





THE ZUID-AFRIKAAN.

CAPE TOWN, JULY 17, 1840.

We had occasion frequently to point out to the Public, that the Government at Home was often more alive to our wants, and inclined to provide for our exigencies, than our Rulers in the Colony.

A report has been current in Town during the last weeks, that the Home Government had directed the appointment of Ministers to such Congregations were Churches shall already have been built.

No movement whatever seems, however, to take place, nor are those Congregations we allude to informed of those benign intentions of the Government at Home, so as to enable them to make proper applications for the appointment of competent Ministers.

We would reflect upon the impropriety of conduct on the part of Government, if on such application a Minister should be appointed for that Church, not because the Church authority, being the Presbytery, have not yet sanctioned such a separation from the Caledon Church, but because there are other parts of the Colony where Ministers are more necessary and more urgently required, and for which provisions should first be made before the wishes of the inhabitants of Napierville could be complied with.

Napierville, formerly Klippdrift, is situated in the district of Caledon, at a distance of about four hours from the Caledon Church, and about two hours from the Church at Bredasdorp, lately established, and separated with the concurrence of the Church Court, and for which Congregation the Rev. Mr. BRINK has been appointed.

Foremost, then, we find that the inhabitants residing at the Grobbelaar and Oliphants Rivers, in the neighbourhood of the Congo, and the beautiful "Schoemans Dorp," in the District of George, a distance of about 15 hours, and separated by the impassable Cradock's Kloof, have erected a Church, at the junction of the Grobbelaar and Oliphants River, and also built a dwelling for the pastor to be.

Here, then, is a congregation, which, looking at its remote situation, the number of members, and its unprotected state, certainly requires a precedence to Klippdrift.

We next come to the Church, which, together with a proper dwelling for a Minister, has been erected at or near Kabbeljauw River, in the District of Uitenhage, situated along the main road from Cape Town towards Uitenhage, close to the place of Mr. KRITZINGER. This place, also, is distant from the nearest Church at Uitenhage about 15 hours, separated therefrom by the Chamtoos River, and the dangerous passes at Van Stadens River, and surrounded by many fertile places, well populated.

Both those Churches were erected at the expense of the inhabitants, and surely their wants must have been great, if they could afford, from their paltry earnings, to construct buildings of this kind. Yet, such is their situation, that they can only be visited by their minister once every six months; and such is their eagerness for devotional intercourse, that they flock from the surrounding places to these churches, whenever any Christian minister, of whatever denomination, were to come and preach amongst them.

If, therefore, Government proceed to the appointment of ministers, we hope it will not lose sight of those two places, where church establishments are so imperatively required. There are other parts of the Colony also, where no churches have yet been erected, but for which Government must endeavour to provide, if it is in any way inclined, as it ought to be, to promote the happiness of the people. We allude to the inhabitants on the Langekloof, and at Hantam.

In the Langekloof there seems to prevail a general wish to have a church and a minister in the centre, at or near the place of Field-Commandant RADEMEYER, which is separate from the nearest church, at George, about 26 hours.

Hantam, situated on the very northern frontier of the Colony, is distant from the nearest church, being at Clanwilliam, about 25 hours.

We have not yet heard that at these places churches have already been erected, but we feel convinced, that if Government will appoint ministers, the members will very soon contribute their mite towards it. Look at the isolated situation of these congregations,—their moral and religious wants,—and you will soon see the propriety and necessity of placing

within their reach the means of christian advancement.

At this moment the Rev. Messrs. ROUX, BOSCHMAN, and DU TOIT, are still unemployed; and we advise the members of those congregations, to which we have alluded, not to lose one moment in making their wants known to Government, and applying for the appointment of a minister. But it will be necessary at the same time, that the inhabitants of Langekloof and Hantam, if no churches have yet been erected, should agree upon and obtain a proper place for that purpose. And Government, we hope, will first provide for those congregations, which are at the great distance of 15 and 20 hours, before making an allowance for one, which can only show a distance of 2 or 3 hours.

The Board of Wardmasters have concluded the first reading of the Municipal Regulations on Monday last, and adjourned till Monday next, the 20th, at 10 o'clock precisely, for the purpose of reading over the Regulations as they have severally been amended; when it is expected that the Regulations will be approved, and returned to the Commissioners.—At the same time notice was given, that the two subjects, to which we have alluded in our last, would again be brought under the consideration of the Board; it will therefore be necessary for the Wardmasters to attend in their places, and manifest the same interest in the proceedings as they have so laudably done during the two last weeks.

CRIMINAL SESSIONS.

On Wednesday last the quarterly Sessions commenced, at which the Hon. Judge, W. KEKEWICH, Esq. was to preside, but, owing to his indisposition, His Honor the Chief Justice, Sir JOHN WYLD, attended in his place.—The Calendar consisted of 7 cases; 1 for murder, 1 for perjury, 1 for fraudulent insolvency, and 4 for housebreaking and theft; to all of which the Grand Jury returned true bills, except the murder case, in which they returned a true bill for culpable homicide.

An interesting representation of the Grand Jury to the Court took place, in respect of the defects in the present Bankrupt Law, and the Court, as well as the Attorney General, promised to attend to those representations.

The following cases were tried:—

1. Regina v. Willem, for stealing a jacket, a gun, a belt, a powder horn, &c. Verdict, Guilty. Sentence, 50 lashes, and 2 years hard labor.

2. Regina v. Francois (a laborer), for stabbing with a knife one Aric, alias Harry, on the 25th of May, 1840, at Gansbaai, and mortally wounding him, of which wound the said Harry died two days after. Verdict, guilty, with recommendation to mercy.—The Chief Justice expressed his regret that on account of the atrocity of the deed he could not attend to the recommendation; he would, however, forward the recommendation to His Excellency the Governor.—Sentence 2 years hard labor at Robben Islands.

3. Regina v. William Martin, a butcher, for fraudulent insolvency, in removing and concealing, on the 1st of May last, part of his estate to the value of £10, and upwards, with intent to defraud his creditors. Verdict, guilty.

4. The same, for perjury, committed in two several examinations before the hon. Judge Menzies, on the 1st of May, 1840, and before the Master of the Supreme Court, Clerke Burton, Esq. on the 9 of June, 1840. Verdict, guilty.

The following cases are still to be tried:—

5. Regina v. William Stephens.

6. Do. v. Simon.

7. Do. v. Jephtha.

All for theft and housebreaking.

SEVERE WEATHER IN TABLE BAY.

Yesterday, during a gale of wind in Table Bay, the bark 'Howard' got on shore, about 12 o'clock, between the old Jetty and Papendorp. A whale boat was also upset, but we are happy to say all lives saved.

PUBLIC MEETING.—CAPE L'AGULHAS.

A Public Meeting was held in the Commercial Exchange on Saturday last, at 12 o'clock, for the purpose of taking into consideration the propriety of erecting a Light-house at Cape L'Agulhas, as a safeguard to vessels passing in its neighbourhood. The Meeting was fully attended, and the Attorney General, the hon. W. Porter, Esq., having taken the Chair, made an eloquent speech; and in a most pathetic address called upon the Meeting to render their aid in an undertaking, which humanity so loudly called for.—He thought this Colony alone could not effect so beneficial an object, not possessing sufficient resources of itself, but that if once set on foot, it was to be expected that the People in England, in the East, and other Countries, would tender their mite by voluntary subscription, for the execution of an object so advantageous to all.

The address of the Chairman was much applauded, and listened to with great delight.—The following Resolutions were then proposed and unanimously adopted:—

1st.—Moved by the Hon. M. van Breda, seconded by Capt. Van Rens.

That the great and painful loss of life and destruction of property, by shipwreck, upon our coast, near Cape L'Agulhas, forcibly calls attention to the adoption of some measure which may operate as a safeguard to vessels passing in its neighbourhood, and render less frequent such melancholy disasters, as the loss of the Arisdon, Doncaster, Northumberland, Venerable, and Lu Line.

2d.—Moved by T. Ansell, Esq., seconded by the Baron von Ludwig.

That in the opinion of this Meeting, and from the evidence of many nautical men, the erection of a Light house at Cape L'Agulhas, would be highly beneficial, greatly contributing to the safety of the voyage round the Cape, no less with respect to pointing out the Coast with greater certainty, than in obviating the present necessity of keeping far from the land, and thus becoming subject to the intense severity in the winter months of the North West gales.

3d.—Moved by Henry Sherman, Esq., seconded by W. G. Anderson, Esq.

That in order to create a Fund for the erection of a Light House, and to defray the annual expenses, a general subscription be entered into in this Colony, and in the neighbouring Islands of Mauritius and Bourbon, as well as in England, India, France, United States, Holland, the Hansa Town, and all Maritime places trading to the Eastward, and that the object is one of equal interest to the shipping of all nations, that the several Consuls resident among us, and other Gentlemen connected with those places, be solicited to co-operate in furtherance of this desirable object.

4th.—Moved by Baron von Ludwig, seconded by T. Ansell, Esq.

That a Committee be now appointed for the purpose of assisting to carry into operation the design of the present Meeting, in obtaining subscribers, corresponding with influential persons connected with the shipping interest, drawing up regulations, and arranging the nature of the Trust, and for general purposes, and that the hon. W. Porter and M. van Breda, Esq., Major Mitchell, the Port and Deputy Port

Captains, Messrs. Appell, Silberbauer, Stein, Venn, Pillans, and Fairbairn, be now appointed as the present Committee.

5th.—Moved by S. Merrington, Esq., seconded by J. Borindale, Esq.

That the Consuls resident amongst us shall become associated ex officio with the Committee.

6th.—Moved by Capt. Van Rens, seconded by G. W. Silberbauer, Esq.

That the Regulations to be drawn up by the Committee, as soon as completed, shall be submitted for adoption at a General Meeting of the Subscribers, of which Meeting the Committee shall give due notice.

Thanks were voted to the Chairman by G. W. Silberbauer, Esq., seconded by J. Stein, Esq.

In accordance with the foregoing Resolutions, we, the Undersigned, do hereby agree and bind ourselves to subscribe towards the erection and support of a LIGHTHOUSE on CAPE AGULHAS, the amounts placed opposite to our respective names.

Table of subscribers and amounts: Hamilton Ross & Co. £20 0 0, Simpson Brothers & Co. 20 0 0, M. van Breda, sen. 20 0 0, J. Smith, 20 0 0, Vening, Raak, & Co. 20 0 0, James Swarth & Co. 20 0 0, Home, Esq., & Co. 10 0 0, Dickson, Barnes, & Co. 20 0 0, Borradailes, Thompson, & Pillans, 20 0 0, W. Porter, 20 0 0, Thos. Ansell, 10 0 0, Baron C. von Ludwig, 10 0 0, Sir A. Stockenström, 20 0 0.

The following Circular will be transmitted by this day's Post to the various Civil Commissioners and other authorities throughout the Colony:—

Cape Town, 17th July, 1840.

Sir,—The many disasters to shipping, which have taken place in the neighbourhood of Cape Agulhas, and which of late have so much increased in number, value, and loss of life, have called the serious attention of the Mercantile interest, as well as of the community in general, to the adoption of some measure which may tend to prevent the recurrence of such melancholy accidents; and the opinion of nautical men having been consulted, it has been considered that a Light-house, erected at Cape Agulhas, of such a height as would admit of TWO Lights, one above the other, the one to be visible 30 to 40 miles at sea, and the second 10 to 15 miles, would be a sufficient warning to vessels, and answer the object in view.

In the opinion of Major Mitchell, whose abilities are so well known in this colony, and who is perfectly acquainted with the localities of the spot where it is intended to erect the said Light-house, and who has given much attention to the subject, the cost of building the Light-house, and forming a fund for the support of the same, would not exceed £10,000. It was thought that the amount might easily be raised by a Voluntary Duty on Shipping, but that idea was objected to, under the apprehension that it might deter vessels from visiting the different Ports of the Colony, and it was deemed most advisable to raise the amount by voluntary subscription in this Colony, India, Europe, and America, the several Consuls and Vice Consuls, residing in Cape Town, having given the Committee every reason to believe that the project will be liberally supported abroad.

A Public Meeting was held in the Commercial Exchange in this place, Saturday last, and I am instructed by the Committee to draw your attention to the proceedings, and the Resolutions then adopted, and to express the hope that you will do your utmost to forward the views of the Committee in so truly laudable and charitable an undertaking, by assembling together the inhabitants of your place, and inducing them to come forward with their subscriptions. I have the honor to be, Sir,

Your very obedient Servant, EDWARD NORTON, Hon. Sec.

STELLENBOSCH MUNICIPALITY.

We are glad to find that the Commissioners of the Stellenbosch Municipality have already commenced administering their local affairs and interests with some seriousness.—They have fixed their ordinary Meetings, to be held every Monday; and the following case, tried before the Magistrate, clearly shows that they intend to abate all local nuisances:—

On the 9th July, Mr. O. M. Bergh, one of the Commissioners, appeared before the Magistrate, on the part of the Commissioners of the Municipality, to complain against one Evan Davis, for negligently, carelessly, or furiously riding in the streets, so as to have endangered a person of Saarie, a free person of color, on the 1st of July.

Mr. O. M. Bergh prayed that the indictment might be altered, in as much as it erroneously stated therein, the 1st instead of the 3d of July. Mr. Adv. Faure, who appeared for the defendant, objected; but the objection was overruled, and the plaintiff allowed to amend the indictment.

Adv. Faure said; that he had the following objections against the summons,—1st that the defendant's name was not Evan Davis, but Davies; 2d, that the place was not properly stated, by the words in the streets, instead of mentioning what street; 3d, that instead of inserting the words negligently, carelessly, or furiously, with the disjunctive or, he should have stated either the one or the other, or coupled them with the copulative and.

Mr. Bergh replied, that he would not take the defendant's word as to his name, but that the registry of baptism should be produced; and that the other objections were inadmissible, because a person may be indicted for murder, or for receiving stolen goods in one and the same indictment; and that he was not obliged to particularize the street; and those niceties of law were not to be admitted in a court of summary jurisdiction.

The Magistrate took the oath of the defendant, who swore that his name was Davies, and that he had stated this to the messenger who served the summons.

During this investigation, it appeared that the person who had actually served the summons, had not signed the return, but his father, and the case was dismissed.

On the 13th the case was again brought forward as against Evan Davies, when the following witnesses were heard:—

Saarie—On Friday, the 3d inst., I was coming from Abdol Bazier's house, and I saw the defendant turning round the corner of the street towards me, riding in full gallop (vinnig) I ran to one side of the street, and the horse coming towards me, I ran to the other side; the person then immediately stopped his horse; I was about two yards from the horse; I went to Abdol Bazier's; he asked why I was so pale; I said I was frightened by the horse; I did not see him spur or strike the horse.

Cross-examined—I was not in danger of my life; I took nothing for the fright except a little water; he did not ride as all other persons do; Dr. O'Flinn told me to lodge a complaint at Mr. Bergh's; he asked me whether I was frightened; I said yes; he did not feel my pulse; he gave no medicine. Dr. O'Flinn—I was standing near the hospital; I saw a person riding a horse in a canter; I did not know who it was; I saw a girl frightened; she was nearly on the ground; I did not think her hurt; I told her to complain; the impression on my mind was, that he was riding carelessly.

The Magistrate considered the case clearly proved, and fined the defendant 10 shillings, or, in default of payment, to 6 days imprisonment.—(Correspondent.)

Original Correspondence.

WANT OF LABORERS.

District Swellendam, June 22, 1840.

Sir,—Yesterday evening I received the Newspaper, from which I perceived that the Inhabitants of Cape Town will hold a Public Meeting for importation of Immigration, which becomes highly necessary, and which cannot be delayed any longer, for the freight of his wandering cattle, which have either got amongst those of his neighbours, or have been driven asunder by wild beasts.—Some farmers who reside near the Institutions do sometimes succeed in getting people, but in what capacity?—they will not hire themselves as cattle or sheep herds, but only as laborers by the day, and not by the month or year, and at high wages; and how do they behave,

and how can they be depended on? When the farmer has most to do, whether in ploughing or reaping, or washing or shearing of sheep, &c. and one of their acquaintances comes to your place, under the pretence of having something to say to one of them, or to have a message to deliver, and proposes to one of them to go to some other place, where they can get more, they immediately alter their minds, and find some pretence or other that their virtues are not good, or otherwise, demand a settlement, and leave.—There are, with our hands tied together, which is the reason why no farmer can undertake any thing which he is not sure he will be able to perform himself, and except for these great occupations, such as reaping, and the washing of sheep, you can seldom engage any, though they generally live together in great distress at the Institution, and when they at last find they cannot hold it longer, they generally go to the farms of the nearest farmers and offer their services, requesting an advance, and if they cannot obtain that, they go to another, and, convinced of the great distress of the farmers, they generally at last obtain their object, and under that obligation they generally work with the greatest reluctance, being anxious for the moment of the expiration of the time of their engagement, when no remuneration whatever will keep them any longer in your service. Female servants are seldom met with. The late apprentices lead the laziest life at the Institutions. Female Hottentots do sometimes go out to look for work; two or three generally go together, but seldom hire themselves for longer than a few months. They can do nothing more than make fire, alongside of which they are fond of sitting, and are too lazy to fetch wood, saying that their clothes will be torn, which generally consist of rags. Thus are the farmers establishments now a days carried on in the country districts. No farmer takes more upon himself but what he can do himself with the assistance of his wife and children, and only endeavours to keep what he has to enable him to live, and hoping for better times. Others, who possess much cattle, and are wealthier, say, I see no prospect for my children; on the contrary, I become poorer under the present circumstances, and I shall therefore go to Port Natal, where I can get herdsmen for my cattle. This is the situation of the district of Swellendam. The Missionaries, I speak of the Moravian brethren, they can do nothing to prevent it; they use their utmost endeavours to teach the youth, and to admonish the adults, who are thus restrained as long as they are at the Institution; but when they are at home, in a situation, than they commit the worst acts, of which I shall not mention any thing; but wherever they are employed they cry out for virtuous, being so much famished; and after having served for two or three weeks, and having gathered and dried so much bread and meat whereof to be able to live with their famished wives and children, who are laying at home, and nothing for a few days, they leave at night when their services are most required. You therefore see what prospects we have should no steps be taken.—I am,

A FARMER.

STELLENBOSCH MUNICIPALITY.

Sir,—I was pleased to see an account in your last paper of the proceedings of the Meeting held here, for the election of the Commissioners of our long looked for Municipality; that, however, gives but a dry formal statement of the proceedings, which, I think, may afford something more to the taste of your readers, and I am disposed to think, enjoy the relish as much as I have done myself. You must know, Sir, that immediately after the publication of the first part of the Regulations, a constellation of the luminaries of Stellenbosch nightly assembled at— and over the landlord's sour wine, came to the determination of resisting the attempt of the Government to thrust down their throats the Regulations, in any other shape than they had gone out of their hands, and accordingly, on the day of meeting, the dramatic persons were all prepared with their party, and ready for the performance. The Chair was sooner taken than the farce commenced; the only performers audible being Mr. Free-and-easy, and Mr. Bailie Bombast, as the organ of this respectable party. The former indistinctly chattered away in grand style, and with much animation, uttering sayings, which, 25 years ago, would have given him the chance of a voyage over one of our surrounding oceans, closing by opposing the reception of the Regulations, altogether. This opposition, however, he afterwards retracted, and it became sifted down into a protest, such as appeared in the paper, the adoption of which was seconded by Mr. Bailie. Oh, Sir! it was delightful to see this gentleman coquetting between the vision of pension and patriotism, which floated before his imperfect peepers;—to the scratch, however, at last he came, and signed the protest, and perhaps some official members of the Council may, when the estimates next year appear, deem it a favorable opportunity for increasing his pension, particularly as he never performed any very signal act to deserve it, and now holds a demi-official lucrative situation under the High Sheriff. As our worthily friends go on you shall hear further from,

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COLONIAL FINANCES.—EXPENDITURE.

(Continued from our last.)

Table with columns for years 1833, 1834, 1835, 1836, 1837, 1838, 1839 and rows for various expenditure categories like UNFIXED CONTINGENCIES, Public Works, and various departments.

REMARKS.—The heading of this account in 1833, was 'Miscellaneous' in 1834, 'Unfixed Contingent,' and since 1835, 'Disbursements on account of Miscellaneous Civil Service' Cape Town.—Edited by C. J. Brand, 62, Water-street.—Printed and Published by J. J. H. Smuts, 62, Water-street.—Proprietor, P. A. Brand, 63, Bree street.

CIRCUIT COURT STELLENBOSCH.

(Continued from our last.)

CIVIL ROLL.

The Civil Roll consisted of ten or twelve cases, most of them liquid; there were but three defended.

The first was Haupt & Ford v. J. de Villiers;—the Attorney General for Plaintiff, Mr. Advocate Rynveld for Defendant.

This was an action to recover upon a note of hand for Rds. 3000, passed by Mosler in favor of Hartogh, for which the defendant and Lattig had become sureties in solidum, and co-principal debtors, and which note was ceded to the said plaintiffs, for which no consideration had been given by them.

Mr. Rynveld objected to the summons, inasmuch as the plaintiffs had not offered in their summons cessation of action to his client, so as to enable him to recover from his co-surety and the principal debtor; in support of which objection he quoted Van der Linde and Potlitzer, and argued, that the cessation to Haupt & Ford being for no value, and only to recover, they were not in a situation to give to his client the cessation of action which was required by law.

The Attorney General observed, that the observation which had fallen from his learned friend was only applicable to Bills of Exchange, but that was different with regard to notes of hand; that in our days the law did not require the cessation of action; that a surety could recover from his co-surety without it; and that his client was willing, on the receipt of the amount, to give the cessation of action as now demanded.

The Judge said, that he did not recollect it ever having been required by the Supreme Court that the cessation should be offered in the summons; that it was sufficient for the plaintiff to offer to give it when payment should be made.

Mr. Rynveld then said he had two affidavits, from which it would appear perfectly clear to his Lordship, that his client would be triumphant in the principal case, and therefore would move the Court to stay the provision, and remove the case into the Supreme Court, supporting his application by quotation from Van der Linden. The Judge said it was not the practice of the Supreme Court to hear affidavits in a provisional case,—to which Mr. R. replied, that as far as his recollection went, it had been admitted, and that the Supreme Court invariably stayed the provision, if there was any ground to come to the conclusion, that the defendant would be triumphant in the principal case. Provisional sentence granted; principal case removed into the Supreme Court,—the plaintiffs to give security and cessation of action, on payment being made.

J. de Villiers v. Touris.—Mr. Adv. Rynveld for plaintiff, Attorney General for defendant.

This was an action to recover the sum of £20, for the value of a horse which the defendant had shot, whilst said horse was in charge of a man named Damon, who was taking him from Franschehoek to Wimmershoek.

To this plea of general issue had been given in by the Attorney General; and Mr. Rynveld, in opening his case, said, that he had heard, that the defendant intended to prove, that the horse in question had the glanders when shot; if so, he hoped his Lordship would allow him, in reply, to call evidence to disprove it, and in support of his case, he called, Jacob Pieter de Villiers—I reside at the Franschehoek; I have a brother, named Pieter Gabriel de Villiers, who went to the Frontier on the 5th November, 1839; he left a light brown horse in my charge. In December I sent this horse to another place, with a boy named Damon on the other side of Wimmershoek; I never saw the horse again. When I sent the horse away he was sick; the under part of his belly was swollen, and stiff in his fore legs, which were a little swollen. He had two wounds, occasioned by rowels. There was nothing else the matter with the horse, except what I have stated when he left my farm. I gave him over to Damon to cure him. The horse was of the English breed. The value of the horse was £15 when I sent him away with Damon; I know Hermannus Kriel and Peplar; they did not see the horse when he was sick.

Cross-examined.—I live on my own farm. Damon lives on his own farm. I gave the horse to Damon, but not as a present: I did not give the horse to Damon to keep as his own property—I swear it; he was to have returned the horse on the following Wednesday. I offered him £1 10s, and the expense of the forage. The horse had been sick for a week before he went away; the horse began to eat again, which induced me to give it to Damon. The horse's nose run the Sunday week before he went away. The swelling of the belly came on first; I know that the nose did not run when Damon took him away; he left my place at 8, A.M. I kept the horse separate from the stable, because he ran at the nose, and I was afraid he had the glanders. I have seen a glandered horse; I have seen one which belonged to Abraham de Villiers, my brother; he has no place of his own; he resides on my place. The running of his nose stopped on the Wednesday before Damon took him away. The horse was kept separate from the others for a week. I swear Damon was to cure him of nothing else but the swelling. Some of my neighbour's horses had running at the nose, and recovered. Between the two Sundays I talked with Damon about the running of the nose.

Re-examined.—No stranger was present when I gave the horse to Damon.

2d Witness, Damon.—I lived on the other side of Wimmershoek in December last; I am a coachman; I know the last witness De Villiers; I was at his place in December last, at the Franschehoek. I saw a light brown horse there, which he gave into my charge; it was on a Sunday morning in December last. Villiers told me to rowel him, which I did; he delivered the horse to me to take to my place; his hind legs were swollen; there was nothing the matter with his nose; his belly was not swollen; I took the horse away; three persons overtook me on the road, but did nothing to the horse; I was desired to dismount, take off my things from the horse, and the riem out of his mouth; I know the defendant, he shot the horse; they did not examine the horse; the other two stood alongside and held their horses in their hands; the two were standing about 40 yards from my horse; before the horse was shot they did not come any nearer to him; the man who shot the horse lives about an hour's ride from Villiers' farm; the horse that was shot was a good horse, and a sort of English breed; I would like to have had the horse; I think the horse was worth about 400 Rds.; when I first saw the horse on the Sunday morning, previous to the day I took him away, he was swollen in the belly and stiff in his left fore leg; the next day I rowelled him; Villiers did not tell me to take the horse out that time. I have seen a glandering horse; I did not observe that this horse had the glanders; he had a running at the nose when I took him away; the eyes were not swollen; he had no swelling in the throat that I saw; he was so spirited that I was obliged to hold him tight.

Cross-examined.—I am not a horse doctor; I did not see the horse between the day I rowelled and the day I took him away; he had a swelling in the belly, which was diminishing, and stiffness in the leg, when I saw him on the Sunday and Monday; I saw nothing come from his nose, it was dry; his nose was never cleaned in my presence, or that I know of; Villiers first offered me £1, and he would give me 10 Rds. extra, if I took him away and recovered him. When I first saw the horse, he was with the other in the farm yard; when I took him away he was standing in the stable alone; I was taking the horse to my place; I did not pass defendant's place that morning, it is quite out of the way; the 3 persons I mentioned overtook me; they desired me to dismount, and said, what business have you with that horse? They said nothing more. Two of them remained with their horses about 40 paces off, and the other came up to me; he was about 20 yards from the horse when shot; I was nearer to the horse than the defendant; he never said why he was going to shoot the horse; I did not know that he was going to shoot the horse; he told me to drive the horse away from me. I swear positively that the horse had no running at the nose at the time he was shot; I was astonished when I saw he was shot; neither of the persons said why the horse was shot; he was shot in the forehead; I said nothing, but took my rods and went away; I did not go to Villiers for a week afterwards; I never heard the horse was shot because he had the glanders; I cannot give any reason why I did not go to Villiers before; I never doctored glandered horses; I never knew a glandered horse recover; I would not have given anything for the horse if he had the glanders.

Re-examined.—None of the three men went up to the horse after he was shot; they rode away before me; the span of horses that died of the glanders belonged to my former master; the glanders did not prevail in the country at the time the horse was shot.

3d Witness, Cupido.—I live with Jacob Villiers; I am a coachman; my master's brother's horse was on the place in December last; he was given to Damon on a Sunday to be rowelled; I saw the horse the morning he left the farm; he had a swelling under the belly, and was stiff in his fore parts; there was no running at the nose; the horse was in good spirits; a good horse, and of a good breed; I think the horse was worth Rds. 400 on the Sunday Damon took him away.

Cross-examined.—The horse was worth Rds. 700 before he had the swelling; I never bought or sold many horses; I never spoke with Damon about the value of the horse; the horse was not at the cora farm; I attended the horse the week before Damon took him away; I swear that the horse

had no running at the nose during that week; his nose might have run, but not while I attended him; that horse was separated from the others during the week, because my master was afraid he might have the disease, and injure the others; I never saw the horse after Damon took him away.

Plaintiff puts in insinuation served on defendant on the 26th June last, to which the defendant had answered, I acknowledge I shot the horse, as he had the glanders; Mr. Villiers may proceed as he likes.

Defendant calls 1st witness.—Jacob Peplar.—I know the defendant; I remember the day a horse was shot near his father in law's place; it was about 2 o'clock, P.M., on a Sunday; I was at a short distance from the horse when he was shot; Kriel was with me also; I, and Kriel, and defendant went together to the place where the horse was shot; I had not seen the horse before on that day? Damon was riding the horse, and cannot say that he passed Kriel's place that day; defendant came to me, and asked me for a ball; I live on my own place near Damon; he said the boy of Jacob de Villiers had passed with a sick horse, and he wanted to go and look at the horse; I examined the horse as I rode by; I observed that his nose was running, and he was weak, and had a staring coat; I have seen one horse with the glanders; this horse appeared just as the horse did which I had seen with the glanders; I buried the horse the day after he was shot; I could not see that there was any running when I buried him, as the blood had run out; I buried him because I was afraid of my own cattle; I was not near enough to observe that there was anything else the matter with the horse; I did not look at him the day he was shot.

Before the horse was shot, defendant asked Damon where he was going with that sick horse,—he said Mr. J. Villiers had given the horse to him; Kriel said the horse must be shot, because he had the glanders; Damon said, master, if you think the horse has not the glanders, you may shoot him; Damon took his things off the horse without being desired to do so.

Cross-examined.—I swear that I was near enough to the horse to see that his nose was running; the horse I saw with the glanders had a staring coat, ulcers on the jaws, and a running at the nose; I was not near enough to see that the glands of the neck were swollen; I was standing about 10 yards from the horse when he was shot; the glanders was not raging at that time in the neighbourhood; I did not know where Toerien came from that morning.

Re-examined.—I cannot say that the horse was of any value or not, if he had not got the glanders.

2d Witness, Hermannus Kriel.—I know Jacob de Villiers and defendant, Toerien; I remember the day the horse was shot; I was present; it was on a Sunday; defendant and Peplar were there also; I know Damon; I spoke with Damon that day; I asked him where he was going with the horse; he said he was going to Pieter Kloof; I told him the horse had the glanders, and that he must be shot; Damon said, if you think he has the glanders, you may shoot him. This conversation took place where the horse was shot. I saw the state in which the horse was; he was lean, and the glands were swollen; when he held his head down, the matter was running out of both nostrils; I have seen a horse of Daniel Roux that had the glanders; to the best of my knowledge the horse had the glanders; Damon did not deny that he had the glanders; Damon said he could not get the horse any further; he said his master had given it to him.

Cross-examined.—I am a brother in law of the defendant; we overtook Damon on the road; he was riding the horse when I overtook him; he was beating the horse. I was close to Damon when I spoke to him. I was at a distance from the horse when he was shot. I went up to the horse to look at him. I have seen a horse with the distemper. The nose of a horse runs when he has the distemper, but not yellow matter, as in this horse. Defendant came on a visit to my father's place that day.

3d Witness, Charl de Villiers.—I know the horse in question. I remember the Sunday the horse was shot. I had seen him the week before. Jacob Villiers brought me to the horse, which was tied to a bush and separated from the other horses. He asked my opinion about the horse, and till that time it did not appear to me to be the glanders; his nose was not running. It was the middle of the week when I saw him. I saw the horse about 11 o'clock the same day he was shot; I then saw that his nose was vehemently running, and I then concluded he had the glanders. Damon was then leading the horse. De Villiers placed a new manger in the stable, leaving the old one standing there; I saw a sound when the horse was rowelled, and that he was stiff. If this horse had not had the glanders, or any running of the nose, I cannot say what his value had been.

Cross-examined.—I am brother in law of witness.

Case closed.

We are extremely sorry we had no short-hand writer in Court, to take down the different addresses of the learned gentlemen; thus much we can say, that there were many compliments paid on both sides; that the arguments were of perfect good humour, and such to the satisfaction of the public. The Court was crowded to excess; old and young, sick and healthy, ladies dressed up very smart, with the smile of approbation on their countenances—all flocked together to the Court Hall to see and hear her Majesty's Attorney General, of whom they had heard so much, and we are bound to say, not one was disappointed; the public was delighted, and said, they had never witnessed so well conducted a trial, and such exquisite speeches at Stellenbosch.

The Judge, in giving his judgment, said, that he felt obliged to say, that the case had been conducted extremely well on both sides, and that both the Counsels had done their utmost for their clients, but that it had not been proved to his satisfaction, that the horse had the glanders when he was shot by the defendant; and that even if they had succeeded in proving it, even then it was an unlawful act of the defendant; for where would it lead to, if a man should be allowed to shoot any horse he might meet on the road who had a running of the nose, and which he fancied had the glanders? But the more serious question for him to decide was, the amount of damages! It had been proved that the horse was in a very sickly state; some had sworn that he was worth £15, others, that he was worth nothing; and under such circumstances it was generally left to the arbitram judicis. He would therefore give a verdict for the plaintiff, damages £5, with all the costs of suit. This judgment gave general satisfaction.—The case occupied the Court for 6 hours.

J. Geering, as having in marriage the Widow Hartogh, as natural Guardian of the minor son of said Widow, versus P. C. van Blommestein, Sen., in his capacity as Testamentary Guardian of said minor.

Mr. Advocate Rynveld for Plaintiff, and the Attorney General for Defendant.

This was an action to compel the defendant to pass certain bonds for, and to secure, the property of the said minor in the hands of the said defendant.

Mr. Rynveld said, that the said defendant, as testamentary guardian of said minor, had given an account to the plaintiff of the administration of the inheritance of said minor, from which it appeared that he had only allowed the minor from three to five per cent. interest for his money; that he (the plaintiff) had asked a sight of the bonds in favor of the minor, when on its production, he had found that those bonds were passed in favor of the defendant himself, in his private capacity, and doing 6 per cent.; and, therefore, finding that the minor only got from 3 to 5 per cent., and, there being no bonds in favor of the minor at all in existence, he came to the Court as upper guardian with this application.

The Attorney General said, that he did not understand this action; that he had carefully looked into Voet and Van der Linde, but could find no where that a stepfather could become the natural guardian of his stepson; that the mother, on her second marriage, was expressly precluded from being, or continuing to be, the natural guardian, and therefore this action was wrongfully brought; there was also no fraud stated in the declaration, and the Court could only, upon proof of fraud, remove the guardian from his trust.—The learned Attorney General further observed, that this action was only brought by the plaintiff, so as to get the administration of the minor's property into his own hands, as stated in the second count of the declaration.

Mr. Rynveld said, that with regard to the first point, he perfectly agreed with his learned friend the Attorney General, that is to say, if the case now before the Court was, as stated by the Attorney General; but that was not the case; he did not call upon his Lordship to remove the guardian, nor did he accuse the defendant of fraud;—no, the application was simply to have the bonds in existence for the inheritance of the minor, and to have his property secured.—and that was an application any one, either the natural guardian, or any next of kin, might make. The Judge thereupon allowed the plaintiff to go into proof. Mr. Rynveld called Mr. Bergh the notary, who proved the statement Mr. Rynveld had made; but the Attorney General objected to this sort of evidence, and said, the best proof ought to be produced, namely, the bonds itself, which had been mentioned by his learned friend, and which were now the subject of investigation. Mr. Rynveld in reply said, he had given his attorney instructions to give the defendant notice to produce them on the day of trial; however, this he now found had been omitted; he thought it would be far more credible to the defendant, as an honest man, at once to produce those bonds; this, however, was refused, and, in consequence, the defendant was absolved from the instance.

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