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one seem to know how or why it was done; at least our inquiry has been of no avail. — Well might we ask — Do the Members know themselves why they have thrown out altogether the principle of a Board of Wardmasters? ...  
The Public, however, very wisely, seemed inclined to accept the system as it was, rather than to delay any longer the measure for the establishment of a Municipality; but fortunately when the Regulations framed by the Committee, under the provisions of the Ordinance No. 3, 1839, were transmitted to His Excellency for his "approval, amendment, or disallowance," a flaw was found to exist in the said Ordinance, which it was considered necessary to correct by some short Bill or Ordinance.  
Our present Attorney General having in the mean time arrived, and entered upon the duties of his office, instead of doing things by halves, very properly seemed to have reviewed the whole system. He framed a "new Bill" for establishing the Cape Town Municipality, in which he introduced the system of a Board of Wardmasters — which had been thrown out by the Council, in the former Ordinance — and the principle has now been adopted by the "same Council," unanimously, as we have been informed!  
It is not without cause, therefore, that the public have a right to ask: why was it thrown out in the former Bill, and why is it now adopted *enimie contradietorie*? Or was it a mere whim? We were told at one time, that the establishment of such a Board would have been an *impertium in imperio*; but our informer must surely either not have understood what it meant, or he must be in the glorious habit of sometimes uttering nonsense, incomprehensible even to himself; for, according to his understanding of the *impertium in imperio*, the very establishment of the Municipality would be such an *impertium*! But how is it then, if this objection was *bona fide* entertained, that it was not raised again, when the new Bill was introduced, containing that *impertium in imperio*? This is only one of the samples, proving the evils of a system of non-elective Government, — of a Council, said to represent the people, but of which the unofficial Members are not elected by and from the people, but hold their appointment from the Governor for the time being.  
We rejoice, however, that our independent Attorney General has given the public fresh proofs of the liberal principles which seem to guide him in the conduct of his official duties. To him we owe the introduction of those liberal principles in the new Bill, and Mr. PORTER may rest assured, that the inhabitants of Cape Town are animated towards him with feelings of gratitude, for the benefit which, as Her Majesty's Attorney General, he has thus conferred upon them.  
It will now rest with the Householders, having obtained every thing they wished for, to attend the Meeting on Monday, to elect and appoint a Committee for the purpose of making the division of the Municipality into Districts and Wards, and drawing out the lists of Householders qualified to be elected or to vote. The labor of that Committee will be very easy, in as far as those divisions and lists have already been made out by the former Committee, and approved by a Meeting of Householders. A few amendments will now only be required in the lists, consequent upon the removals or deaths of certain Householders, and upon the declared disqualification of female Householders. It will depend from the resolution of the Meeting on Monday, to give directions on that head; and the Committee to be appointed, may, within 2 or 3 days, transmit those lists and division to the Magistrate, for publication, with a view of avoiding every possible delay in establishing the Municipality, which we have struggled for during the last 4 years, — which Her Majesty's Government have many years ago ordered to be established, — and which we sincerely hope His Excellency the Governor may soon feel himself moved, also readily to grant to the anxious inhabitants of Stellenbosch and Calesberg.  
The "wine harvest" is reported to have turned out very deficient; on many farms far more than the half. — From a hasty calculation, we have been informed, that the present harvest will scarcely produce more than about 16,000 leaguers. — (N.B. Does this arise also from "rust and drought?")  
PORT NATAL.  
We perceive, with regret, from the Eastern Province journals, which arrived with yesterday's Post, that there was a rumour prevailing at Graham's Town, of the Commando of the Port Natal Emigrants, consisting of 400 men, who had proceeded to attack DINGAAN, taking with them PANDA, had been treacherously murdered by them. — We hope the rumour may be found to be untrue, and if we reflect upon the various alarming reports that have reached our ears over land, we have sufficient reason to doubt the correctness of the report. — The following we extract from both the Eastern Province journals: —  
From the Colonial Times, March 4. — A rumour was in circulation at Fort Beaufort, brought in by some boers, that the whole commando which went out against Dingaan, was destroyed by Panda and Dingaan, and we do not vouch for its authenticity, as our correspondents do not mention the circumstance.  
From the Graham's Town Journal, March 5. — A rumour has been rife in Graham's Town, during the past week, to the effect that the Zoela chief Panda, has proved himself treacherous, and had taken advantage of an unguarded moment to fall upon the emigrants and massacre many of their number. Although we do not give credit to this rumour, not having been able to trace it to any authentic source, yet the bare probability of such an event fills the mind with acute apprehension, and leads one to desire most ardently that they had, in addition to their own resources, the strong arm of the British government on which to reckon under any serious exigency. ... The bare possibility of such a catastrophe, to say nothing of its probability, fills the mind with indescribable anxiety, and, as we maintain, falls loudly upon the government for prompt and decided

interference. ... The threatened outbreak among the Caffers, arising out of the murder of the trader Bezant, appears for the present to be suspended. It is said that Macomb has discontinued the proceeding, and that in consequence of this the parties who had taken up arms have retired to their several homes.  
Legislative Council.  
MONDAY, MARCH 9, 1840.  
Present: His Excellency the Governor; the hon. Secretary to Government; the hon. Attorney General; the honorable Acting Auditor General; the hon. Messrs. M. van Breda's Sen.; and Cloete.  
The order of the day being the third reading of the draft of an Ordinance "for improving the Executive Police of Cape Town, and the district thereof, for defining the powers and duties of the police, in certain cases, and for promoting the peace and good order of the said Town."  
The Attorney General rose, and said, that as the third reading was fixed for this day, after the draft should have been returned by the Judges, and the same has been returned to move, that the draft be altered for the greatest part according to the suggestions of the Judges, as he was of opinion that the Ordinance would not work so well if these suggestions were not followed, he therefore would move that the bill be recommitted.  
Mr. Cloete said, that after the mature deliberation of the Council with respect to the bill, he could not consent to such material alterations being made without the suggestions of the Judges being sent in writing, in a regular manner; he would therefore propose to the Council to meet some other day, to consider the suggestions after they shall have been received in the manner stated by him, as he doubted not but that these suggestions would appear to be well founded.  
After some further consideration, it was resolved to return to the Judges the suggestions made by them, with the view of the same being returned to the Council in an official manner, for the purpose of the Council considering in how far they could be adopted.  
The Attorney General would also propose a rule to the purport, that if a bill be returned by the Judges with any suggestions, the Council shall be entitled to send such bill back to them (the Judges) with their (the Council's) suggestions.  
Mr. Ross remarked, that this mode had been followed upon the passing of the Municipal Ordinance, the 12th, for the purpose of considering the suggestions of the Judges after the same shall have been received officially.  
Original Correspondence.  
TO THE EDITOR OF "DE ZUID-AFRIKAAN."  
New Constantia, March 11, 1840.  
SIR, — Terms of security have been very properly designated to be part of the rights and privileges of the vulgar. The Editor of the South African Commercial Advertiser delights in the use of opprobrious words, and I leave him therefore to the full enjoyment of his prerogative.  
I flatter myself that my reputation for veracity has never been injured, and I declare positively that the examination into the complaints of my apprentices was conducted by Mr. Grisold in secret. I was not confronted with them, and was not allowed an opportunity to interrogate them upon the statements they made. After their complaints had been heard, the purport of them was communicated to me by Mr. Grisold, and I affirmed that great part of the information was false, and that the letters of the 13th March, 1839, was thereupon addressed to me. The Editor states that that letter was a reference, and gave me an opportunity to deny, and explanation, but at once proceeded to state, that the complaints had been received, and, without awaiting my reply, it contained my conduct. According to the Editor's doctrine, therefore, a denial on my part, if it would have been made, would have been tantamount to a confession of guilt, and I should have been obliged to confess to the charges before the Commission. I am, however, very sorry to find that the Editor's doctrine is not only a "formal denial, or explanation," afterwards, but my opinion is very different, I considered the conduct of the Commissioners to be unjust, and disdained under such circumstances to enter upon any defence or explanation.  
It is incorrect in my assertion, that the examination of my apprentices was conducted in secret, let Mr. Grisold be examined, and his statement published, which, for its own justification, the Commissioners are bound to do, if it can be shown that I am wrong.  
The Editor declares positively that the charges he advanced against me in his paper of the 29th January last, were communicated to him by persons who felt an interest in the welfare of the children. The charges were as follows: — "We speak from a perfect knowledge of the facts, notwithstanding the superintendence and interference of the Commissioners, it has been with the utmost difficulty that their tutelage has been kept above the point where it would have been imperative upon them to cancel their indentures."  
Now what is the opinion that an unprejudiced mind will arrive at, upon perusing this paragraph? Will he not take for granted, that before the Editor could gain a perfect knowledge of the facts, there must have been such clear indisputable evidence of the truth of them, as to leave not a doubt upon the subject? Will he not be disposed to say, that the inquiry into these facts led to a perfect knowledge? The unprejudiced reader will be surprised to find that there was neither inquiry nor evidence which could assist the Editor through the labyrinth of error and misrepresentation, in establishing the truth of "the facts." I ask, in the name of common sense, what credit can be attached to the writings of a man who denounces another in the most unmeasured language upon mere hearsay? When it was the Editor's object to show the misrepresentations made by strangers arriving in this Colony, with respect to the treatment experienced by the juvenile emigrants, he could do so; but when his object is to vilify a master, then these *ex parte* representations are to his mind abundantly proved.  
The Editor further states, that he conveyed to the Board the information thus obtained, but did not derive it from them. It is very satisfactory for me to be informed, at least, that the Commissioners have not upon record against me any charges of the nature of those alluded to by the Editor; and any such correspondence has been productive of some good result, as it clears my character from all imputation with respect to them, but I must be permitted to say, that the Commissioners would have acted with better discretion, and a stricter conformity to justice had they stated this honestly at once, and not left me to extract the information in this circuitous mode. The Editor states distinctly, that he did not derive his "knowledge of the facts" from the Commissioners; but he adds — "notwithstanding the superintendence," &c. &c. &c. What is the construction to be put on this statement? Does it not leave the reader to infer clearly, that the Commissioners directed their superintendence and interference with a reference to those facts? Does it not imply, that having those facts before them, their proceedings were founded upon them? and that in their communication with me, they found it difficult to restrain me from such harshness and severity towards my apprentices as would render it necessary for them to adopt legal proceedings to cancel the indentures. If the Commissioners exercised such a superintendence as that I have noticed, it will be in the Editor's power to prove it, and I call upon him to define the acts of superintendence in question; or state wherein their interference (with a view to restrain me from the barbarity which he has accused me of) consisted. — I defy the Editor to particularize any such act of superintendence and interference, and I confidently refer to the records of the judicial courts of this Colony for a refutation of the infamous charges that have been preferred against me. — If they do not exhibit proof of severity or cruelty exercised by me towards my apprentices, and I am perfectly willing to abide by an appeal to them, I submit the Public have the best evidence that can be offered of my innocence. In the absence of such proof this conclusion is inevitable.  
I have now done with Mr. Fairbairn, I trust, for ever, and leave the Public to judge of the credit to be given to his writings from the falsities he has insinuated with respect to myself.  
C. BLANCKENBERG.  
COURT MARTIAL — GRAHAM'S TOWN.  
Charges preferred against Lieutenant Charles Peshall, of the Cape Mounted Riflemen, by Colonel Somerset, R. II, his Commanding Officer.  
1st Charge. — For scandalous and infamous conduct, unbecoming an officer and a gentleman, in punishing by severely beating his female apprentice, Harriet Polack, a child of 10 or 14 years of age, and in sanctioning or permitting her to be punished by soldiers or others, in presence or under the observation of the men at the posts under his command, I should fling Harriet Polack with a sambok, and I hold the mistress I did not like to fling her, she must do it herself.  
2d Charge. — For cruel and oppressive conduct as an officer, confining the said apprentice in the military guard room at the Koonap Post, on or about the 4th January, 1840, where she remained confined all night; and for sending her, under a military escort, a distance of 24 miles, to Graham's Town, improperly dressed, being bareheaded and without shoes, and in handcuffs, on a trifling charge of having stolen about half a pound of salt; such conduct, on the part of Lieut. Peshall, tending to lessen the respect which the soldiers under his orders ought to entertain for him.  
3d Charge. — For conduct unbecoming an officer and a gentleman, in speaking disparagingly, and in the most abusive terms, of his corps; more particularly, in stating to Ensign van Ryswede, of the same corps, at the Koonap Post, on or about the 23d December, 1839, — "that the corps was a refuge for the destitute, and that none but a beggar would remain in it," or words to that effect; and further, for permitting Ensign van Ryswede to tell him, at the same time and place, that he (Lieut. Charles Peshall) was kicked out of his last corps, of which expressions, so derogatory to his character, he took no notice whatever.  
4th Charge. — For highly unofficer like conduct, in having on or about the 3d January, 1840, at the Koonap Post, made use of the most disparaging language towards the corps to which he belongs, in presence of Lieut. M'Lean, of the Royal Artillery, and Veterinary Surgeon Kingsley, of the Cape Mounted Riflemen, — the whole of such conduct being unbecoming an officer and a gentleman, subversive of discipline, and injurious to the service at large.  
5th Charge. — For conduct unbecoming an officer and a gentleman, in having falsely stated to Col. Griev, when that officer visited the Koonap Post, on or about the 30th November, 1839, on being asked by whose authority he had commenced or erected certain buildings at that post, for which no instructions or authority had been given by the Royal Engineer Department, and in disobedience of the Regulations Memorandum of the 7th Nov. 1839, — that Lieut. Peshall had received Colonel Somerset's authority for so doing, which authority he also stated to Lieut. Col. Griev, that he had received in writing from Col. Somerset, but on being asked to produce that document, he stated that he could not find it, — all which statements, on the part of Lieut. Peshall, was false, no authority of any kind, verbal or otherwise, having been given to him by Colonel Somerset, for the erection of those buildings."  
A. A. O'REILLY, M. B., A. D. A. G.  
Graham's Town, 7th Feb. 1840.  
FRONTIER ORDERS.  
Graham's Town, 20th Feb. 1840.  
With reference to the General Orders of the 14th instant, a General Court Martial will assemble at the Mess Room of the 91st Regiment, on Tuesday next, the 20th inst., at 11 o'clock in the forenoon, for the trial of such prisoners as may be brought before it.  
President,  
Major BURNES, 91st Regt.  
Members,  
Major HALL, 79th Regt.  
Major CAMPBELL, 27th. Capt. YARBOROUGH, 27th. Capt. CAMERON, 91st. Capt. MACLEAN, 27th. Capt. POOLE, R. A. Lieut. TOULZE, 27th. Lieut. CAMPBELL, 91st. Major O'REILLY, Brigade Major, Acting Deputy Judge Advocate, A. A. O'REILLY, M. B.  
Mr. President and Gentlemen of this honorable Court, — I much regret that I cannot plead to the two first charges preferred against me, as they are founded on those circumstances, that have lately been before the public in the Magistrate's office of this town, and which being referred to the Circuit Court, I am bound over to appear, myself in £50, and also £50 for the appearance of my wife, if wanted. Any proceedings, therefore, that this honorable Court make take, may serve to prejudice the case, and to bias a jury, not only to my own injury, but also that of my wife; and if I attempt to defend myself upon those charges before this honorable Court, I must necessarily bring forward that evidence which my legal adviser has recommended me to retain until the case comes before a jury.  
I feel that I am the birth-right of every British subject, and which every citizen has gradually extended to the officers and soldiers of his army, upon all cases cognizable by civil authorities, and where there exists a civil judicature. Having, therefore, been bound in recognitions to answer to the charges of assault on Harriet Polack, I hope this honorable Court will not deprive me of the boon granted by her Majesty, and by my interference with the proceedings in this case now pending in the civil court, prevent that full, fair, and impartial investigation which the Attorney General thought would only be obtained by sending the case for trial before a judge and jury. The correspondence I have had with the civil magistrate on the occasion, as well as the Attorney General's reference of the case to the Circuit Court, I have the honor to refer to your Honors. With regard to the 3d, 4th, and 5th charges, I plead — "Not Guilty."  
I have the honor to be,  
"Mr. President and Court,  
"Your obedient servant,  
"CHARLES PESHALL."  
After the royal warrants were read, appointing Major Burnes of the 91st Regiment President, and Brigade Major O'Reilly as acting Judge Advocate General, and the oaths administered to the members, the Court was cleared of strangers. After an hour's deliberation, when the Court was open again for strangers, the President said the trial should proceed; when the defendant rose and said he was not prepared to answer the two first charges, and begged the court to be postponed till to-morrow, to enable him to obtain evidence, and a legal adviser for Mrs. Peshall, whose case was mixed up with his; to which no reply was given, and the president proceeded to examine Mr. West, Magistrate. Mr. West was asked whether he considered Mr. Peshall in the hands of the Civil Power? he replied, "No; if Mr. Peshall had not entered into recognitions for his appearance, he would have been in the gaol, and then under the civil authority, but he is on bail, and therefore in his opinion, not so."  
The defendant then said he was not prepared to plead to the two first charges, when the prosecutor stated, he was, and begged to go on. Defendant was then asked if he objected to any of the Members of the Court? he replied, "none," after which the proceedings commenced.  
Harriet Polack examined. — Was you Mr. Peshall's apprentice servant? — Yes.  
State to the Court whether you were flogged by Mr. Peshall, or his orders, at Cawoods? — I was flogged by my master, but not by his orders, but by the orders of Mrs. Peshall.  
Was you flogged by your master at Fort Peddie, during the months of September and October last? — (Mr. Peshall objected to this question.)  
President. — Any objection you may wish to make, you may do when called upon for your defence.  
My master has often flogged me at Fort Peddie, but I do not know what months.  
Were you flogged or beaten by your master at Koonap Post, during the months of November and December? — Yes.  
With what instrument or weapon did he flog you? — With a sambok.  
Was you put in handcuffs by your master's orders at Koonap Post? — Yes.  
Did you walk with the children when so handcuffed? — Yes.  
Did your wife, examined, (charge read). — Did you examine Harriet Polack, and was there any appearance of stripes or punishment on her body? — I did examine Harriet Polack and there were marks of punishment on her person, on the 28th January 1840.  
Will you describe those marks? — On the back part of the head a cicatrix of an old wound of an inch long, on the left side of the frontal bone a very indistinct mark of an old wound that I can only just perceive. (I could not say whether it was only 6 months or 3 years.)  
Would not the wounds inflicted heal sooner on a girl of ten or age than on an adult? — Certainly.  
[The remainder of Dr. Atherstone's evidence was the same as that given before the Magistrate.]  
John Lucas, private Capt. Mounted Rifles, examined, (charge read). — Did you flog Harriet Polack at Cawoods Post? — Yes, I did.  
Was that before you went to Fort Peddie in July last? — Yes.  
How many times did you flog her? — Five times.  
Where did you flog her, in what room? — Twice in the sitting room and once in the kitchen.  
With what did you flog her? — A sambok.  
Who ordered you to flog her? — Mrs. Peshall.  
Did any body hold her when you flogged her in the kitchen? — Mr. Peshall himself.  
Was you Lieut. Peshall's servant at Cawoods Post? — Yes. Why did you leave Lieut. Peshall's service? — One morning the mistress told me the rooms were not cleaned, well and that

When you flogged her in the sitting room, who was present? — The mistress.  
Did you flog the girl hard or severely with a sambok every time? — Yes.  
Did your master order Harriet ever to be flogged severely? — The master never did, but the mistress always did.  
Did your master not say anything when he was holding the girl while you were flogging her in the kitchen? — No.  
Who gave you the sambok to flog her in the kitchen? — My master himself.  
Who gave you the sambok when you flogged the girl in the sitting room? — The mistress told me to take it down from where it was hanging up.  
After flogging the girl at the time you speak of, were there any marks left from the blows you gave her? — Yes, on the back and arms.  
Cross-examined by prisoner. — (Has Col. Somerset at any time spoken to you relative to the evidence you have this day given? — Yes, this morning in the camp.)  
What did he say? — Col. Somerset asked me if I knew about Mr. Peshall; I said yes, I was servant.  
What else did Col. Somerset say? — The Colonel asked me what the girl did, that she was beaten so often? I said I did not know, as she always performed her work well.  
Do you know why the Colonel spoke to you? — The Col. asked me whether I flogged the girl before going to Peddie? I said yes.  
Did he say he wanted you in evidence against Mr. Peshall before a Court martial, the day before he asked you any questions? — Yes.  
John Woods, private 27th Regt., examined. — Do you know the prisoner? — Yes, I do.  
Will you state to the Court what you know about Harriet Polack being beaten or flogged at Cawoods Post under Lieut. Peshall? — On the 11th July I was stationed at Cawoods Post under command of Lieut. Peshall; I was going on sentry on the morning of the 11th July between 8 and 9, and whilst passing Mr. P.'s kitchen door I heard some cries inside, on which I halted and looked in, and saw Lieut. Peshall, Mrs. Peshall, and the emigrant girl there; I also saw a black man with a sambok (a piece of sea cow hide about the length of our officers' whips,) in his hand, beating the little girl Polack; she was kicking and crying at the time, she came up to me soon afterwards with 2 children, one on her arm and the other walking with her; I asked her what she was beat for, and she said her master said she was dirty and not fit to be seen, and if the children cried she was beat for it; I asked her why she lived with him, she said, she was an orphan, and had no place to go to, she did not know where the Committee lived who had charge of her; I wrote a letter to Mr. West, the Resident Magistrate, stating to him what I have now stated; when Mr. Peshall saw me in the kitchen he reported me to the officer commanding my detachment, and I was commended not to go there again; it was after this that I wrote to Mr. West; I wrote to Mr. Phillips who had charge of the emigrant girl.  
Did you see the girl's arm and back after she was beaten? — I saw her thighs and the top of her head on which appeared marks, some fresh and others not; I saw a black man with a horse scissors and her hair was shortly after cut, it was then I saw cuts on her head.  
Do you make any report to Lt. Lewis of the 27th, of the way you had seen the girl flogged at the time he commanded Cawoods Post? — Yes, I did the same as I have now stated in Court.  
By Mr. Peshall. — You swear it was on the 11th July; what day of the week was it? — I can't say what day of the week it was.  
How long after you saw her crying did you see her hair cut? — On the morning of the 11th, the same day as I heard her crying.  
How comes it that you could not be found for about two hours after you were in the kitchen? — By the watch I was only half an hour absent from the public works.  
Did you ever report to Lt. Lewis till I handed you over for punishment? — No, I never did until he had reported me.  
Did he not strike you off the works as a reason for what you did in my kitchen as a private? — He did; but I was a mason, neither did I get masons pay.  
What induced you to write to Mr. Phillips about the treatment of Harriet Polack? — I saw a statement in the public papers, and that induced me to write to him.  
(To be continued.)

High Sheriff's Office.  
Cape Town, March 12, 1840.  
Execution of the Judgment of the Supreme Court in the undermentioned Cases, the following Schedules will take place, viz: —  
CAPE TOWN.  
THOMAS ELLIOTT v. JAMES JORDAN.  
On Tuesday, the 24th of March, 1840, at Ten o'clock, A.M. in Church Square, Cape Town, of household Furniture of various descriptions, glass and Earthenware, kitchen Utensils, &c. &c.  
DISTRICT OF SIMON'S TOWN.  
ANDRIES BRINK, Da., v. JOHANNES VAN BLERK.  
HENDRIK RICHTER v. de said J. VAN BLERK.  
On Wednesday, the 25th of March, 1840, at 10 o'clock, A.M., at the Defendant's residence, situated at Eljes River, near Simon's Town, of household Furniture of various descriptions, a saddle Horse, with Saddle and Bridle, an Ox, about 600 tanned Sheep Skins, 3 Tubs, &c. &c. &c.  
UTENHAGE.  
GEORGE MILLS versus STEPHANUS JOHANNES HARTMAN.  
On Thursday, the 2nd of April, 1840, at Ten o'clock, A.M. in Front of the Market place in the Town of Utendale, of a bullock Wagon complete, a team of Oxen, &c.  
J. SFEUART, High Sheriff.  
Sale of Boats, Landed Property, &c. continued.  
THE Sale of Boats, as already Advertised, belonging to the Estate of the late Mr. James Buckley, will take place at the Wharf Tax Morning (Friday), at 10 o'clock; and the Landed Property at 12 o'clock precisely on the Premises.  
T. B. VENN, Executor Testamentary.  
J. FELL, & SONS most respectfully request a Settlement of Accounts for the last and former Years, by the 31st inst., in consequence of the intended departure of J. Fell, Sen. for England; and all Demands against them to be sent in for adjustment! Market Square.  
Wanted an Apprentice to the business of Bell Hanger, Lock and House Smith.  
LOST.  
ELLIOTT BROTHERS' Check, No. 65, of £ 50 Sterling, on the Cape of Good Hope Bank, drawn in my favor.  
F. GODF. WATERMEYER.  
TO LET.  
A House adapted for a small Family, situated in Plein-street, rent 45 Rds. per month. — Apply to Mr. Attorney P. A. POTJES, No. 1, Spuistraet, Church square.  
TO LET.  
A Front Room — A single Woman will have the preference. — Apply at No. 21, Buitengracht.  
Deserted.  
ON Monday last, my Negro Apprentice MACHIN RACHEERA, aged 24 years, 5ft 6 in length, marked Z on the left breast, and having several marks on his forehead and nose, he was dressed in a striped cotton shirt, new mokin trousers and jacket, and a soldier's cap. — Whoever returns him to the Undermentioned will be rewarded.  
Corner of Loop- and Shortmarkt-streets.  
DEPARTED this Life, on the 10th inst., after a lingering disease, my beloved husband, John George Steyler, W., aged 34 years and 8 months, of which I hereby Notice to Relatives and Friends.  
M. J. STEYLER, both Parties.  
Cape Town, March 12, 1840.

TO CORRESPONDENTS.  
"Colonia," "Recht door Zee," "Alfabet," "A Protestant," have been received, and will appear in our next. "No Humbug" is mistaken; the road is to be undertaken, not out of the public purse, but by private subscription; otherwise the *facta* road would have the preference.  
"A Subscriber" and "Par." are under consideration. The recorder of Dr. Ruckart requires no insertion, — he shall have the same fair latitude in our paper as his adversary.  
"A Friend of Justice and Equity, who is also a Cattle Farmer," will bear in mind in our next.  
THE ZUID-AFRIKAAN.  
CAPE TOWN, MARCH 13, 1840.  
We congratulate the Public with the passing of the Cape Town Municipal Bill. — An Ordinance, sanctioned by His Excellency the Governor, has been published in the *Government Gazette* of Friday last; and it will be seen, from a Public Notice of the Resident Magistrate of Cape Town, that a General Meeting of Householders is convened for Monday next the 16th instant, in the Town House, for the purpose of electing and appointing a Committee, as required by the 4th and 5th Sections of the said Ordinance.  
In our former number we have already given a sufficient outline of the principle and provisions of the Ordinance, and, no doubt, the public will hail the satisfactory conclusion of the measure. Yet cause of serious reflection presents itself, on comparing the present Municipal Bill with the one as passed by the Council and published in 1839. At a public meeting, held in the Commercial Exchange in June, 1836, certain principles were adopted, upon which a Committee elected was directed to draw out the Bill, to be presented to the Legislative Council. Nearly all the unofficial Members of Council, and the late Attorney General, were present on the occasion, and from their having witnessed the general and unanimous opinion of the meeting in favor of the principle, for the constitution of a Board of Wardmasters, — for the purpose of approving certain Regulations, sanctioning the Estimates of the Municipality, determining the Rates, and deciding upon the sale or purchase of Landed Property, — it was justly expected that it would meet with a ready assent on the part of the Council. — When, however, after a long and useless delay, the Bill was at last adopted, the public to their utter surprise found the principle alluded to upset, — nay every provision, introduced into it for carrying out that principle, altogether thrown out. Nor does any



INSTRUCTIONS TO SHEEP FARMERS, ABOUT THE SCURVY IN SHEEP.

We have been favored by the Cape Town Agricultural Society Committee, for publication, with the following translation of a German pamphlet, entitled, "Plan and easy instructions respecting the scab amongst sheep, written by Professor HERRIG, of the Royal Veterinary School at Stuttgart," and presented to the Committee by its worthy member, BARON VON LUDWIG. We regret that we are as yet unable to give at the same time an impression of the figure of the scurvy mite (scarus scabiei ovinae), and of the sheep lice (pediculus ovis), as they have been given in the pamphlet; we hope, however, that an opportunity may offer to obtain a woodcut, when we will not fail to give it in some subsequent number. The readers will bear in mind, that this pamphlet was written for Stuttgart, where there exists certain Government Boards, superintending over sheep farming.

Our domestic animals are all liable to an eruption, consisting of pustules, pimples, or vesicles, connected with these occur itching, scaling of the skin, and loosening of the hair. This is commonly called scurvy; but among no kind of animals is this eruption so serious a consequence as among sheep. This is easily explained—for 1st, the most profitable part, namely, the wool, is injured; and 2dly, sheep being usually kept in very large flocks, the disease will spread in little time over the whole flock, as the common proverb says, "One scabby sheep infects the whole flock."

The sending of a sheep to unsuitable or unusual pasturages, continuous rainy weather, want of care and knowledge, and many other circumstances, are the causes that within the last few years the scab has become most uncommonly spread throughout Wurtemberg, so that the Union for promoting the breeding of sheep (Verein zur Beforderung der Schafzucht) has thought it very suitable, that there be offered to the public plain and easy instructions respecting this most destructive malady, and by these means the further extension of it be checked.

Description of the disease. If a flock be watched in which scabbed sheep are to be found, we will observe that some very often strike with their feet towards their body, or scratch and bite themselves, or are rubbing themselves on their hurdles, or on trees, and such like objects. Such an animal being caught from among the flock, by examining narrowly the place where it has been scratching, you will find the wool all matted, dead or loose. The animal will remain quiet while you are scratching him with your fingers, and occasionally move his mouth.

These signs are very conspicuous; but it requires a very strict examination of the skin to distinguish if they do not arise from ticks, lice, or other causes of itching. The peculiar character of the scab, as shall be hereafter explained, will ascertain its presence. The scabbed parts, according to their age, have a different appearance. The spot may in early age have a pale or greenish color, with the skin inflated or nibbled, and a copious moisture will be perceived; or there are small itching knobs (mite nests) in the skin. But by long duration, thick, yellow scurfs of different sizes and degrees of hardness cover the affected part, so that one cannot see the skin, before first having removed the scurf. By examining the affected part more minutely, some small insects (scurvy mites) will be perceived, which to the naked eye will appear as very small globules or points.

To ascertain the presence of the mites, may be done with very little trouble, as follows—Remove these small bodies very gently from the affected part, and place them on a dark object, as, for instance, on a black piece of paper, or on the sleeve of a black coat, the mites will very soon be observed moving (very unquietly), which, in the absence of microscope, will easily distinguish them from skin scales, or thickened sweat, globules, and such like. In cold or wet weather these mites are as if frozen, and will rarely move themselves; in such cases they should be gently breathed upon. If the case be still dubious; a good magnifier will soon decide; the neighbouring Clergyman or Doctor being requested, will, I have no doubt, grant the loan of his microscope, and I am further fully convinced that he will briefly give instructions to any one ignorant how to use it. A person accustomed to the disease, will soon decide without the assistance of any instrument. The mites being discovered, it is certain that the scab is present. This being the commencement of the sheep scurvy, the mites will spread the disease from one part of the body to another, from animal to animal, and at last from one flock to another.

Origin of the disease.

A flock becoming scabby may be caused in two ways: 1. The disease may originally have been formed in the flock itself, or

2. It may have been infected by another flock. 1. Of the formation in the flock.—Lasting rainy weather, causes the outside of the skin to become soft, particularly will this be found on the back and at the root of the tail; after a short time a yellow wetness proceeds from the clits, of the pale, blated skin; the animal suffers by itching and consequently is rubbing itself. This is called rainy fifth (Regenfaul). If the animal be then kept very dry, the moisture thus produced, will very soon disappear, the outside of the skin will be found scaling off, and the sores parts will heal without any remedy whatsoever; should the sheep however be kept for some time in the same wet situation, mites will breed in the affected part. This is called mite-scab (Miltenscaub) which will infect all the others in the flock. To give an explanation of the crisis, when through rainy fifth mites will be breeding, is impossible; the little insects being once present they at first gnaw and at last enter the skin, where they breed their eggs, and after 15 days young mites will make their appearance. The number being thus multiplied in the same degree, the sizes and number of the scurvy places will become increased.

2. Of infection by others.—A flock becoming scabby through infection by others, may be caused from two or more causes, being brought into the flock. In pens or stables where there are close together, these little mites will pass from one to the other and therefore also infect the healthy ones. A flock may likewise become scabby by being either placed in pens or stables, or by coming into contact with places, where some time previously scabby sheep have been. And since scabby sheep are always rubbing themselves on their pens, trees and grates, some of the wool will remain, containing the mites which thus pass over to healthy sheep. Those places where scabby sheep have been, should for some time be carefully avoided; as mites, even when removed from the sheep, will live from 8 to 14 days and even longer. A herd being infected by others, as is generally the case, the disease will at first spread very slowly (in stables and pens, however, much more rapidly) so that no time the disease will be discovered only after some weeks, or even a few months have elapsed. The scab considered in itself, is not in the least dangerous, but the sheep being plagued day and night, cannot be expected to remain in a good state; the wool of scabby sheep will lose in quantity and quality, and should no precaution be taken, neglect alone will be the reason of their dying. The chief matter in question is—How is a flock thus infected to be treated?—First, the disease being contagious, it is very necessary that notice should be given to the district board, in order that the necessary measures may be adopted, if possible, to prevent further infection amongst other flocks. Then either of the following three processes may be adopted:—

- 1. Slaughtering; 2. Sending them out of the country; 3. Caring or healing them. 1. Slaughtering is to be recommended with fat sheep, and with those being kept in small flocks, where, by sacrificing a few animals, (the spreading of the disease only infecting the skin), the flock may be used without any the least prejudice or aversion. The skins in drying must be held at some retired spot, in order that the mites contained in the skin may not pass over to other sheep. 2. Selling of scabbed sheep to foreign countries is very much practised; this, however, wants the sanction of Government.—A flock being thus infected, and about to be driven over the borders, great precaution should be observed that they may not come in contact with other flocks. This measure of getting rid of a scabbed flock of sheep is generally very disadvantageous to the owner, and should in prudence be adopted only if there be a want of all means (i. e. forage, stabling, &c.) necessary for curing them. 3. Healing, or curing of the scab, is neither expensive, troublesome, nor uncertain. Want of insight, good will, and careful attention are usually the only obstacles. Some will find their advantage in affirming, that the scab cannot be cured, and so on; for what proves to one person's advantage usually turns to another's disadvantage.

If fully convinced of the mites accompanying the scab, it is very necessary that for the time the disease is prevalent, the infected flock should graze on a separate pasture, or receive their forage separately, and especially that there be a separate stable, or covered place, to prevent them from becoming wet by rain, will be advisable. The cure may then be commenced. For this purpose procure two tubs, each tub to serve a sheep can be placed in it. Then in another tub or cask mix the following lixivium.

- To 4 pounds distilled lime, shaken with the necessary quantity of water, add 5 pounds of potash, and mix it with the lime to a solid substance; then add 3 pounds of coal tar, and incorporate with the substance by continual stirring.

200 pounds (about 25 gallons) cattle dung, which should be well squeezed through an old rag or sieve, and at last pour or add to this 800 pounds (about 100 gallons) of water, which will produce 125 gallons of liquid.

This quantity will prove sufficient for 500 storn sheep, (N.B. if the sheep be previously shorn the healing will proceed more rapidly, as mites upon shorn sheep require more liquid, but also in their treatment more care is required.) The above lixivium being ready, the two tubs are to be placed near to each other, filling the one with the necessary liquid, and leaving the other empty.—The sheep being confined in a pen close at hand. Then the animals are to be caught from among the flock, and each plunged into this liquid, so as to allow every part of the body, the head and legs especially, to become thoroughly soaked. This operation requires two strong men, one taking hold of the hind and the other of the fore legs and head, and moving the body several times up and down in the liquid. The animal being thus placed in the adjoining tub, so as to allow all superfluous fluid to escape without being wasted, two other men are to employ in holding the sheep by the neck, and pressing the wet wool, so that the fluid may well penetrate the wool, and in rubbing with an old brush any actual scabby places. Then with a jug or some other implement the escaped fluid may be poured on the openings produced by the brush; or on those places where perhaps the fluid has not penetrated the wool to the skin; this being done the sheep may be set at liberty.

According to this prescription, each sheep separately, of the infected flock, has to undergo the same treatment whether any scurvy patches are to be observed or not.—Experience has proved that 4 men may thus clean from 400 to 500 sheep a day; it is more prudent, however, to take a little longer time than to be hurried, as the cure will speedily be effected, if the fluid be properly applied. The prescribed lixivium has the peculiar effect of killing all the scurvy mites on the skin. Others having already penetrated the skin and laid their eggs in it, it will happen that after 15 days young mites will creep forth; and this being the case, it is very necessary that the whole flock should be twice afterwards treated in the same manner, viz., the 8th and 15th day, each time requiring fresh lixivium.

For this bathing a remote spot is to be recommended; and if a dry day can be chosen, so much the better, as the rain will wash away the fluid before it has thoroughly penetrated; the sheep most infected by scab should be taken first. Whilst this method of cure is proceeding, which will require from 3 to 4 weeks, the most strict attention should be observed, with strict attention, what sheep has still more or less inclination to scratching and rubbing; such an animal should be immediately caught, and the itching part wetted with this lixivium; this might be easily done, by giving the herdsmen a few pints of this fluid.

Previously to the second bathing, satisfy yourself as to the progress of the cure, such as the scurvy patches are removed, and added, but that the scurvy patches are removed, and that the skin under them becomes quite sound and clean. By permitting the sheep to become wet, or by careless treatment, it may be necessary, that instead of twice, the bath should be repeated four times or oftener, always however observing an interval from 7 to 8 days. The cure according to the above mentioned prescription, is not to be interrupted, but should be continued for 8 days after the last bath having elapsed, it is very requisite that the sheep should all be examined, in case some suspicious matter in the shape of living mites have not escaped notice; this not being the case, and to be fully convinced of the effects of the cure, the flock, according to law, has still to remain for three weeks (calculated from the last bath) separated from others.

At first the lixivium will be found to affect the wool, which it turns very brown; this effect, however, as well as the smell, disappears of itself; it has been observed, that after this treatment the wool grows very quickly. The washing of a few scurvy places, or the bathing of a few animals, will not suffice, considering the necessity of keeping free from this disease as soon as possible. Nobody is able to effect from among the flock those sheep by which the disease is only originating; should single animals be treated, you will always find some others occurring newly infected, so that you will never get finished.

Severe cold being an obstacle should the disease increase violently, those sheep most infected may be washed with the above described fluid, until mild weather arises, when the general bath can be resorted to; and such sheep as are very very badly off with scab, may be slaughtered in order that the others should be less exposed to the infection. But even in the winter, not only scabbed sheep, but even pregnant ewes and sucklings have been healed by this treatment with every success possible.

The scab among sheep being more prevalent in the harvest and winter than in the milder season, the curing is connected with great want of pasture and forage, which compels the proprietor either to slaughter or sell them abroad, at a very great loss; in such cases, such as isolated pastures, ground could be procured for the infected flock, even supposing that one or more such flocks should graze on the same field; but exaggerated fear of infection, as well as envy and interest, are obstacles to such arrangements. The endeavors of government should be principally directed to procure isolated grazing ground for scabbed sheep. As the neighbouring states have proposed a penalty on the importation of scabbed sheep, it will soon prove of this benefit that the scab among sheep can be kept less secret, and so undue apprehension be diminished, and at last the owners will be placed under the necessity of curing; For, "Necessity is the best instructor."

At last it remains to observe, that other diseases are often mistaken for scab, which, although very similar, require no public restriction in the flock. In pens or stables, would lead too much into detail; the only symptom of the scab being present, is the accompanying scurvy mites; if these (the mites) be absent, the animal is not infected by scab; if a shepherd be not able to detect the mites, consult a veterinary surgeon on the subject, or (in case not too remote) send one or two of the animals most suspected to the Royal School of Veterinary Surgery (Königliche Tier-Ärztenschule) at Stuttgart, or to Hohenheim, let him lead them to the institution of Royal Economy, (Landwirthschaftliche Lehranstalt), where the examination (gratis) will lead to a full decision.

To avoid all mistakes between dung (Pediculus ovis) and mites, it is requisite to observe that the former in shape very much resembles the human head lice. Ticks (by some called Sheep lice) also bite, and therefore produce itching, &c. It is impossible to confound the ticks with lice, as the former are in their shape and size very like to an ordinary spider; the only resemblance they bear to the mites, is, that the bitten places or patches, are very like to those produced by mites; the difference existing in the cases is, first, the mites being absent, and secondly by removing the ticks the bitten part will in a few days heal of itself; this not being the case with mite scurvy, which as long as left to its own fate continually increases.

GEORGE. The following Government Notice, important for the inhabitants of George, we insert for their information:—

Whereas numerous complaints have been made to the Surveyor General by inhabitants of the district of George, in regard to land business, and it is necessary to bring to early settlement all such claims or disputes connected therewith, as upon investigation shall appear to be well founded; and to admit of settlement all persons having claims to make, under any of the following heads, are hereby called upon to state the same, in writing, to their respective Field-cornets, in sufficient time to admit of such claims being forwarded by the said Field-cornets to the Civil Commissioner, on or before the 20th day of April next: 1. All persons who have received titles to the lands surveyed for them, but to whom no account has been rendered of the expenses of metes and bounds, or balance struck between such expenses, and the sums deposited by them to meet the same. 2. All persons who have not as yet received their titles although the places applied for by them have been surveyed; and who have in conformity with former regulations, deposited for the expense of inspection and measurement. 3. Misdemeanors and not a Cape mill wharf.

All persons who have deposited for the purposes above-mentioned, but where the lands deposited for have not been inspected or surveyed, or inspected but not surveyed; or where such deposits have not been returned. By Command of His Excellency the Governor, (Signed) JOHN BELL, Secretary to Government. Colonial Office, Cape of Good Hope, Feb. 13, 1840.

STELLENBOSCH. THE OPENING OF THE RYNEVELD'S PASS.

Feb. 23. I think I shall render no small service to the public by informing through the means of your paper, that the new road on this side of Stellenbosch has this day been opened by the Agricultural Society at this place, and has been called the "Ryneveld's Pass;" as by the exertions of our worthy Civil Commissioner, this road has been finished. He has not only granted the services of the convicts for the purpose (being generally 12 men, who commenced the road about the 15th September last), but has also provided for extra expenses; and on his proposal this road was marked off by Messrs. Mader and P. Faure, after an ocular inspection of a commission from said Society. If this new road had been contracted for, the expenses would have been enormous, whilst the extra expenses will now scarcely amount to £50. I need not mention the great advantages which will be derived from this excellent improvement, not only for the village, but for a great part of this District; I leave it to those persons to judge who have made use of the old pass, and experienced its difficulties. The roads in the vicinity of this village, as well as the streets have been very much improved in a few years, by the labour of the convicts and of our Civil Commissioner. The new road to the Banhoek is, amongst others, one of these improvements.—(A Friend of Improvements).

KOEBERG. REMOVAL OF FELD-CORNETS.

March 3.—Among the many grievances of which we are at present conscious, there is one of which, to our great regret and astonishment, has not yet been redressed.—I mean, the removal of the two Field-cornets of Koeberg, from Cape Town to Malmesbury. Shortly after the appearance of this Ordinance, I went to the Field-cornet van der Spuy, and applied to him for the removal of the same, who I was informed by him, that he had already written to the Civil Commissioner of the Cape District on the subject. A memorial representing the difficulties consequent upon such removal and alteration (to which I was one of the subscribers), was afterwards presented to His Excellency the Governor, by a deputation, who were informed by the Field-cornet that they were to present it to the Legislative Council (I believe it was in October last); but no answer has as yet been received thereon; therefore I am astonished that such an equitable request; and whereby the Government will not suffer for the value of a farthing, is not complied with.—(A Sufferer).

WORCESTER. MAGISTRATE'S COURT, MARCH 2, 1840.

This day the Public Prosecutor brought before the Court a person of color, named Damon, for rape, committed on a woman of color, named Adriana. The prisoner is a youth of about 18 years of age.

Adriana, being sworn, declares:—I am in the service of Christoff Hendrik Keet, of Waterfall, near Tulbagh; I am now at the Brandyval's Baths with my master and mistress.—Last Saturday, about sunset, my mistress sent me to the house of Mrs. the Widow de Wet for figs; when I returned from thence I met the prisoner at the cowfold; when I passed him he said that he would bring me some fruit in the evening. I replied, "You are joking." I went my way without taking further notice of him; arriving at the poplar bush at the spring of Brandyval (a distance of about 400 paces from the house of the prisoner), the prisoner had followed me; coming up to me, he offered a hat full of grapes, which he had with him, and which I accepted; he then threw them into my apron (here the witness made a statement of the circumstances in the commission of said crime, and how she was relieved by another person of color, named Aris, who came to me, and I had been relieved by him, I flew into the face of the prisoner, whereupon he gave me a blow on my left cheek, and took to flight. The blue and swollen eye which I have was caused by a blow which I received from the prisoner while he committed the act. It is more than two weeks now that I am at the baths, and although I have often seen the prisoner, we never spoke to each other before.

Joseph, being sworn, declares:—I am in the service of the Widow de Wet, of Brandyval; I am a shepherd; when I returned home last Saturday, about sunset, with my sheep, and had arrived at the poplar bush, I heard some one call God's name, and cry out for assistance. I went to the side from whence the noise proceeded, approaching the bush, I saw behind it the prisoner, with a woman of color, who defended herself, and cried very much. I then said to the prisoner, "What are you doing, leave the girl alone." The prisoner then left the girl alone, and I pursued my road home.

Aris Jephtha, being sworn, declares:—I am in the service of Christoff Hendrik Keet, of Waterfall; my master is at present at the baths with his family; it is now three weeks that we are there. We have our apartments at the bathing-house. Hendrik Keet is also at the bathing-house; he has a girl in his service named Adriana. Last Saturday evening I was at the bath; that evening my master sent me to Mrs. de Wet with a message (here the witness described how he found the prisoner with Adriana, committing the crime, and how he has relieved her, and continued). Adriana also rose and flew at the prisoner, and endeavored to scratch him in the face, but he gave her a blow with his fist in her face, which floored her; he then took to flight. I have not seen that the prisoner has choked her, but from the noise made by her I must think so. When Adriana fell to the ground by the prisoner, she remained in a groaning for a few moments, when I took her by the hand, and lifted her up, and sent her to the bathing-house; and I pursued my road to Mrs. de Wet; when the prisoner gave Adriana the blow which made her fall, I went up to him, and threatened to punish him for his improper conduct, and he then took to flight. The prisoner had no marks in his face, but Adriana was disfigured her right eye was blue and swollen, and from what she said, caused by a blow which the prisoner had given her with his fist, while she defended herself against him. The prisoner said in defence:—I drank too much wine on Saturday, and was a little intoxicated, and therefore do not know what I have done.—Committed.

LOCAL AFFAIRS.

March 3.—Mr. Petrus Johannes du Plessis, by a public notice (vide Zuid African of the 28th ultimo), intimated his intention to leave the Colony for Port Natal; his departure will be a great loss to this district, he being one of the principal agriculturists and men of business in this district; and it is feared that his departure will be followed up by many, as for a long time already all eyes were fixed upon him. The cause of his departure is "want of labour" as he cannot properly cultivate his valuable farm. Unless provisions be made in this respect, the whole Colony will go to ruin; and yet His Excellency says (vide government letter dated 10th February last, which appeared in the Zuid African), that "many and solid objections stand in the way, for the establishment of vagrant laws," let me tell you that the Colony will never again arrive at its former flourishing state, unless such help be made and promulgated without delay.—(A Correspondent).

CLANWILLIAM.

CIRCUIT COURT.—DECEMBER, 1839.

The hon'ble Mr. Justice Kekewich arrived here on Friday, the 10th of December, accompanied by Messrs. Advocates Ryneveld, Hanna, and Mr. W. Kekewich. Our worthy Civil Commissioner, the Clerk of the Peace, and several more, met the Judge at the Oliphants River, and on arriving at our little Village, his Lordship was received with a salute of 21 guns. The Judge and party went to the Drostdy-house, where they were most hospitably received and treated during their stay. The Court opened on the 10th instant, when the following Criminal Cases were brought forward:— Regina v. Dikkop and Kilpoo, for stealing on the 11th of May, from the farm Zeekoe Vallei, 3 sheep, the property of J. van Ryneveld, Esq. Guilty of the 3d count in the indictment, namely, of stealing one sheep, the other two counts being wrongly stated, the prisoners were acquitted of the two last. Sentence, 9 months imprisonment with hard labor. Ditto v. January, Damon, & Cornelis Slinger, Hottentots,

for mill-housebreaking and stealing 20 lbs. of flour, the property of A. E. van Wyk. Guilty of theft only. Sentence, the two first prisoners 2 years with hard labor; the last, Slinger, being a boy of only 12 years old, was sentenced to three months imprisonment.

Ditto v. April Samson, for stealing 2 sheep, the property of J. W. van der Merwe. Guilty. Sentence, 18 months imprisonment with hard labor. Ditto v. Aris Cyster, Hanekam, Piet Vloerhuis, and Piet Tromp, for stealing one cow, the property of N. Smit. Guilty. Sentence, 12 months imprisonment with hard labor. Ditto v. C. J. Hartweg, for stealing one ox, two cows, and four calves, the property of G. Adam, and one bull, one ox, and one cow, the property of C. October, and 4 oxen, one cow, and one calf, the property of D. J. Rospour. Guilty of the two first counts. Sentence, 3 years imprisonment with hard labor. Ditto v. Evert, for housebreaking and theft, in stealing one bridle, one hat, and a number of other articles, the property of C. J. Brand. Guilty. Sentence, 3 years imprisonment with hard labor. Ditto v. the same, for stealing one heifer, the property of C. Brand. Guilty. Sentence, 12 months imprisonment with hard labor. Ditto v. the same, for stealing one horse, and 3 mares, the property of H. Engelbrecht. Guilty. Sentence, three years imprisonment with hard labor. Ditto v. Adolph, Gerrit Visage, and Jan Visage, for stealing 2 sheep, the property of A. W. Louw. Guilty. Sentence, the two first, 12 months imprisonment with hard labor; Jan Visage, being only 10 years old, to receive 12 lashes. Ditto v. Adam, for out-housebreaking and theft, in stealing 4 pounds of tallow, the property of S. W. Burger. Guilty. Sentence, 12 months imprisonment with hard labor. Ditto v. David Titus, for stealing one cow, the property of L. T. Karsten. Guilty. Sentence, 12 months imprisonment with hard labor.

Ditto v. Pieter Mentzer, for stealing 42 sheep, and 78 goats, the property of J. A. A. J. Guilty. Sentence, 7 years imprisonment with hard labor.—All the property was recovered. Ditto v. Klas Klein, for stealing one sheep, with two former aggravations. Guilty. Sentence, twelve months imprisonment with hard labor.

Ditto v. Pieter Zwart.—There were 6 counts in the indictment, charging the prisoner with 6 different thefts, in stealing 4 sheep, 2 goats, and several other articles, the property of different persons. Guilty. Sentence, 3 years imprisonment, with hard labor.

Ditto v. Aris Titus, in stealing 1 goat and 1 sheep, the property of W. Witbooy. Guilty. Sentence, 12 months, with hard labor. Ditto v. Achilles, for stealing 1 cow, 1 goat, and 4 kids, the property of W. Witbooy. Guilty. Sentence, 18 months, with hard labor.

Ditto v. Carel Hendrik Meyer, an agriculturist, for rape. Mr. Advocate Ryneveld for the prisoner said, he was obliged to object to the jurisdiction of the Court; that his client had been indicted for the same offence before the last Circuit Court holden at Worcester, and that the case had there been removed into the Supreme Court; that her Majesty's Attorney General, he thought (with due submission), had no right to indict his client anew, while this case was pending in the Supreme Court; but that he (the Attorney General) should have removed the case into the Supreme Court, to have this case removed back into the Circuit Court; that this was the third time his client had been indicted for the same offence, and therefore was clearly estopped, to the 40th Ordinance, to be discharged.

The Court in discharging the prisoner, said, that he ought to consider himself a fortunate man; that if he had been obliged to object to the jurisdiction, which from the preparatory examination he thought there would have been no doubt, it would have been his painful duty to have passed sentence of death upon him.

Ditto v. Tola, alias Tolla, indicted for the murder of Titus Titus.—Arraigned. Plea, not guilty.

1st Witness, January.—I am a laborer in the service of C. van der Merwe, residing in the Hantam. I know the prisoner; he told me at Leuwofostein, in the Hantam, on a certain Sunday, on the 4th of August last, that he had missed a sheep; that he had gone in search of it, and followed a spoor which brought him to a man, who was in possession of his sheep; that the sheep had been killed, and the man was engaged in hitting up the meat. The prisoner attempted to seize the man, on which the man sprung up, and attempted to stab him; that the moment the man attempted to stab him, the prisoner took up a stone, upon which the man turned round, and that the prisoner threw the stone at the man, and hit him on the back of the head; that the man then ran away, and the prisoner followed him, with a kirrie, and hit him on the back of the neck, and the man fell on the ground, and that the prisoner then gave him three blows with the kirrie; he said that it was a pet sheep, which he had a long time, and which he had refused to give to many persons; that his heart was sore, and that he had beaten the man because he had attempted to stab him. He told me this on the ground, and he had beaten the man. Upon this I told him he must go to the Field-cornet with me, and we went accordingly. Before I went to the Field-cornet, I accompanied the prisoner to the spot, where he told me he had killed Titus, and when we came there, I saw Titus lying dead, and observed a wound on the back of his head—the neck of the deceased was swollen. I did not see any marks of struggling on the ground. The next day I went to the Field-cornet with the prisoner, and delivered him up to the Field-cornet, Willem Burger. The prisoner had nothing in his hand when he related this to me. The prisoner did not produce any thing to me, nor did I see any thing at or near the spot where the deceased lay. The prisoner showed me the skin of a sheep, and some meat at his house. I know the skin (produced to witness); it is the skin of the prisoner's sheep.

Examined by Mr. Advocate Hanna.—I saw the skin and the meat lying where the deceased was; it was about 100 yards from the dead body.

By the Jury.—The prisoner told me, that when he threw the stone at the deceased he fell, and that he then went up to the deceased, and hit him with a kirrie, which occasioned his death. 2d Witness, Willem Petrus Burger.—I am Field-cornet of the ward Hantam; I know the prisoner at the bar, and I know the last witness, January. I believe it was on the 11th of August last they both came to my place. January brought two prisoners with him besides the prisoner at the bar; he told me that there was another sheep stealer who had been killed by the prisoner at Leuwofostein. The prisoner said that a man had stolen a sheep from the prisoner, who had killed him in consequence; that it was a pet sheep, which prisoner had kept for himself. I then told the prisoner at the bar to go with the other prisoners to Clanwilliam, whilst I went to inspect the body. I went to the spot the next day, which was seven hours on horseback from my place, and there I found a corpse, and a kirrie close by; the body was lying amongst some rocks. These are the two kirries I found; one of them was bloody. I examined the body, and discovered a wound upon the back of the head; the skull was fractured, and a wound on the right eye, the skin hanging down, which would appear to me to be occasioned by a fall; behind the ear there was an abrasion of the skin, which might have been occasioned by either of those kirries. The face was much swollen, but I found no other bruises. In my opinion, as far as I am capable of judging, the fracture of the skull was the cause of death. I cannot say which of the wounds hastened or caused death of Titus, but I think it was occasioned by the large wound on the back of the head; I did not perceive any thing on the ground. As far as I know of the prisoner, he was a quiet man, and of good character. His hut was close by where Titus had been killed. The body lay a little on one side, out of the way that leads from the prisoner's hut to my place; it lay about 3 or 400 paces off the way. The body lay upon hard stony ground. The large wound is such as might have been inflicted by a stone, and I think more probably than by one of those kirries. By the Court.—The ground was too hard and strong to perceive whether there had been any struggling.

By Counsel.—In the month of August last I received a message from the father of the deceased; it was in the beginning of the month before this death occurred; in consequence of this message, I gave orders to have the three sons of Jan Titus, of whom the deceased was one, apprehended by the district, for the purpose of being tried for the murder of the deceased, who appeared to be a stronger man than the prisoner. 3d Witness, Laban.—I am a Caffer, and attended the goal in October last; the prisoner was confined there, and locked up in his cell alone; I heard him say, as if speaking to himself, that there was another person with him, who had killed Titus; I opened the door, and on my entering him to be quiet, when he said, I must have Frederick also. 4th Witness, John van Ryneveld.—I am Resident Magistrate of Clanwilliam; I produce the declaration made before me on the 5th September last:—

"I found the deceased with my sheep, and on attempting to apprehend him, he threatened to stab me with his knife, and I struck him three blows with a kirrie, and killed him; I never brought a knife to January." Verdict, not guilty.





Voor ik my naar den Veldkornet begaf, heb ik den gerangschikt naar de plaats waar my gezegd had Titus te hebben dood, geregeld, en toen wy aldaar kwamen, zag ik Titus dood liggen, en heb eene wond achter zyn hoofd gezien, de nek van den overledene was gewonden; ik heb eene teekening van worsteling op den grond gezien, ik heb my den volgenden dag met den gerangschikt naar den Veldkornet begaven, en hem aan den Veldkornet, Willem Burger, overgegeven. De gerangschikt had niets in zyne handen toen hy my dit verhaalde; de gerangschikt heeft my niets geproduceerd, noch heb ik iets by of naby de plaats, alwaar de overledene lag, gezien; de gerangschikt wees my het vel van een schaap en eenig vleesch aan zyn huis; ik ken het, (aan den getuige geproduceerd wordende) vel; het is het vel van het schaap van den gerangschikt.

Onderzocht door den Advokaat Hanna. Ik zag het vel en het vleesch liggen alwaar de overledene zich bevond; het was omtrent honderd schreden van het doode lichaam.

Door de Jury. De gerangschikt zeyde, dat toen hy den steen naar den overledene wierp, hy gevallen was, en dat hy toen naar den overledene was gegaan, en hem met de kleren had geslagen, waarop hy gestorven was.

2. Getuige, Willem Petrus Burger. Ik ben Verdkornet van de Wyk Hantam; ik ken den gerangschikt thans voor het hof, en ik ken den laatsten getuige January; ik geloof, dat het op den 11 Augustus l. was, dat zy beide by my op de plaats zyn gekomen; January heeft met zich, buiten den gerangschikt thans voor het hof, twee gerangschikt gebragt; hy zeyde my, dat er nog een ander schapen-dief was, die door den gerangschikt aan de Leeuwfontein was dood geslagen; de getuige zeyde, dat een man een schaap van den gerangschikt had gestolen, die hem daarom had doodgeslagen; dat het een haas-schaap was, dat hy voor zichzelf had gehouden; ik heb toen aan Marthinus Spangenberg; hetzelfde vel dat Spangenberg in myn hat gevonden heeft. Uitspraak, schuldig, Vonnis, "om afzonderlyk, van hier naar de plaats van waar gyl gekomen zyt, te worden gebragt, en van daar naar zoodanige plaats van executie, en op zoodanigen tyd als Zyne Excellentie zal goedvinden te gelasten, dan en aldaar te zynne gebragen aan den nek, tot dat er de dood op volgt."

3. Getuige, Jan van Rynveld. Ik ben Resident Magistraat te Clanwilliam; ik produceer de voor my op den 23 October l. in myne tegenwoordigheid gedane declaratie: "Ik ben onschuldig aan den moord, ik weet er niets van, ik ben schuldig aan het stelen van een schaap van Marthinus Spangenberg; hetzelfde vel dat Spangenberg in myn hat gevonden heeft." Uitspraak, schuldig, Vonnis, "om afzonderlyk, van hier naar de plaats van waar gyl gekomen zyt, te worden gebragt, en van daar naar zoodanige plaats van executie, en op zoodanigen tyd als Zyne Excellentie zal goedvinden te gelasten, dan en aldaar te zynne gebragen aan den nek, tot dat er de dood op volgt."

In eenige zaken zyn er getuigen opgetoosd, op eenen afstand van 60 uren te paard woneude; zy hadden daarom den afstand van 120 uren aangelegd, om ter eerste instantie voor den Magistraat te verschynen, dus 240 uren te paard, om hante getuigenissen af te leggen. De Boeren klagen hierover, en doen dit met regt. Waarom kan het Gouvernement niet eenen Magistraat aan de Kamiesbergen, en eenen anderen aan de Hantam aanstellen? of eenen Residenten Vrederegter. Valen der respectabele Boeren geen trevelen; zy zeggen dat zy syne arbeiders kunnen krygen, dat er geen wet is om hen te noodaken, indien zy in zyn dienst treden, om u kennis te geven wanneer zy niet vertrekken te blyven;—en dat, indien er zelfs ook een wet bestond, (enigen onder hen) eenen afstand van 120 uren te paard, zonden hebben afgelegd, om voor den Magistraat getuigenis af te leggen, of een klage in te brengen.

4. Getuige, Johan van Rynveld. Ik ben Resident Magistraat te Clanwilliam; ik produceer de voor my op den 23 September l. gedane declaratie: "Ik heb den overledene by myne schapen gevonden, en pogende hem te apprehenderen, heeft hy gedreigd my met zyn mes te steken, ik heb hem drie slaggen met een klerie gegeven, en hem dood geslagen; ik heb nimmer een mes naar January gebragt." Uitspraak, niet schuldig.

Joseph alias Joseph Kok, Willem Gyman en Jan Stuurman, beschuldigd voor den moord, gepleegd aan Jantje Getal. Acte van beschuldiging aan hen voorgelezen zynde;—pleitden zy, niet schuldig.

1. Getuige, Marthinus Hendrik Spangenberg. Ik ben een veeboer; ik was aan de Koppieskraal, onder den Schurfberg, in de Wyk Hantam; ik heb een schaap, genaamd Jantje Getal; ik heb daar myne schapen op den 23 July; ben onder den berg staande onder den schapenwachter Jantje Getal, heb ik zo naar huis gedreven; ik vermist een rood-schimmel vette hamel; ik heb datzelfde schaap op den morgen van dienzelfden dag gezien; Jantje was den avond van den volgenden dag nog niet terug gekomen; ik telde toen myne schapen en vermist vier; ik heb geen daarvan terug verkregen; den volgenden morgen, ben ik weder met Mathys Stuurman, (een Hottentot) terug gegaan, naar de plaats van waar ik den vorigen avond myne schapen had gedreven; ik heb de sporen der schapen tot boven den berg gevolgd, alwaar ik teekenen zag, waar eenige der schapen van de kudde waren gedreven; naderhand ontdekke ik de sporen van drie personen, zoo als ik verondersteld heb, ik heb de sporen zeer duidelyk gezien, maar ik kon niet regt uitmaken hoeveel personen, daar de grond nat is; ik heb geen der sporen herkend; ik heb het spoor een klein afstand gevolgd, toen ik het lichaam van Jantje Getal ontdekke, achter een bosch liggende; zyn lichaam was met bloed bedekt; Stuurman opende zyn baasje, en ik bespeurde twee steklen, zoo als het my voorkwam, met een loesgebondt onder zyne linker borst; hy had geen andere wond; er bestond by my geen twyfel of die twee wonden waren de oorzaak van zynen dood; de wonden waren breed omtrent 1 1/2 duim lang; de twee wonden maakten twee zyden van een vierkant uit; ik heb het lyk met boschjes bedekt, en ben toen naar huis gegaan; denzelfden namiddag ben ik met Stuurman naar de plaats op den berg gegaan om uittezien naar turen; wy konden dien nacht niet gaan naar het regende; den volgenden morgen, zynde Woensdag, ben ik met Stuurman naar Coenraad Beukes gegaan, om het lyk te begraven; ik kon niet uitvinden wie de daad gepleegd had, dan na 16 dagen daarna, toen ik eenen brief van mynen broeder David Spangenberg ontving. Ten gevolge van hetgeen deze brief beelde, ging ik, en apprehendeerde Piet Spanger, aan de Grootte Taasboschkraal, twee uren te voet van myn huis, en bragt hem op de werf van myne plaats; ik heb zyne twee handen gebonden, en hem onder toezigt van myne vrouw en Stuurman gelaten; ik ging toen naar de hutten van den gerangschikt, Willem Gyman en Jan Stuurman, hante hutten zyn digt by elkander; ik ging toen naar Stuurmans hut, en daar rond ik dat vel, dat het vel van myn rood-schimmel hamel is, dat ik uit myne kudde vermist heb; ik ben niet in de hut van Gyman gegaan; ik ben in een kloof gaan zitten, om te wachten tot Stuurman en Gyman te huis kwamen; Jan Stuurman is in den namiddag te huis gekomen, toen ik hem heb gepreghendeerd en vastgebonden; ik vroeg hem toen waar hy het vel gekregen had, en hy antwoorde dat Hiermanus Louw het hem had gegeven; Vigilant en Kasper Drogkop, twee Boesjesmaans, waren toen by my; ik zeyde toen aan Stuurman dat het vel my toebehoorde, waar op hy zeyde, dat Jantje Getal het hem gegeven had; ik vroeg hem toen of hy tegenwoordig was toen Jantje Getal is vermoord geworden; ik heb Stuurman niet gedreigd, of hem het mist geloof om de waarheid te ontdekken; hy zeyde ja, ik heb daar ook by geweest; ik ben in Stuurmans hut tot middernacht gebleven, wanneer Gyman te huis kwam; ik heb hem toen gepreghendeerd en gebonden; hy zeyde toen, Mynheer, indien gy my bindt, moet gy Klaas Vliander, Joseph en Piet Spanger ook vatten; ik heb hen naar huis gebragt, en ben des volgenden dag naar den Veldkornet Nieuwoudt gegaan.

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3. Getuige, Hermanus Cornelius Nieuwoudt. Ik ben Veldkornet van het Onder Bokkeveld, ik ken de gerangschikt Willem Gyman en Jan Stuurman; zy zyn door den heer Spangenberg op sekere Zondag naar my gebragt, ik geloof op den 19 Aug. Spanger was reeds door Adriaan Lubbe naar my gebragt; hy was toen dezes moord beschuldigd, welke hy ontvond had. Toen Gyman en Stuurman door den heer Spangenberg naar my zyn gebragt geworden, heb ik hem gevraagd wat sy betrekkellyk Spanger hadden gezegd, en hy zeyde, Gyman en Stuurman hebben my gezegd, dat zy ook by den moord van Jantje Getal geweest waren; zy stonden er by toen Spangenberg dat zeyde; zy seiden ja, het is waar. Ik heb geen bedreiging of belofte gedaan.

4. Getuige, Willem Straus. Ik woon aan de Hoirivier, in de Hantam; ik ken den gerangschikt Joseph Kok, hy is door mynen apprentice Isaak, in het begin van Augustus by my gebragt geworden, op suspicie dat hy zyn kist had opengebroken. Ingevolge van hetgeen ik tevoren gebood heb, heb ik Joseph Kok verzagd of hy by het plegen van den moord van Jantje Getal gewaagd was;—hy antwoorde niet; ik behaalde de vraag, en hy zeyde, ik heb Jantje Getal niet vermoord, maar ik was er by toen hy door dese personen vermoord is geworden;—hy zeyde, ik heb hem allen vermoord; ik ben digt by hen geweest toen sy hem hebben vermoord; hy zeyde, dat hy omtrent 3 vooten van hen was. Door dit te zeggen, veronderstelde ik dat hy mede in den moord betrokken was; by zide, Mynheer, ik zal u de waarheid vertellen, ik heb een hand vast gehouden, terwijl hy vermoord werd;—hierop heb ik hem naar den Veldkornet Willem Burger gebragt; hetgeen Joseph Kok my verteld heeft, was oogenoegen en vrywillig.

5. Getuige, Willem Petrus Burger. Ik ben Veldkornet van de Hantam wyk; ik ken den gerangschikt Joseph Kok, hy is door Willem Straus naar my gebragt, ik denk omtrent den 12 Augustus l. ik vroeg hem of hy een der moordenaars van Jantje Getal was; hy ontwende het eerst; ik zeyde toen, wat baat het u dat gy het ontkent, daar wy kameraden reeds bekend hebben;—het Hof wilde niet als getuigenis aannemen, hetgeen de gerangschikt, aan den getuige naderhand gezegd had.)

6. Getuige, Jan van Rynveld. Ik ben Resident Magistraat te Clanwilliam; ik produceer de voor my op den 23 October l. in myne tegenwoordigheid gedane declaratie: "Ik ben onschuldig aan den moord, ik weet er niets van, ik ben schuldig aan het stelen van een schaap van Marthinus Spangenberg; hetzelfde vel dat Spangenberg in myn hat gevonden heeft." Uitspraak, schuldig, Vonnis, "om afzonderlyk, van hier naar de plaats van waar gyl gekomen zyt, te worden gebragt, en van daar naar zoodanige plaats van executie, en op zoodanigen tyd als Zyne Excellentie zal goedvinden te gelasten, dan en aldaar te zynne gebragen aan den nek, tot dat er de dood op volgt."

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