





## TO CORRESPONDENTS.

We must apologize to our Correspondents, for not being able to give insertion to their numerous Correspondence and Communications, in this number of our paper. The public interest is too much connected with the proceedings of our Colonial Legislative Council, not to give that subject the precedence, which it ought to have,—even of our own leading articles. Their correspondence will however, we hope, be attended to in our next.

## THE ZUID-AFRIKAAN.

CAPE TOWN, FEBRUARY 1, 1839.

Our Readers will find the columns of this day's paper taken up by a report of the proceedings of the Legislative Council of the 23d and 26th ultimo, the length of which prevents us from making our comments thereon to-day.—The Council finished the Estimated Expenditure on Tuesday last, and adjourned till Monday next, the 3d instant, when an interesting consideration will take place, as to whether any and what taxes can be reduced or done away with.

The finances of the Colony are said to be in a flourishing state, but we have nothing before us to justify this opinion, beyond the communication of His Excellency in his Address to the 'Council, "that the Revenue has increased beyond all expectation, but that it can scarcely be expected to continue in so prosperous a state."

We have now laying before us the "Statement of Revenue and Expenditure for the years 1833, 34, 35, 36, 37," as successively published by Government; from which it appears, that there was a surplus balance of Revenue over Expenditure,

In 1833, of	£ 5,143
In 1836, of	11,118
In 1837, of	21,221
Total . . . . .	37,482

and a deficiency in the Revenue to meet the Expenditure,

In 1834, of	£ 1,342
In 1835, of	1,159

Total . . . . .	£ 2,501
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which being deducted from the surplus above stated, would show a balance of only £34,981.

But it should not be forgotten, that a part of those surplus arose from loans from the Bank, "in aid of Revenue." For instance, we find from those statements, that in

1833, . . . . .	£ 8,000
1835, . . . . .	25,000
1836, . . . . .	15,545

Total . . . . .	£ 48,545
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have thus been brought to the Revenue amount of those years. Nor do we find during those years, any part of those loans or advances have been repaid.

If then our debt be . . . . .	£ 48,545
And our surplus . . . . .	34,981

It will appear that we still owe . . . . .	£ 13,564
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Our calculation is founded upon the Official Documents, which have been published, and we hope that the Council will call for such papers, as will tend to show, what is the actual state of our public finances. The Public are entitled to it, and they have a right, to look to the Council, for such explanation, as will put the case in its true state, and clear before their eyes.

In December 1836, (when the statement of Revenue and Expenditure of that year, was not before them,) the Council, under a protest, allowed £1,961 13, for interest, at 5 p.c., on a loan of £32,690 10 3, "to meet the alleged deficiency of Revenue, and increase of Expenditure occasioned by the late Caffer War;" and it was stated to the Council in December 1837, when deciding on the Estimates of 1838, that the "repayment of the loan was going on gradually."

Now, surely, no repayments can be made, unless from the Revenue, which must appear from the statements of the yearly Revenue and Expenditure, in which, if we refer to, nothing however appears. Perhaps it has been paid off in 1838!

We hope sincerely that the Council will prevent the Colony, from being saddled with a public debt. The evil consequences of such a system are sufficiently known;—and as it behoves them to superintend the public finances of the Colony, we hope sufficient explanation on that head will be given.

We are unable as yet to say any thing, either the one way or the other, and we discharge our duty, in the first instance, by calling the attention of our Legislature to the circumstance.

CAPE TOWN MUNICIPALITY.

We have been credibly informed, that the MUNICIPAL CORPORATION ORDINANCE for Cape Town, will, within a short time, be published, and carried into execution!! It is indeed high time that this should be done.—Cape Town was the first that brought in a Municipal Corporation Bill,—and while all the Villages which applied for it, and also Graham's Town, are in the full enjoyment of those Institutions,—Cape Town, the Seat of Government, and of the Legislative Council,—but at the same time the rendezvous of those who will defraud us of the benefit of such Institutions as long as they can,—Cape Town alone, we say, is kept out of the enjoyment of those "Free Institutions," by virtue of which His Excellency Sir George Napier, called upon the inhabitants to assist the Executive Government, in maintaining and vindicating the Laws!!!

THE GOVERNOR—SALARY—£3,300.

We refer our Readers to a letter of the hon'ble Mr. Clortex, Member of Council, respecting our Editorial remark about the additional £300, allowed to His Excellency in the Estimate.

The Report of the Sitting to which the hon'ble Gentleman refers, being the 23d January last, appears in this paper, in which no such explanation, as alluded by the hon'ble Gentleman, is reported, and which occasioned our remark in question.

On reference to the Reporter of that day's Sitting, his answer is, "It may be that such an explanation took place, but I do not recollect having heard any thing of the kind;

"I remember that in the commencement of the proceedings, I saw a conversation held between Colonel BALL and Mr. Clortex, in which too a tone of voice for me to hear, much less to say what it was about."

We hope therefore that our Reporter, who, as the Attorney General very justly said, was "a young hand, unacquainted with the nature of the discussion going on," will stand clear both before the public and the Council, of any

attempt to withhold from public knowledge any part of the proceedings of the Zoolas. If the public suffer, by erroneous reports, it is natural consequence of our inability to procure proper Responses to those qualified refusing their services. At present we are dependent from private assistance. We therefore return our thanks to the hon'ble Gentleman for his kind correction.

Cape Town, January 30, 1839.

Six.—Having seen in the *Zuid Afrikaan*, of last Friday, your Editorial Leading Article, referring to the Proceedings of the Legislative Council, states that an increase salary of £300 appeared upon the Estimates of the present year, and passed without the slightest notice or remark. I feel it is my duty to observe, that this statement is directly contrary to the fact; for when this item was brought before the Council, an explanation was required for the additional sum of £300, when the Secretary to Government replied, that this increase had been allowed personally to His Excellency upon his appointment by the Secretary of State, for a Private Secretary, and this explanation was deemed perfectly satisfactory to the Council, as I should conceive it would be to any individual possessed of the common feelings of humanity.

Requesting you therefore to correct this mistatement, I have the honor to be, Sir,

Your obedient servant,  
H. CLORTX, Sen.

PORT NATAL.

The Schooner "Mary" has arrived, bringing with her news from Port Natal, and from the *Emigrant Farmers*, up to the 7th January last.—The Governor has, by an Advertisement, informed the Public of so much of the state of affairs in that place as by official information he was possessed of.—We have inserted this Advertisement in to-days Number, together with some extracts of private letters, taken from a contemporory Paper.

We however call the attention of our Readers to a private letter of Jan. 5, (kindly given to us) which, coming from the Camp (situate from the Military Post at about half a mile distance), gives a correct information as to the nature and consequence of the Commando against Dingaan, that irreclaimable savage, and blood thirsty traitorous tyrant, who has been at last compelled to betake himself to caves and caverns to save his life, and avoid by the hands of the Boers the just punishment for his treachery and cruelty!

## GOVERNMENT NOTICE.

The schooner "Mary" has brought intelligence from Port Natal up to the 7th instant.

The Boers' Commando, which went against Dingaan on the 20th of November, had returned; but no authentic account of its proceedings had been received. Major Charters, letter to Pretorius, who commanded the expedition,—endeavoring to dissuade him from the commission of hostilities,—had been intercepted by certain persons, calling themselves the general Council, at the Camp on the Togals, and was not by them transmitted, nor suffered to be transmitted to its destination.

It is stated that the Camp of the Commando, was attacked on the 16th of November, by a force of 10,000 Zoolas, 200 being armed with muskets; that the attack was repulsed with the (improbable) loss to the Zoolas of 3,000 men, whilst the Commando had only three slightly wounded; that Dingaan retreated in consequence, after burning Umkungwane, his principal residence, to which place the Boers having advanced, they found there and buried, the remains of their comrades, who were massacred with Retief;—that after some days, a strong patrol was sent out, which, on the 23d, having entangled in difficult ground, was suddenly attacked by the Zoolas, who had up the moment remained unarmed; and that the patrol retired with the loss of six of the Boers, and from 20 to 30 of a party from Port Natal, of whom an Englishman named Biggar was one.

Whatever may be truth, it is at least certain that the retreat of the Commando was the result of the affair of the 23d; and that one of the chief objects of the Commando, viz. the capture of cattle, was not effected; for a few horses, and 25 muskets, seem to have been the only spoils.

A second and stronger Commando was spoken of, but as there appears to be differences of opinion among the Emigrants, it is to be hoped that the attempt will not be made.

It has been announced to them, that if they persist in these attacks, they will be deprived of all supplies by sea; but should they, on the contrary, content themselves with the quiet occupation of the country where they now are, not only will food and other necessities be permitted to reach them; but they will be allowed such means of self defence, against attack, as may be requisite.

The country is reported to be unfavorable for raising grain, when in particular. There is no want of animal food, and Millet, or Indian Corn; but flour, rice, &c., are very scarce. Unfortunately, the supply of rice in the Heil could not be all got ashore, on account of the state of the weather. Part of what was landed got damaged, and became useless; the remainder was readily sold at high prices, by the importers.

Some of the Emigrants express the most ardent desire to get back to the Colony, as any time—as they entertain gloomy forebodings of what must be the eventual state of a community.

"Where all is out-going, and nothing coming in." It is impossible to contemplate what may be the final result of this Emigration, without feelings of sincere commiseration for those who have so unadvisedly placed themselves in a situation of suffering and danger, with apparently but very slender hopes of being able to maintain themselves to any beneficial purpose in their present possessions; but in the mean time, every assistance in the power of Government will be readily afforded to such of them as desire to return by sea;—for by land they seem cut off from return for want of means; and the distresses of those who remain will be alleviated, in as far as the declared object of the military possession of the port and its shores, will admit.

Colonial Office, Cape of Good Hope, Jan. 28, 1839.

By Command of His Excellency the Governor,

(Signed) JOHN BELL; See to Govt.

Port Natal, Dec. 21, 1839.

"The arrival of Major Charters and the troops was very unexpected; but I was much pleased to see them; we are all residing under Martial Law, within two miles of high water mark. The Boers will, most of them, trek back to the interior, out of the reach of the British, but certainly not to the Colony.

The Government are acting upon a most impolitic plan, as, by an assurance from them to the Boers, that some trifling alteration would be made in the laws affecting black servants, they would as soon live under the British Government, as any other; but what have they done? quite the contrary, and the Major had declared in writing, after declaration of Military Law, "without prejudice however to any of the Aboriginal Tribes, who may at this date be inhabitants of the territory above described; which Aboriginal Tribes shall not only be suffered to pursue their quiet occupations, but be directly protected in their persons and properties, in so far as they will be in the power of the military force at Natal to protect them."

I have been through every camp of the Farmers, and can conscientiously declare, that I have not witnessed any act committed against either Caffer or Zoola that was cruel or malicious, unless the Zoolas were attacking a camp or stealing cattle; and I can upon oath, that had not the Boers been in the neighbourhood of Natal, after the last attack of the Zoolas (when they ate up all the food laid up for the season), some thousands of the poor wretches would have perished from hunger, &c.

Small crops are looking well; I have plenty of meat, milk, vegetables, &c.; but very short of rice, have no flour, and hope soon to see the trade open again; what they eat, the Zoolas will, most of them, trek back to the interior, out of the reach of the British, but certainly not to the Colony.

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voorstel, met betrekking tot Piketberg, terug.

Toegestaan.—£ 100 voor twee Predikanten en kosters voor Broads Dorp en Rivers Dale.

De *Gouvernement's Secretaris*, verschot dat het hem verstand werd om een Memorior te mogen oplezen, van Kapt. Alexander, de reiziger, opgevende dat by een reis had gedaan, naar de binneplaatsen van Afrika, aardrijkskundige kennis ten doel hebbende, dat hy ontrent £ 200 moer had gescheven, dan hy dat niet dadel ontvanger had, en dat hy mede verpligt was geweest aan het Kolonial Gouvernement voor het verspreiden van synen voorraad en andere goederen £ 60 te betalen, verzoekende dat die som aan hem mogte worden terug gegeven.

De *Procureur General*.—Verzoekt Kapt. Alexander ons wezenlyk £ 60 daan hem te geven? Hy heeft al de reken van der gedaan die reis te maken, hy heeft een boek uitgegeven en daarby mischien veel verdient.—It zeg volig uiteraard.

De *Her Eedes*.—Komt niet de *Procureur General* overgescreven?

De *Her Ross*.—Ik objecteer stellig tegen enige betaling aan personen die uit Engeland of door het *Gouvernement* of enig privaat Instituut gescheiden worden, en die sels met de Kolonie niets te doen hebben.

De *Her Cotes*.—In hoede dat de uitdrukking van den Edelen Heer (Ross) niet zal bekendstaan als het algemeen gevoelen des Raads; it voor my mocht aandelen gevallen altoos van de byzondere omstandigheden der zaak doen afhangen, en van de voordeelen welke der Kolonie, die de betrekking doet daaraan kan genieten.

Annoek gewigert.

Gejurneerd tot den 29, te 1 uur.

### Legislative Council.

SATURDAY, JANUARY 26, 1839.

Present His Excellency the Governor, and all the Members of the Council.

### SMALL NOTES BILL.

Mr. Eedes rose and said, that he begged to present a Bill, for the repeal of the Proclamation prohibiting Promissory Notes to be issued under Rs. 50, which he had withdrawn the last Sitting, for the purpose of amending it according to the suggestion of the Secretary to Government. He had now made some alterations therin, and moved that it be read.

Read for the first time, and second reading after 21 days' publication in the *Gazette*.

### BREACH OF PRIVILEGE.

Mr. Cloete rose and said, that he had to call the attention of the Council to the breach of the 38th Rule of the Council. He was always happy to see Reporters, giving a true and faithful account of the proceedings of the Council, but he objected to any individual, without taking any notes, making up a Report afterwards from memory, and representing it in the public papers as a true Report of the proceedings, which contained nothing but the observations and comments of the party thus reporting. Every Editor had a right to comment and remark upon the opinions and speeches of any member, but the public should be placed in the situation, by a faithful, true, and correct Report, of judging for themselves. The hon. Gentleman here took up the "Ware Afrikan," of the 24th instant, and read the following passage:

"The hon. Mr. Advocate Cloete rose and said, that he fully assented to the clauses of the Bill, he thought that its provisions were likely to increase good order &c. That his Excellency had acted with great wisdom in the selection of the places at which the new Magistrates were about to be stationed. That it was his opinion that so long as the Home Government paid these Magistrates no objection could properly be made to the expense entailed upon the colony by the payment of their clerks, constables &c.

In conclusion the hon. Member seemed quite at a loss for words to express his approbation of the measure before the council. He merely hoped that the new Magistrates would be continued only so long as the Home Government paid them.

The hon. Attorney General rose and in a rambling speech a good deal of which was foreign to the topic under discussion, said, "that it gave him great pleasure to hear the hon. Member Mr. Cloete speak in such a strain, &c."

Is there any thing, said the hon. gentleman this Report, but the mere comment of the Editor? He called their attention to it, as a question of principle, for the good of the public as well as of the Council. A Reporter should take his notes during the proceedings, but not make out a Report afterwards, otherwise the public who are entitled to be acquainted with the proceedings of the Council, would never be able to judge for themselves. No one could but look with contempt on this Report as the statement of what was said in Council.

The Governor—I must say that when I read that paper, it appeared to me that the Report was not correct, but I don't think that was intentional. After what the hon. Advocate has said, we must in future have Reporters to comply with our Rules. They must give a just and true Report of the proceedings. I do think that it was a mistake unintentional and without fault on the part of the Reporter; but if the proceedings be thus misrepresented, I shall feel it my duty to call upon the Council, to consider of the Rule respecting Reporters.

Mr. Cloete said, it was by no means his wish that the Rule be suspended; what he wished was the admission of faithful Reporters, who had sufficient experience for such a task, such as Mr. Buchanan, to whose faithful and correct report he for one could bear testimony. But what gave him reason to complain of the "Ware Afrikan," was the "official designation" which it had given to the Report, as being the "proceedings of the Council," while it contained only the Editor's "comment."

The Attorney General.—The public have a right to know what we say, but as they cannot all be present, they become acquainted with the proceedings through R-reporters.—is not required of them to give substantially every word that is said, but he must give it more abstract.—I will not fail if they give a few abridgements—they may then make their own observations upon it, leaving the public to judge whether their observations are correct. He had seen the report of the Zuid Afrikan, which appeared to him honest to have reported the proceedings, although there were mistakes; for instance, he (the Attorney General) was not fully acquainted with the question, then before the Council; such mistakes may happen.—But he must say that the Report of the "Ware Afrikan" was more a comment than a report.—If the Reporter of that Paper wanted to make it appear that the Public as his honorable friend's (Mr. Cloete) object was to give every aspect unreasonably to the proposal, he should have given the words used, so that other persons may be able to judge of the correctness of the inference.—As to the remark in that Paper, as to my incongruous and long speech, I hope on no account to take any notice of it.—But if such Reports as this are persisted in, instead of giving faithful and true reports, I shall move the Council to alter their Rule, and not admit any Reporters, unless by a ticket from a Member, who will then be responsible that they admit true and faithful Reporters.

The Governor hoped that the present observations will be attended to, and that if the evil be persisted in, he would consider it his duty, for the protection of the Members, to alter the Rules.

The Council then proceeded to the order of the day, being

### THE ESTIMATES.

The Clerk of the Council read Schedule 3 Unfixed Contingencies.

On the item "for the Governor's travelling expences, £300."

The Governor said that he did not think it possible to go through the Colony at a less expence; although he would not say that the actual amount would be required, it may be less.

Mr. Ross, the calculation is in advance; we rate that sum proportionately, but not in its actual amount.

The Governor—exactly.

Mr. Ross—I should like to ask the Secretary to Government if it is not at present the time to move for doing away with certain taxes?

The Secretary to Government—No, not after we have gone through the "Unfixed Contingencies."

Item allowed.

On the item "Council Office—Fuel and Candles £25."

Mr. Cloete said, I beg to add expenses for an Almanac for the use of the Council; we have been frequently obliged to ask for it to refer to.

Allowed.

On the item "Treasury—addition to Salary of Chief Clerk £30."

The Secretary to Government observed, that by this increase it was intended to place the Chief Clerk upon a equal footing with the other Clerks.

Allowed.

On the item "Deeds Registry—additional Salaries to Chief and additional Clerks £350."

The Secretary to Government said, that additional Clerks in that Department had been temporarily employed, but that with the present sum were considered sufficient to put the Office on a regular footing. He referred to a report made by the Treasurer, showing that the present expense would be fully borne put by the revenue of the Office.

Mr. Cloete said, that from his professional experience he bore witness, that the office was inadequately provided with proper means, and in as far, therefore, as the present amount was necessary, to place that department on a regular and efficient footing, he gave his consent to allow the amount.

He would repeat his suggestion of last year, of the office actually what it ought to be, namely, one of "registration."

He had, since mentioned the subject last year, received several communications from the County Districts, approving of the plan.—He would, therefore, consult on the subject with the Attorney-General, for the purpose of introducing a Bill to that effect.

Mr. Ross thought, as the additional sum now proposed would place that office upon an effectual footing, the delays and arrears complained of, may now be avoided.—He must disagree with his hon. friend (Mr. Cloete), to have all deeds drawn over by notaries, as he was disinclined to put the public to more expense; they now pay 4 per cent. transfer dues, besides other transfer expenses and stamps to the office, and would have to pay additional expenses to the notaries.—He should like the office to remain, but on a more efficient footing.

Mr. Ross—Under what part of the Revenue does the receipt of the proceeds of Robben Island appear?

Secretary to Government—Under the item "Proceeds of Revenue property £284."

On the item "for holding Court at Simon's Town £20."

Mr. Cloete observed, that this sum must fall away by the establishment of a magistracy at Wynberg.

Struck out of the Estimates.

On the item "Forge allowance to Field-Cornets of the Downs £15."

Mr. Ross Has there no applications been made on behalf of the Field-Cornets of the Downs?

Secretary to Government—Yes, of the date of 17th Jan.

Mr. Ross said, that the Downs are filled with runways and vagabonds, which required an efficient man as a Field-Corner for that place.—An Ordinance had also been passed last year, for cutting of wood in the Downs, but it has never been followed up, and remained a dead letter.

Mr. Breda—I beg to move that the memorandum or application be read.

The Clerk of the Council read the application from the Civil Commissioner of Cape District, proposing that an allowance of £60 should be given to the Field-Cornet of the Downs, Dempers, for the purpose of enabling him more efficiently to superintend the police in the Downs.

On the item "Erection of a Light-house at Mouille Point £200."

Mr. Eedes observed, that a second Light house was much wanted.—Allowed.

On the item "For re-surveys of land in the Eastern Districts £200."

The Secretary to Government observed, that the public must be aware that several surveys were made by surveyors so incurred by neglect or incompetency, that it was found necessary to effect a survey, by the order of Government.

Mr. Cloete was aware of the exigency, but he should like to know whether those expenses and costs recovered from the surveyors, whose erroneous measurements of Lands, by their neglect, or incompetency, had now caused this expense.

The Secretary to Government doubted whether any thing could be recovered from them, in whatever manner you proceed against them.

Mr. Cloete—Call upon their sureties.

Secretary to Government—There are only few cases in which Government has thought it necessary to take security.

Mr. Cloete—Some of the surveyors have made large fortunes.

Mr. Ross—Has the application been made for re-payment.

Mr. Breda—I concur with the Attorney General; but we must provide for the present exigency; he had no objection to consider of the system of subdividing the Field-Cornets; but for the present, and until a new system has been decided upon, the Ordinance, lately passed for the preservation of the Flats, ought to be maintained. Otherwise what is the use of making laws when they are not executed nor followed up.

Mr. Ross thought that there must be a separate appointment under separate instructions, for the superintendance of the Downs.

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Mr. Ross—It is impossible for the Clergyman to Rondebosch to hold a Church and a Sunday School, equally good; if he has to do the same at Wynberg.—I was one of those, who refused to accept the Rev. Mr. Fry, and to take the £100, and submit to the dictates of the Society, and take what they thought proper to give us.

Secretary to Government—There was no dictation from the Government; an offer was only made which it was free to accept.

Mr. Ross—The offer did not come from Government.—I cannot see why the English inhabitants of Wynberg are not equally entitled to proper English instruction.

Secretary to Government said that the Church at Wynberg was very poor. He read a Petition from the Trustees of the Wynberg Church for pecuniary relief.

Mr. Ross—Do they ask for any specific sum?

Secretary to Government—No; they only ask Government to take over the Church, and pay for the use of it.

Mr. Pillans said that £100 would, at all events, be an assistance.

Mr. Ross—if Government will take the Church and pay the Clergyman, we will support the School; if otherwise, Government will give £100, and let us elect our own Clergyman.

Mr. Ross—it is impossible for the Clergyman at Rondebosch to hold a Church and a Sunday School, equally good; if he has to do the same at Wynberg.—I was one of those, who refused to accept the Rev. Mr. Fry, and to take the £100, and submit to the dictates of the Society, and take what they thought proper to give us.

Secretary to Government—There was no dictation from the Government; an offer was only made which it was free to accept.

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