it is said, the application for shares has been so pressing, that the originators of this Association, have it in contemplation

to enlarge the number.—The Association will confine itself only to the administration of estates of deceased persons; and no Shareholder will be shackled with any condition of surrendering any part of his revenue of private administrations to the Society.—In our next number we will give the Prospectus.

By the arrival of H. M. Ship “Cruiser,” in Simon’s Bay, a report has become current in town, that a motion had been carried in the House of Commons, with a majority of 3 votes, having for its object the entire abolition of Negro Apprenticeship on the 1st of August last. From the extract of Parliamentary notices, in one of our former numbers, the public must have prepared to expect something, on the motion, of which Mr. D. O’CONNELL had given notice.—Whatever it may be, we hope our Fellow-Colonists will see a sufficient cause, not to regret, that after the first December next, we have no Apprentices left, and that therefore we are happily free from any renewed agitation on that question.

Our readers will perceive, from the Advertisement of the Master of the Supreme Court, that the interest on the Bonds, due to the Orphan Chamber, will, after the 1st of December, be computed at 4 per cent., provided the debtors do pay up their interest before that date.—The same measure has been adopted since yesterday in the Government Bank, in regard of Bonds and Loans.—We are also informed that our great Capitalist, VAN DER POEL, also puts out Money at Four per Cent.—This reduction will be a great relief to Debtors; and as Gold and Silver is so abundant in the market, that Money-lenders find it difficult at present, to put their money on interest, we hope, they will endeavour to invest their capitals in some mercantile speculation, or other public useful undertaking. May not money be usefully and profitably employed, in a Whaling-fishing speculation?—or in carrying out the plan for making a road to Stellenbosch?

CAPE OF GOOD HOPE BANK.

On the 28th inst., a Sale was held, amongst the Proprietors of the Bank, of certain unappropriated Shares, being 120 in number; when the whole of them were sold, from £91 to £101 per share.—This is certainly a marked proof of the flourishing state of the Bank, and its actual and prospective profits.—The nominal value of each share is £50, and only a sum of £33 6 8 has been paid up.

It is said that another private Bank, is about being established.

## CLANWILLIAM.

A Correspondent under date of 23d July, writes:—

“There are 6 cases again under examination, which will probably come on for trial the ensuing Circuit; they are 2 for murder, and 4 for housebreaking and theft.—*Piet Joubert*, of celebrated renown, who was connected in the murder case against VAN DER MERWE, will be tried, it is said, in October, at Tulbagh.—*Gert Bantam*, also connected in the same way will be tried, it is said, for murder, committed on a child.—Crimes consequent on the absence of Vagrant Laws, are much on the increase in this district; and unless some other regulations be adopted, Government will soon have to lament its inactivity.”

## THE EMIGRANT FARMERS.

We have received no information or reports, respecting the Emigrant Farmers, or of their present situation. The last *Graham’s Town Journal* promises us, in its next number, some interesting communications.

“We have,” says he, “received a detailed account of the proceedings and prospects of the ex-patriated Farmers, the publication of which, from its length, we are compelled to postpone till our next number.”

Some communications have been received in town, but our applications for copies, with a view towards its publication, have been fruitless. Our readers will, therefore, have to exercise its patience for another eight days.

In the mean time, we have been favored with the following extracts, from which it would appear, that a reaction is about taking place in the spirit of emigration:—

“Graaff-Reinet, 26 July, 1838.

“It seems, that amongst the inhabitants here, an alteration begins to take place. Since the return of Boshof and the others, the people here are not so much inclined to emigrate as formerly. The spirit of emigration seems to have taken a turn. Of Sneeuberg I can say the same, as I have just arrived from that part.”

“Beaufort, 28 July, 1838.

“The last accounts of the Emigrant Farmers, have put some stop to the further emigration from this District.”

We sincerely hope, that these accounts may be real; and that our mis-guided Fellow-Colonists may have seen their error, and the mad absurdity in seeking for peace and safety in a desert place, surrounded by barbarians.

## Original Correspondence.

### MUSICAL COMPANY.

Cape Town, July 25, 1838.

I was admitted last Saturday evening, for the small sum of one Rix-dollar, in the Saldanha of Mr. Luit’s house, situate in Loop-street, the former residence of Mr. Beil, and found there a Musical Company under the motto, “*Harmonie en Ensemble*,” composed of young persons.—They performed a few musical and vocal pieces, on the violin, piano, and harp. I was delighted to see a company of so many young persons; for what can benefit youth more than to spend their time in the above manner?

I enquired who these young persons were and was answered, “I know only some of them; but their Director is the young Master Haberzel.”—The performance by him and other young men, of instrumental and vocal music (including the soft tone of the Harmonica), and particularly by the young Misses who composed the chores is highly creditable to their taste, as nothing of the kind can now be enjoyed since Mr. Beil has discontinued these winter evening amusements.—I am no man of fortune, nor do I understand music, as I would otherwise encourage the Company; but should a small gift be acceptable to them, they may receive a packet, through which they may obtain some musical airs, and I will not fail to attend their concerts as a silent auditor, sincerely wishing that they may long continue to act under the motto “*Harmonie en Ensemble*.”

I am, &c. A Lover of Choral and Vocal Music.

## BURIAL PLACES AT STELLENBOSCH.

Cape Town, 28 July, 1838.

Sir.—Allow me to enquire through your impartial paper, whether any body is charged with the superintendence of the receptacles of the dead, called Burial places? I am induced to make this enquiry from what came under my view some time ago, when visiting for a few days the noble village of Stellenbosch. Strolling about in that place, I arrived in that field of death, and my attention was attracted to some persons digging up the bones of the dead from out a grave, for the purpose, as I was then informed, of making room for a new corpse. The sight was shocking. It struck me that the authorities in that place acted very improver, in thus allowing the bones of the dead to be disturbed. If the burial ground round the Church, is too small, there can be no difficulty forsooth, to apply to Government for an additional piece of ground. At least so it appeared to me. I could not refrain, having reached my lodgings, to enquire from O., whether due provisions could not be made; to prevent such horrible and disgusting spectacles,—and I was cer-

tainly much astonished, on ascertaining that there was ground enough, in the neighbourhood of the Church, belonging to Government, and which might, on application, be offered for the purpose of extending and enlarging the Burial Ground.—I hope, Sir, that may meet the eyes of the Civil Commissioner, and of the Overseers of the Church; for it is most revolting to a stranger, as I am, arriving at Stellenbosch, to be disgusted with such an unparable indifference to the dead.—At the same time, I am highly astonished at the disgraceful apathy of the inhabitants of that place themselves, who,

“With face unmoved, and with no regret,” bear the sight of the bones of their families and friends being digged up in that way.—I am so accustomed, in India to see the great respect, and even idolatry, with which the Mahomedans manifest towards the dead, and which I find so pertinaciously followed up by the Faithful of Mahomet in this Colony, that I am quite astonished at the culpable indifference of the head, shewn by the *Christian Inhabitants of the village of Stellenbosch*; but still more of the Authorities at that place.

I am, &c. NABOS.

## VAGRANT LAW.

Koerberg, July 29, 1838.

Sir.—With an anxious feeling for the future prosperity of this promising colony, I anticipate the fast approaching moment when the crops on the fields will be exposed to destruction, and thousands of untutored, almost immoral beings, incorporated with Civil Society, without proper laws to check the ungovernable passions inherent to uncivilized beings.

The working of the 50th Ordinance, in many respects inapplicable to this extensive Colony, must have already sufficed to prove to Government, how far the Hottentots and Caffers are behind in civilization, and what mischief they cause by vagrancy.

Their innate rapacity, savage disposition, indolence, and natural propensity towards a wandering life, peculiar inclination to strong liquor, jealous covetousness to the property of their fellow creatures, faithless refractory character, and unfitness to military duty, are unknown to Parliament, and yet so many thousands of them are allowed to enjoy the privileges of that Ordinance.

Those who have stormed the House of Commons with petitions for the freedom of the Negroes, and have placed it in a dilemma, ought previously to have taken care, to provide the Colonies with a Vagrant Law, for the purpose of stimulating the Negro to more industry, befitting them for Christian society, and inducing them to become fit laborers.

The farmers, the most useful class in society, the principal contributors towards the payment of pensions, and the luxuries on the tables of the honorable, are the inexhaustible sources of trade, abundantly supplying the town, folks with the necessities of life;—but how slightly are their interests consulted?

We daily witness the expatriation of our experienced farmers, to the deserts of Africa, among which are the most opulent and respectable cattle breeders; the reasons for their adopting such steps, will certainly have come to the knowledge of His Excellency.

The Magistrate in Cape Town, and Special Magistrate in the country districts, can testify my good treatment towards my servants and apprentices, notwithstanding which, some have already purchased their freedom, left my place, and roamed through the country without any means of support.

During the last ploughing season a Hottentot entered my service at Rds. 10 per month, with good victuals and drink, received his wages at the end of the month, though the crop was not gathered, and prayed for one month’s wages in advance, which I refused, until a respectable individual became his security.—He went to Cape Town, on a promise of returning within a few days, I, however, never saw him again; one of my servants found him in Cape Town, drunk in a Canteen, having lost all his clothes and money. Now the individual was considered a respectable person in his class.—This is one instance of what free laborers are in this Colony; and what therefore will become of the wishes of the Philanthropic Society, at the final emancipation, without a Vagrant Law.

From my early experience and application to agriculture, I can assure Government, that if it allows itself to be longer led away by the solicitations of that society, it will become too late to avert the evil, which threatens to ruin the colony. All the unfavorable prospects in agricultural pursuits, have actually induced me and other respectable Corn-farmers, to dispense with our draught oxen, there will be a want of sober, able wagon-drivers and herdsmen, to be entrusted with the heavy transport of produce to the market, so that we are compelled to reduce our agricultural labors to a small scale, and only to work with horses, at a very great expense for forage, until we see the day of better days, when industrious farmers will be able to cultivate the land with all their might.—I am, &c. A. J. Louw.

ALLEGED ILL TREATMENT TO JUVENILE APPRENTICES.—Mr. VILLIERS’ CASE.

Cape Town, Aug. 2, 1838.

Sir.—Having observed in the *Advertiser* of the 25th instant a report of a Trial, Queen versus Jan Pieter de Villiers, sen., and John de Villiers, jun., by which it appears that Mr. de Villiers, sen., pleaded guilty to a charge “of having with a quince stick severely beaten and bruised two of his juvenile apprentices.” I beg leave to state, for the information of the public, especially of the *Advertiser’s Evening Correspondent*, that Mr. de Villiers, sen., never pleaded guilty to the charge of having with a quince stick severely beaten and bruised his two juvenile apprentices. Allow me briefly to state the circumstances of this case:—Mr. de Villiers, sen., having been informed of his son’s repeated acts of carelessness of the two apprentices, they having lost no less than fifty sheep at various times since January last, ordered his son (himself being confined in his bed) to give them a domestic punishment; this was done by Mr. de Villiers, jun., with a quince switch, giving them fifteen lashes each.—Being called on in Court to plead, Mr. de Villiers, sen., admitted the fact, of having given the order, and his son of having carried the same into execution in the manner above stated; upon which a Certificate of the District Surgeon

**STELLENBOSCH.**

An inquest was held by the Clerk of the Peace on the 28th June, on the body of Jacob, an old herdsman in the service of Mr. David de Villiers, of Langenberg, who put an end to his existence by hanging himself to a tree, about 200 paces from the dwelling-house.

It appeared that the deceased, an apprenticed laborer, was disinclined to follow his master, who was about to remove to the Beaufort District, and after he had put his baggage on the wagon, which was preparing to start, he took advantage of the time occupied in yoking the oxen, and committed the fatal act.

**CIRCUIT COURT, STELLENBOSCH.**

JULY 3.

*Before the Hon'ble Mr. Justice MENZIES.*

1. *The Queen v. Dirk Roman, a Hottentot, for stealing and selling two sheep out of his master's flock while under his charge in December last.—Prisoner was found guilty, and sentenced to 1 year's imprisonment at hard labor.*

2. *The Queen v. Mars, alias Meyeran, and Ruyter Witbooy, Hottentots.*

The first prisoner who had been in the service of Mr. A. van der Byl, of Klapmuts, was charged with having on the 30th December, and 1 January last, broken open his master's wine cellar, and stolen wine, a bottle of which the second prisoner, his father, was found carrying away, and the latter was indicted with having received it, knowing it to have been stolen.

Both were found guilty, and Mars sentenced to 18 months imprisonment with 30 lashes, and Ruyter Witbooy to 6 months imprisonment with hard labor.

3. *The Queen v. Jonas, an apprentice, and Jack, a Hottentot, for Theft.*

These two prisoners were found guilty of having robbed an old woman of all her little savings, and some clothing, in a most barefaced manner; and they were sentenced each to 2 years imprisonment at hard labor, the first to receive 40, and the second 20 lashes.

4. *The Queen v. Cobus, apprentice, and Hendrik Jonas, a Hottentot.*

These prisoners were tried for cellar-breaking and theft at A. Zuurman's farm, Groeneberg, and found guilty on the clearest evidence.—Sentence—each two years imprisonment at hard labor, and to receive 40 lashes.

5. *The Queen v. Joseph and Adam, apprenticed laborers.*

Both these prisoners were run-aways, and while so, among other acts of plunder stole a merino sheep, from Mr. D. Prins, of Eerste River, for which they were now tried, and found guilty, being sentenced each to 2 years imprisonment, and to receive 40 lashes.

Adam had previously been a convict.

6. *The Queen v. Jephtha, alias, Willem Louw, apprenticed laborer, for theft, aggravated by a former conviction.*

The prisoner pleaded guilty to having in the year 1834 stolen several articles of clothing from a person of his own condition, at Jonkershoek, and also having stolen a goat at Waggonmakers' Valley, in April last.

7. *The Queen v. the same person, for house-breaking and theft.*

In this charge the prisoner also pleaded guilty, on which a charge of shop-breaking and theft against him was withdrawn.

The prisoner, who at the time of trial was a run-away, was convicted, was sentenced to 10 years hard labor in irons. He is well known as a soi disant Missionary from Zuurberg, under which character he obtained admission to farm- and other houses, where he made observations on which he planned his future acts of plunder.

8. *The Queen v. William Smith, juvenile emigrant.*

The prisoner, a lad between 13 and 14 years of age, pleaded guilty to the charge of having broken open his master's, Mr. P. Kesten's Office, and stolen out of it nearly 20 shillings in money.—He was remanded to Cape Town for sentence.

It is to be feared, from the adroitness displayed by the prisoner in the commission of this theft, that it is not his first step in the walks of crime.

4th JULY.

In this charge the prisoner also pleaded guilty, on which a charge of shop-breaking and theft against him was withdrawn.

The prisoner, who at the time of trial was a run-away, was convicted, was sentenced to 10 years hard labor in irons. He is well known as a soi disant Missionary from Zuurberg, under which character he obtained admission to farm- and other houses, where he made observations on which he planned his future acts of plunder.

9. *The Queen v. Thys, a Hottentot, for murder.*

This prisoner was charged with having murdered his reputed wife; but although little doubt existed as to his having caused her death, by many violent blows, no malicious intention was traced, and he was found guilty of culpable homicide, and sentenced to 9 months hard labor in irons.

10. *The Queen v. Gert Nimrod, and Demas, Hottentots.*

The indictment in this case charged the prisoners with having assaulted one Miles Cogan, on the high road near Stellenbosch, pulled him from his horse, and robbed him of his money. They were found guilty on the clearest evidence, and sentenced each to 7 years imprisonment at hard labor, and to receive 75 lashes.

The Civil Cases were of little interest; but during their progress the Judge took occasion to observe, that he perceived some of the Civil Summons were signed by Mr. Blommeister, and others by Mr. Mader, both clerks, it was true, to the Civil Commissioner and Resident Magistrate; but he desired it to be understood, that so long as the former remained Clerk to the Resident Magistrate, he could not be allowed to act as an Attorney in the Circuit Court; yet, as it might have originated in ignorance, or want of proper information, he should not on that account alone dismiss any summonses for the present Circuit.

**MAGISTRATE'S COURT, STELLENBOSCH.**

45 JULY, 1838.

*Public Prosecutor v. Mr. J. P. de Villiers, of Idas Valley, and his son Jan de Villiers.*

The Defendants pleaded guilty to the several charges of assault, committed upon Thomas Codenham and George Saveall, Juvenile Apprentices in the service of the former, on the 5th instant.

It appeared from the circumstances, that Saveall, a child between 11 and 12 years of age, had, on the preceding afternoon, been guilty of the offence of allowing some of a flock of upwards of 200 sheep and goats, and 8 or 9 cows, to stray, and for this he was to be punished.—Codenham had been sent after Saveall to bring the cattle home, and because he had, on a former occasion, also allowed some of the cattle to get away from him, it was thought right, that he should also be punished. Their master was ill in bed, and he directed his son, the second defendant, a young man of between 17 and 18 years of age, to chastise the boys under his chamber window. Codenham was first punished, having his jacket taken off, and being held by some other Emigrants with his arms round a tree, he was beaten with a quinck stick, about half an inch in thickness, and received, as was stated, about 30 lashes with it;—punishment, though not of the same extent, was then inflicted on the younger boy, and the next day one of their companions lodged a complaint, on which the children were sent for and examined by the Medical Officer to Government, who certified to finding severe bruises and inflammation on their backs and other parts, caused by many blows with a flexible instrument.

The defendants were fined in each case in £5 each, and the father's right to the services of the boys, declared forfeited.

July 23, 1838.

*Public Prosecutor v. Ph. Ad. Cloete, for neglecting to send laborers for the repair of the roads, in contravention of certain Regulations of Government, dated 13 September, 1806, and 6 August, 1824.*

The defendant said, he had not been unwilling, but having other work to perform, he was unable to comply with the requisition.

No provision being made for this excuse, defendant was sentenced to pay a fine of Rds. 50.

The public had expected a very different defence from Mr. Cloete, as it is said that they were not bound to comply with the said Regulations.

Preparatory examination was taken against Saul, a Bushman Hottentot, for stealing 51 sheep and goats from Mr. Kotze's, Revier Zonder Einde.

**CIRCUIT COURT—CLANWILLIAM.**

Hon'ble Judge Wm. MENZIES, Esq.

The Circuit was opened the 2d July, 1838, and the following Criminal Cases were tried:—

*Regina v. Jan Joh. van Zyl, a Farmer, for Murder, in shooting a Hottentot.—Plea, guilty of Manslaughter.—Sentence, Two Years Robben Island.*

*Regina v. Gert Steurman, Hottentot, Sheep-stealing.—Plea, Not Guilty.—Verdict, Guilty.—Sentence, One Year Public Works.*

*Regina v. Hans Geritz, Leendert Kok, Jan Rood, alias Jan Cam, Gert Witbooy, and Gert Genesay, for Assault on the public road, and Theft.—Plea, Not Guilty.—Verdict, Guilty.*

*Sentence, the first Prisoner 7 years hard labor and 50 lashes, and the other three 10 years hard labor, and 75 lashes each.*

JULY 21.

*Regina v. Booy Kierst, for Murder.—Plea, Not Guilty.—Verdict, Guilty.—Sentence, Death.*

*Regina v. Willem Kraay, for Stealing a Cow.—Plea, Guilty.—Sentence, 18 months hard labor, and 50 lashes.*

**NEW APOTHECARY'S SHOP STELLENBOSCH.**

**J. F. BEYNON, Chemist & Druggist,** late in the employ of Mr. C. F. JUARIS, Cape Town, begs to inform the Inhabitants of Stellenbosch and its Vicinity, that he has opened a Shop in the House of Mr. ORLANDINE, adjoining Mr. J. FAURE, where he hopes by strict attention to his Business, keeping a fresh supply of the best and most approved Medicines, and moderate charges, to merit a share of the Public Purchase.—Prescriptions and Family Recipes accurately dispensed.

J. F. BEYNON also has to notify, that he is the only place in Stellenbosch, where the genuine Halleche Medicines from Mr. C. F. JUARIS can be procured.

(No P.)—As it is not the intention of J. F. BEYNON to have an Assistant, the Public may depend that every article will be served by himself.

**NOTICE TO CREDITORS & DEBTORS.**

**A LL Persons having any Claims against the Estate of the late GEORGE TITTERTON, are hereby requested to give notice thereof to the Undersigned, within three months from this date; while those indebted to said Estate, are also requested to pay their Debts within the above period.**

J. J. STEYTLER, Jr., Executors  
P. F. HAMMES, J. Davie.

Cape Town; 1 August, 1838.

**PUBLIC SALE.**

**O N WEDNESDAY, the 22d instant, at 10 o'clock in the Forenoon, the Undersigned will cause to be publicly sold at Diep River, in the Cape District, the whole of the Effects belonging to the Estate of the late**

**GEORGE TITTERTON, consisting of:—**

**1. The Farm called "Dordtfontein," situated at Diep River, with the Buildings erected thereon, and on which a Tannery has been carried on with good success.**

**2. An Erf, also situated at Diep River, near the Tent Mile-stone, on the Simon's Bay Road, marked No. 7.**

**3. An Erf, situated as above, marked No. 21.**

**Further, Household Furniture, Table, Chairs, Wardrobes, Chests, Earthenware, Kitchen Utensils, a covered Cart, about 3,000 lbs. of Bricks, and divers Tanners' Implements, among which are 21 teakwood Bark-tubs.**

**J. J. STEYTLER, Jr., Executors  
P. F. HAMMES, J. Davie.**

Cape Town, 1 Aug. 1838.

**NOTICE.**

**T HE Undersigned have just received per**

**"Senator," and other late arrivals, a well**

**selected assortment of manufactures, &c., adapted to this Market, consisting of:—**

**Superfine and second Cloth Shaft Cords, Long Cloth and Striped Cottons, Shirts, Red and blue Flannel Shirts, Fine Cambrics, Mill Muslins and Jacquets, Fancy Check Muslins, Crapes, (green and black,) Cambric Handkerchiefs, Bobbin Lace, Net, &c. White and grey Batas, Ditto Punjabis, Ditto Domestic, White cotton Balls, Persian Reels (assorted), Threads (red, brown, and white) Lines, Tapes, Bobbins, &c.**

**Also a few bags of picked Mocha Coffee for the use of Private Families.**

**White Pearl Sago, Galf Nuts, Sperm Candles, Excellent Port and Sherry,**

**The whole of which are for Sale at the Store adjoining Mr. R. J. Jones' on the Parade.**

**EBDEN & CO.**

**PASSAGE TO HOLLAND.**

**T HE Dutch Ship "DORTENAA," 900 Tons, Capt. J. F. P. A. ABREMA, now anchor in Simon's Bay, has very superior Accommodations for Passengers, carries an experienced Physician, and will sail for Holland within a few days.**

**For Passage, apply to Capt. ABREMA, on board, or to the Undersigned, where a plan of the Accommodations may be seen.**

25, Gravé-street, Cape Town, 2d August, 1838.

O. J. TRUTER.

**NOTICE.**

**T O SHOPKEEPERS AND COUNTRY DEALERS.**

**T HE Undersigned have just received per**

**"Senator," and other late arrivals, a well**

**selected assortment of manufactures, &c., adapted to this Market, consisting of:—**

**Superfine and second Cloth Shaft Cords, Long Cloth and Striped Cottons, Shirts, Red and blue Flannel Shirts, Fine Cambrics, Mill Muslins and Jacquets, Fancy Check Muslins, Crapes, (green and black,) Cambric Handkerchiefs, Bobbin Lace, Net, &c. White and grey Batas, Ditto Punjabis, Ditto Domestic, White cotton Balls, Persian Reels (assorted), Threads (red, brown, and white) Lines, Tapes, Bobbins, &c.**

**Also a few bags of picked Mocha Coffee for the use of Private Families.**

**White Pearl Sago, Galf Nuts, Sperm Candles, Excellent Port and Sherry,**

**The whole of which are for Sale at the Store adjoining Mr. R. J. Jones' on the Parade.**

**EBDEN & CO.**

**POSTPONED SALE.**

**T HE Public Sale of Rice, &c., is again Post-**

**poned, in consequence of the unfavorable state of the Weather, but will be held on TUESDAY MORNING next.**

**ISAAC MANUEL.**

**THIRTY-INCH BLEACHED CANVAS, NEW JUNK, &c. &c.**

**R ECEIVED PER Meg Merrilles and Brom-**

**leys, and for Private Sale at the Stores of the Under-**

**signed, 30-inch bleached Canvas, bleached and brown Sail-**

**cloth, 30 ft. to 7 Ross Dutch. Have superior Banking, a**

**few new Ensigns and Union Jacks of different sizes, best staple Cordage and Spun-yarn. Cork for Seines, sail and seine Twine, Lines, new Junc, &c. &c. on reasonable Terms.**

**HUTCHONS & ROSS, Sail-makers.**

**OIL CASKS.**

**A bout 50 new Oil Casks, in Shooks, will be**

**sold by Mr. Jones, on the Parade, on Saturday, (To-**

**morrow morning).**

**AT THE SAME TIME,**

**A Wooden House, Try Pots, &c. &c., left on one of the**

**Prince Edwards' Islands by the late fishing party.—**

**J. DE WET, Secy.**

**ASSOCIATION FOR THE ADMINISTRATION AND SETTLEMENT OF ESTATES.**

**DIRECTORS:**

**D. DENYSSEN, Esq., L.L.D., President.**