

MUNICIPALITEIT VAN DE PAARL
DOOR deze wordt kennis gegeven, dat
EERSTE KWARTAALSCHE MARKT
sal gehouden worden op het Markplein, op DINGSDAG
den 22 deser, naavang nemende's Middag te 8 ure.

Op last van Commissaris.

J. W. BRUNN'S Commissaris.

Paarl, den 2 December 1840.

H. M. VICTUALIE BUREAU,

Simonstad, 1 Nov. 1840.

WORLD by deze narigt gegeven, dat beslo-
ten is Tenders, met Monstros, op die Bureau salles
worden aangenomen, tot op MAANDAG den 14 Desember
van hante weg, verzocht worden tegenwoordig te zyn; voor
iedere beschuldigheid der onderstaande Artikelen, welke beno-
digd salen syna voor het gebruik van H. M. Schepen en
Veertuigen van Oorlog, Transport-Bandietes en Gouvernement-
schepen, moet de Marine Etablissement aan sal, voor het jaar
1841, beginnen den 1 January aantallen.

VERSH VLEESCH—voortoordeel voerbeelden als
verkoop salen worden verzocht, hante moet van goede
kwaliteit syna, en noedig als aan de Inspectie wondt ver-
tocht. Te worden geleverd op het stede Zochefort. De
Tenders moeten den prys in Sterling Gold melden, per pond
benodigd syna.

Tenders moeten den prys in Sterling Gold melden, per pond
benodigd syna.

GROENTEN—Dito, ditto, ditto.

LEVENDIG OSSEN EN SCHAPEN—Voor noedig
geld vaste Oossen, Kaspoche Schapen en basnard Merino
Schapen, voor het Eiland Ascension, die vereind sal
worden.—Te worden geleverd op het stede Zochefort. De
Tenders moeten den prys in Sterling Gold melden, per stuk.

GEVERF HOOF—Voor zoodanige hoeveelheden, als allen
benodigd syna.

Tenders moeten den prys in Sterling Gold melden, per pond
benodigd syna.

TE WORDEN GELEVERD IN STERLING GOLD.

Tenders moeten medelen den prys in Sterling per 100 lbs.
Eng. gewicht.

STELLIGE VERKOOPING.

Van kostbare Plantien, Erven, Schapen,
Vee, Paarden, Wagens, Landbouwgered-
schap, enz.

Behoorende tot den Insolventen Boedel van

W.M. KINNEAR, te Beaufort.

VOLGENS Resolutie van Creditoren, geh-
ouden te Beaufort, op den 16 October

II., en bekrachtigd door een Ordre van het Hooge Ger-
richtshof, op de Plaats selve, seker Rds. wanop een groot
onder gelyk Pakhuis, onder dubbelde Verdieping, sinta-
oahang onder een leyen. Dak gedragt, met een gang daar
anner, ter grootte van 9 kwadat, rooden en 72 dits kosten 120,
dito duimen. Hetzelfde is grenzend aan de Wypakhuizen
van den Wel-Ed. Heer P. J. PANTZ, Seur, aan het boven-
einde van Kerkstraat.

De Koopkonditien syn te sen ten Kantoor van den Meester,
die door den eersten Ondergeteekende, ten synen Kantoor
Walestraat, No. 4, alwaar de Kaarten en Transporten, mede
te zyn sijn.

Kaapstad, 26 Nov. 1840.

PAUL JOH. ROUX, P. soon. Gez.
W. C. A. MOLLER, Curator.

STELLIGE VERKOOPING VAN VAST-
GOED.

GEORGES HOTEL.

DE Ondergeteekende, als Executoreen des

Boedels van wylen Edward George,

sullen per publike Veiling doen verkopen, op

Woensdag den 16 Dec. aast.

EN VOLGENDE DAGEN.

Het geheel der vaste en losse Goederen, aan den Boedel
behoorende, te weten:

Op WOENSDAG den 16 Dec., te 10 ure.

Zullen worden verkocht, de kostbare en wel gesorteerde

HUISMEUBELEN.

Bestaande in Mahonyhouten Etanafels, Buffetans, Sedas
en Stoelen, Tapeten, Ledikanten, Beddegoed, Spiegels,
Schilderyen, Dine en Desertserissen, fraai geslepen Glas-
werk, Porcelein en Aardewerk, pratichne Chinas, Pou-
ken, enz. enz.

PLATEDWERK, en omtrent 2,000 lood Zilver, bestaande
in Soepturines, Schotels en Dekels, Soeptespels, Saus-, Eet-,
Desert en Theeselips, Vorken, Koffy- en Suiker-
potjes, Vazen, Schenkbliesen, Massieve silvere Theeketels,
enz. enz.

Bed en Tafellinen, Messenwerk, Keukengereedschap, en
alle artikelen tot enkele Establissemant benodigd.

Gedrukte Catalogussen, zullen 14 dagen voor de verkoping
gereed sijn.

Op den volgenden morgen te 10 ure, zal het Vastgoed
worden verkocht, bestaande in dat uitgebreid Etablissement,
soder de laaste 40 jaren bekend onder den naam van

“GEORGES HOTEL.”

Genaamlyk met het Huis en de Pakhuizen, thans ge-
occupireerd door den Heer WILLIAM PARKER, en de Pakhuizen
en Erf. amoy de Woning van den Wel-Ed. Heer George
Troxon.

Een plan van het geheel wordt thans gerepareerd,
en sal binnen weigende dagen gereed sijn, warne'r de Koop-
konditien salen worden gepubliceerd.—Intusschen kunnen
verdere bodeschien verzuomen worden op aanvraag van de
Ondergeteekende.

THOMAS ELLIOTT, Exe-
FORBES STILL, cateuree.
De Heer ELLIOTT BROTHERS, Afslager.

PUBLIEKE VERKOOPING.

In den Insolventen Boedel van Gideon Jacobus Rossouw en
overledene Huistrouw Catharina Johanna Minnaar.

Op MAANDAG, den 14 dezer,

TEN 10 UREN PRECIES,

ZAL al de wel uitgezochte voorraad van

Linnenwaren, Modekramery, Kousen-
waren, enz. tot den boven genoemde Boedel behoorende aan den

Winkel van den Insolvent, hoek van de Strand- en Bree-
straten, Kaapstad, publick worden verkocht, bestaande in:

Zwart en geleerde Gros de Naples, en
Gekleurde Muslimi,

Dito Chintz, Dito Merino,

Zwarte dito;

Musline of Laine,

Fancy garen Doeken,

Dito syden dito,

Dunstable Hoedjes,

Gekleurde Merino Shawls,

Eene grote verscheidenheid Linten,

Lyf banden,

Dame Jean Schoenen,

Kinder dito,

Dame Borstrokken.

Zwarte en geleerde Zomerlaken, witte Jean, witte Dril-

Linge, Ginghams, Nankinten, Sasi, Beddetij, Voerijt, Tafelsterven, Dufel, Moleksin, Flannel, Punjama, Baffas,

Kousen, Sokken, 104 stukken blauwe Linnen, Winkel Glaz-

ken, Tontbank, enz.

E. THOMPSON, enige Curator.

Publieke Verkooping.

DE Ondergeteekende daartoe heelhooifly

gekwalificeerd, zal op WOENSDAG

den 16 December, publiek Verkoopen, het Aandeel in de

Plaats “KLIPVALLEI,”—alsmede de Plaats

“ZANDFONTEIN,”—daar annex gelegen, in het Veldor-
tshoek Achter de Paarl, in de nabijheid van den Paardebor-

den ingevorderd door den Ed. Mr. J. B. Bous.

De anderen syn moestal het product van Ooyen uit de Stoktevep van den

Hr. Bruna, by de Ramme van den Hr. Ernst.

Het Vaste Eigendom sal worden verkocht by den opelaag,

de Koperacht sal kunnen betrekken worden op de

bekendtgemaakte tyd, —alsmede 30 extra goede Trekkosen, die

drie maanden van 3 maanden, voor koopje bedreven te 10, en

maanden bedreven te 20, en 9 maanden voor alle anderen bedreven

van dat bedreven niet latere a o. 10, van den dag der Ver-
koop, vndeinde gemiteld wordt gevraagd.

De Koopkonditien syn te zien, en oude vaderschappen

aanstaande de beweegheden van denen Plaats, syn te ver-
soeken van den Hr. Kruza, te Beaufort, den Hr. Prokureur

Roz. in de Kruza, en den Hr. Coraer van den Wynberg.

en een algemeen Kortsel sal el de Plaatsen sal in de Boggs

ter bestiging gelegd worden.

De opgen. Plaatsen syn intussen uit de hand te koop.

De opgen. Plaatsen syn intussen uit de hand te koop.

P. F. R. vs VILLIERS, q.c.

Paarl, den 1 Dec. 1840.

AAN WYNBOEREN.

De hoogste prys wordt gegeven voor Wyn-

steen door de Ondergeteekenden.

TREDGOLD COCOCK, Apotheker.

53, Langstraat.

NB. TE KOOP, enige van Cartiers Brandwynspreserven.

TE HUUR OF TE KOOP,

EEN Huis en Tuin, zeer aangenaam ge-
legen aan den bovenende van den Gouver-

neuriale Tuin. Aanstaande het Huis en Tuin te bewoorden door

den Hr. G. H. MAAKS, gelegen in de St. Janstraat.

Heide voor geschikt voor detige Familien.—Adres by den Hr.

J. D. KLINCK. Tel. “De Hoop,” by den Hr. Gas-

coor, Cape Bazaar, of by

ROBERT SAUNDERS.

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and dispatched to the Country
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Rds. 10 per Annum.—Per Quarter,
4 Rds. 5 Shill.—For a single Paper,
7d.

Subscriptions and advertisements
to be paid in Advance.



De Suid-Afrikaan.

TROS TYRIUSQUE MIHI NULLO DISCRIMINI AGETUR.—VIRGIL.

DEEL XI.

VRYDAG DEN 11 DECEMBER 1840.

No. 566.

ONTVANGEN per Hebe, eenen nieuw
voorsaat van voormalige Hallesche Mediciuen, benevens
Medicynkisties of zoogenaamde Apotekers, met daario
behoorende Boekjes in de Hollandische, Engelsche Duitche
Talen.

Medicynkist Depot van het Hallesche Weeshuis, Kap-

stad, Loopstraat, No. 87.

C. F. JURITZ.

HALLESCHE WRESHUIS MEDICA-
MENTEN.

ONTVANGEN per Hebe, eenen nieuw
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stad, Loopstraat, No. 87.

C. F. JURITZ.

DE PROTECTEUR.

Brand en Levens Assurante Maatschappy.

Opgerigt op den 29 September 1838.

KAPITAAL £40,000.

De Directeuren syn.

De Heer en Mr. J. H. HOFMEYR, Jr. L.L.D., President.

ANDRIES BRINK, C. Vice-President.

OLOP JOHN TRUTER,

ADRIAAN LOUW, Az.

JAN ALBERTUS.

JOHAN ANDRIES HEYSE

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THE ZUID-AFRIKAAN.

CAPE TOWN, DECEMBER 11, 1840.

We alluded lately to the subject of an extension of jurisdiction in civil cases before the Magistrate's Courts; and we submitted, that until those Courts themselves were reformed, such extension should not exceed beyond simple liquid cases of £30 or 40.

The question, however,—in what manner is the power of the Magistrates' Courts to be increased in respect of Criminal cases,—is of greater moment. It is no longer one of pounds, shillings, and pence, but a more serious one of life and limb.

An alleged criminal, as he is tried before the Supreme or Circuit Courts, has all the legal assistance he requires; he enjoys the benefit of counsel,—the trial before a Jury.—Whilst the Courts are presided by men of professional or legal education, who decide on any particular question of law or evidence, which may arise during the trial. If, then, some of those cases must be withdrawn from the higher Courts, and brought before those of the inferior Magistrates,—how will the case stand? Why, the criminal will lose the benefit of Counsel and Jury, and points of law and evidence will have to be decided by men, none of whom have had any professional education, and the majority of whom know nothing at all about law. Thus, instead of improving our present system, we would witness a rising Colony, retrograding in the administration of its public justice.

This would not be the only evil.—The Magistrate is not a supernatural being, but equally subject to frailties and infirmities as every other human creature. He has equally his inclinations to favor a friend, and to chastise an enemy, more than justice would require,—and the power of so doing is the more dangerous, as he wields his sceptre over subjects who are defenceless, and at the same time ignorant in respect of their means or rights of defence. As the Community in which he resides is smaller, and the distance from the superintending or controlling superior power greater, so will his jurisdiction be employed less discretionately. He has, in fact, the means of becoming a petty tyrant, and doing irreparable injury, before a superior power can or does interfere. We do not exaggerate; we draw conclusions from cases which have already occurred under the present limited jurisdiction,—and it requires no great foresight to anticipate what will or may happen under an extended jurisdiction, without control.

If we consider the extent of this Colony,—the great distance of the Country Magistracies from this place,—the scattered population of the several Districts,—the small number of residents in the several Townships, with the exception, perhaps, of a few,—the materials of which the judicial departments in the Country Magistracies are composed, we cannot doubt, but that they who have had an opportunity of contemplating various circumstances will forcibly feel the truth of the preceding observations; particularly if reference be made at the same time to the "matters and things" which occasionally "come out" at a Circuit.

But how then is the present exigency to be provided for under the system as it now is?—If a person in the County District, steals a cow, or an ox, he is imprisoned at the public expense, perhaps during six or seven months, until the ensuing Circuit Court, when he is tried. If found not guilty, he has nevertheless been undergoing six or seven months imprisonment, and if guilty, the moral effect which it is intended punishment of crimes should have is lost altogether, owing to the length of time that has been allowed to pass away. It is maintained, and justly so, that if such crimes and offences could be speedily and less expensively punished, they would be less frequent. The truth of this proposition is generally admitted, the difficulty, however, is how to do it. That the first step towards such an object must be, an extension of jurisdiction of the Magistrates' Courts is undeniable;—but how is this power to be vested in the hands of one individual, uncontrolled by any Counsel or Jury, so as not to become destructive of public rights and liberties?

Of two evils it is wise to select that, which is the least open to objection. If the security against injustice and tyranny is sought to be prevented by a machinery based upon distinctions of cases and punishments, and which can only be carried out by continual references and reviews,—it is justly feared, that such a system must necessarily entangle in endless difficulties, both the Judge, the Prosecutor, and the poor defenceless Culprit.

If a Jury is to be added to the Magistrate's Court, for the trial of such offences,—the Judge presiding thereat, must be presumed to understand the law, to direct such Jury. Experience has shown, that even before the superior Courts, nice questions of evidence arise in criminal prosecutions,—respecting which, those who have had the advantage of legal education and professional experience, frequently differ in opinion. It would be, therefore, absurd to leave all this to the decision of an individual unacquainted with the law; who might feel himself unable to decide the question, and would gladly take the opportunity of a reference; but who cannot adjourn a trial by Jury, (unless to great public inconvenience, of any case after plea, and whose opinion, and consequently direction thereon, must be detrimental either to public justice, or to the rights of the prisoner.)

There is, however, another mode of meeting

the two extremes.—A Magistrate alone, is dangerous, with a Jury, difficult;—lets so, however, if on the principle as exercised at home, and in other places, the Justices of the Peace of each District were to form a Court, with the Magistrate presiding thereat, before which the cases alluded to, could be tried.

If we refer to the list of Justices of the Peace throughout the Colony, we find amongst them several independent Merchants, and also persons, who having been connected with the administration of justice for several years, are equally competent, as the Magistrates themselves, to judge of those matters;—whilst Government would still be enabled, by new appointments to add to the list several competent individuals, as for instance the late Member of the Court of Justice, J. C. FLECK, Esq., now residing in the District of Uitenhage.

A Court so composed would be a check against partiality or injustice, and the Members thereof, by mutual consideration and discussion, enlighten each other on questions before them;—their proceedings, notwithstanding, always remaining subject to the inspection of the Circuit Courts as at present;—and such Courts being held in the several Districts every month, would greatly tend speedily to punish criminal offenders at a less expense to the Public, and avoid alleged criminals being found not guilty after having undergone about six or seven months' imprisonment.

There would be nothing new in this system, if adopted. The late Boards of Landdrost and Heemraad,—composed of a Landdrost appointed by Government, and Heemraad, generally six in number, elected by Government, from a nomination made by the Board,—had a jurisdiction by the *Crown Trial* of December, 1819, over "all criminal cases committed in the District, and which were not subject to a more severe punishment, than that of public scourging, transportation, banishment, or confinement for a limited period." By the Ord. 33, 1827, however, when those Boards were abolished, and in their stead a single individual, a Magistrate, appointed, the jurisdiction was confined, to "all cases of crime and offences, not punishable by death, transportation, or banishment from the Colony; provided that such Magistrate shall not punish any offender in any higher manner than by fine, not exceeding £5, and imprisonment, with or without hard labor, not exceeding one month, or by whipping privately in prison." The reason of such difference was palpable; the protection which the public had in a Board of 7 persons, became endangered, when it was to depend upon the will, caprice, or want of knowledge, of one individual.

No additional expense would be entailed on Government by the proposed measure; a saving on the contrary will be effected.—It requires no additional officers, and the Justices of the Peace will be called upon only once a month, to meet in a Session for the purpose of deciding those cases, which will not be great in number, as such Courts are then frequently held.

We hope these suggestions may be considered worth enquiring into, for the purpose of providing for the exigency so generally complained of, and by ulterior legislation a system adopted, which will give universal satisfaction.—When it is doubted how it will answer, there can be no objection at least to introduce it in those Districts, where it may be tried without fear of failure.

Several applications having been made to us for reports of the proceedings at the Meetings of the Wardmasters and the Legislative Council,—we anxiously invite those, who may feel inclined to undertake it, to call at our Office, as we are prepared, for the sake of the public, to agree to a fair and reasonable remuneration for that purpose. We are really astonished that none of our Cape youth have as yet practised the art of shorthand writing;—why should they not?

There is a report current in town, that orders have been transmitted from home, for the occupation of Port Natal. It is said that a gentleman, who arrived from England with the latest opportunity, had seen the despatch at the Colonial Office, a few days before his departure. What truth is to be attached to this rumour, we cannot say.

ANOTHER WRECK IN TABLE BAY.

We are sorry to record another wreck, the "Udney Castle," about 2 o'clock on Thursday morning, the 26th Nov. last, is there to be no end to these calamities? If the light at Green Point is to be continued on the present system, when and in what will they end? This case bears only two positive facts. The light, from neglect, was dull, and the Master deceived in his distance by it; or, he wilfully and intentionally ran his vessel on shore to defraud the Underwriters, which should be ascertained by an inquiry of the whole crew on board at the time before a Committee, consisting of resident nautical men. All the speculations, eloquence, and nonsense displayed by our typographers, and quoted at our public meetings, will be, as it is, and continue without avail, one alternative only being left as a preventative to future occurrence, for the preservation of the good name of Table Bay, the constitution of the inhabitants and the protection of the underwriter's purse,—(for we are well acquainted with the hundreds that are pocketed by some in Cape Town, and if our information is correct, the fortunes accumulated by others in London by the late disasters of stranded vessels on our coast)—A Pilot establishment is the only one. This will require a smart vessel of 30 or 40 tons, manned with 4 pilots and 2 apprentices, provided with Maria's signals, and a code of lights for the night, to board vessels outside the light at Green Point. The expense of outfit, when compared with the recent catastrophes, will be insignificant. But as of the Legislative Council, as in other colonies, to compel masters to take pilots on board, will be necessary, and the pilots may support themselves by the fees.

The "Commercial Advertiser" has suggested the fishermen as pilots, without bearing in mind that the fishermen on the coast of Scotland, Norway, &c., are men trained to the sea, and capable of working a vessel; not so with our fishermen; besides, it is principally at night that our pilots will be wanted, when our fishermen are asleep. The "Ware Afrikaan" has stated the parsimony of the owners, by shipping cheap and incapable men as masters. The Officers in our Navy and East India Service, as also the Masters and Mates in the French, Danish, Swedish, and other Merchant Services, under-

go an examination to prove their competency to fill the situation previous to their appointment; if the Committee of Lloyd's were to adopt the same necessary precaution it would prove a general benefit to the British commerce and nation. That there has been gross neglect and incompetency proved by some of the wrecks is beyond doubt. The master of the "Juliana" acknowledged his. Persons now in Cape Town, that while the "Dunlop" was coming in (the master a stranger), one of the crew acquainted with the Bay, came ashore and said, "Sir, there is the shipping (pointing to their direction),—we are running past the anchorage,"—when he received for answer, "go forward, Sir, and don't dictate to me," and in a few minutes the ship struck. It is strange on the inquiry of the "Strela," only one man out of the crew could be produced to say the Captain was on deck; while others were at their posts, regaling himself in his cabin, and the mate enjoying his cigar on the poop, until they found themselves torn near the hem, never to quit it. We again say, if the Light was as formerly attended, and placed in charge of a respectable person, Captain Owen's sailing directions consulted, the compass, lead, and log attended to, no vessel, but by very heavy stress of weather, or sheer neglect, could be stranded on our shores.—(From a Correspondent.)

Original Correspondence.

TO THE EDITOR OF "DE ZUID-AFRIKAAN."

Sir,—A certain individual who, in England, was much addicted to taking libelous with persons behind their backs, and other equally creditable and honorable employments, has unfortunately for the peaceful inhabitants of this town, migrated to Southern Africa, and, *alibi*, transformed, in name, is, I regret to say, not at all *alibi* in nature.

I should strongly recommend the above personage to be especially cautious, lest some details of his interesting and highly edifying biography should speedily be laid before the public. I remain, Sir,

A Warning Voice from Heavy Wallenstein.

Sir,—I beg to inquire, through the medium of your Paper, if any traveller or sailor ever in any part of the world saw the windows of a Lighthouse illuminated in commemoration of the Malay New Year, as was the case in our Lighthouse at Green Point on the 21st last month? or entrusted to a man who is all day working for himself collecting shells, or making women's cloths?—can such a person be expected to keep his eyes open during the night to watch the lamps of a Lighthouse?

J. P. C.

"PROTECTEUR" ASSURANCE COMPANY.

Dr. 5.—Having been informed that some of the Shareholders in the "Protecteur" Fire and Life Assurance Company, who reside at a great distance from Town, are deprived of an opportunity to attend the General Meetings, or to visit the Office of said Company in Cape Town, in order to make themselves acquainted with its pecuniary state, were desirous of getting some information respecting it;—I have, from a desire to do them that which I should wish them to do for me, were I situated as they are, availed myself of my privilege as Shareholder, to look into the books, in order to comply with the desire of my country friends and fellow shareholders; and, with your permission, I make use of your widely circulating paper, to communicate to them my finding. I have found, that all the receipts, since the establishment of said Company, on the 15th October, 1838, up to ultimo Nov. 1840, have amounted (including the paid up shares to the amount of £10,000) to a sum of £14,095 7 10. And that the interest due, and accrued up to ult. Nov. 1840, amount to a sum of £1,371 17 6.

Making a total of 14,467 5 4.

Whilst the expences (amongst which are not only calculated the great expences at the establishment of the Company, but also an amount of £453 paid by the Company for losses sustained by fire) have, during said period, amounted to 1,289 12 2.

Leaving a balance in favor of the Company of £13,176 13 2. From which it appears, that notwithstanding the payment made, occasioned by fire, to the amount of £453, the paid up amount of £10,000 has actually accumulated to a sum of £3,167 13 2, or good 31*1*/₂ per Cent.—A Shareholder in said Company.

STELLENBOSCH.

If the 1st of December, 1838, at Stellenbosch, was a day of congratulation for the lover of religion, on seeing the assemblage of a great number of the emancipated slaves at the chapel, for the purpose of praising God,—a scene of no less edification presented itself on the 1st of December, 1840, at the consecration of an additional part of the building, which, during the intervening period of those two years, was found too small to hold the increasing number of those who attended. As early as eight o'clock in the morning, the King's Square was crowded with the colored population, anxiously waiting for the opening of the doors of the building, and no sooner was that complied with, but all the seats were filled. It must have been most gratifying to the Missionary, the Rev. Mr. Luckhoff, and to the Directors of the "Stellenbosch Missionary Society," to perceive that the Christians at the place, by their presence, manifested the great interest they took in the propagation of the Gospel to the Heathen, as having also enabled Directors, by their subscription in money and otherwise, to finish the newly erected Aisle, with no little expense. At half past 9 o'clock, the Reverend Mr. Herold ascended the pulpit, and in an impressive preliminary discourse compared the time of the first consecration of the building (as described in the *Z. A. Tydskrif*, No. 1,) with the present, pointed out how, since that time, seats were required to be increased, first by the erection of a gallery, then by the addition of the vestry room, and this even being found insufficient, by the present addition to the building. An appropriate Sermon was delivered by the Reverend Gentleman from Isaiah VI. v. 1, 2, 3, and 4.

Upon these grounds, your Committee would earnestly recommend the immediate abolition of the taxes set forth in the accompanying statement, under the several heads of capital tax, tax upon servants, carriages and horses, stock and produce, grain and income; which, according to the average amount realized from those sources during the last five years, would cause a deficiency in the Revenue of £15,321.

The next point for consideration with your committee directed towards finding a substitute for this deficiency.

By a reference to the statement above referred to, exhibiting the principal branches of the public revenue, it will be seen that the extraordinary increase derived from the customs during the last year, affords in itself a well grounded hope, that the greater part of this deficiency will in future be met by progressive increase in this improving branch of the revenue; but to guard against the possibility of any falling off, your committee would suggest the following mode of collecting the customs—

Your committee is aware that, in defiance of the existing laws, goods imported are frequently rated in H. M. Customs as so capricious a value compared with their real market price, as to cause great injury to the fair dealer, and to render it difficult for the Collector of Customs to levy a just proportion of duty thereon.

To round off this evil, your committee have prepared a table of the principal articles of general consumption imported into this colony, and with reference to their fair average value, they would suggest that certain staple articles as therein more fully set forth, should be subject to a specific duty, the adoption of which equitable principles would not only put an end to the capricious and unequal rates at present levied, but would encourage the importation of the best articles; and the Returns, together with the detailed information furnished to your Committee by the Collector of Customs, will show that the proposed scale of duties, as applied to the imports of 1838, would have produced an increase of £15,105, and as applied to the imports of 1837, a clear increase of £23,235.

But as the great increase of imports during the last year may, in some measure, be ascribed to the mercantile operations incident to the influx of specie for compensation to the slave owners, under the Emancipation Act, with the view of obviating all doubt, as to the increased revenue derivable from the customs, being more than sufficient to meet the taxes proposed to be repealed, your Committee, in discharge of the task imposed on them, have considered the expediency of raising the duty on all imports; and as unobjectionable in principle under the peculiar situation of this colony, they would take leave to suggest that, in lieu of the duties at present levied by Order in Council, bearing date 22d February, 1832, the following rules, as set forth in the annexed schedule, be adopted, to wit:

—Two per cent. *ad valorem*, on goods, wares, and merchandise, not otherwise charged with duty, and not therin declared to be free of duty, being the growth, produce, or manufacture of the United Kingdom, or any of her Majesty's possessions abroad, other than the provinces of the East India Company.

—Five per cent. *ad valorem*, on goods, wares, and merchandise, not otherwise charged with duty, and not therin declared to be free of duty, being the growth, produce, or manufacture of any foreign state, or of the possessions of the East India Company, which increase your Committee feel persuaded would in no way affect the importation of British and foreign goods into this colony, and would not, as they have reason to believe, exceed the rate of duties paid in other of her Majesty's dominions to the eastward of the Cape.

With reference to the low rate of duty on the importation of French Brandy, as compared with the rate imposed on other Foreign Spirituous, your Committee deem it incumbent to state, that French Brandy enters largely into the manufacture of Cape Wine, the staple of the Colony; and as the large quantity imported is consumed in the preparation of Cape Wine for exportation, any increase of the rate fixed in the table, which is an advance of 1*1*/₂ per gallon on the duty hitherto paid, would, in their opinion, be destructive of this important branch of trade.

In addition to the above mode of increasing the revenue, your Committee would, &c., take leave to call the attention of your Excellency and the Council to the Crown lands of the Colony, which, your Committee submit, might be made a far more efficient branch of revenue than has hitherto been

that this Council should have an opportunity of giving an opinion with regard to the expediency of adopting the tariff as and when, and of making any further application to the home Government on the subject. With the view of better enabling the Council to do this in a proper manner, Returns would be laid before the Council, which had been prepared by the hon. Collector of Customs, and by which they would be enabled to judge how far the proposed increase of the customs would be an equivalent for the taxes intended to be replaced. The Secretary to Government would express an opinion on the subject, and authorise the Executive Council. The meeting of the Council being a special one, for a special purpose, he would take the opinion of the Attorney General whether the said course would not be for the Council to resolve itself into a Committee to deal at once with the matter thus brought before them. He was desirous that it should be now disposed of, as he was anxious to communicate the result to his Excellency by Friday's post; and also, as the end of the year was rapidly approaching, and it was desirable that whatever measures were adopted should, if possible, come into operation by the commencement of next year.

Mr. Advocate Christie was of opinion that if the hon. Secretary were prepared to lay before the Council the Returns, in preparing which, he believed, the hon. Collector had been labouring for some time past, they might at once proceed to dispose of the matter now brought before their notice.

Mr. Ebbin considered that the Council should guard against acting with precipitancy in a subject of so much importance. If they were provided with the requisite data, there could be no objection to their proceeding to take the matter into consideration, but he saw no ground for hurrying the Council to a conclusion respecting it, merely that his Excellency might be made acquainted with that conclusion by next Friday's post.

The Secretary to Government had no wish to act precipitately, but to be considered that after so long a delay, no further time should be lost.

The Council then resolved itself into a Committee on the subject now brought before them.

Mr. Ross begged to inquire if three years had now elapsed since the communication of this Council relative to the taxes was transmitted to the home government, whether any other communication had been, before this time, received by the Colonial Government in reply to that communication.

The Secretary to Government said, there had been none but that which the Council were already aware of. A despatch had been received from the Secretary of State purporting to communicate a letter from the Treasury Board to the Colonial Office, setting forth that the Treasury had no objection to the proposed alterations in the Customs recommended by this Council; but the enclosure spoke of did not accompany that despatch, and the Secretary of State neither expressed any opinion, nor gave any order on the subject. The instant this communication was received by the Governor, he again wrote requesting instructions, and with which he could not act. No other communication had been received until the arrival of this despatch, which, without any reasoning or information on the subject, briefly enclosed an Order in Council promulgating a Tariff of Customs widely different from that recommended by the Council and formerly approved of by the Treasury;

Mr. Ebbin said, he merely spoke from memory, but he had no recollection of that former despatch having been laid before the Council, although he believed he had seen it in the Council office. If it were not on the table, perhaps his hon. friend the Secretary to Government would have no objection to it being now produced.

The Secretary to Government assented, but suggested that the Report of the Finance Committee, to which it was in answer, should first be read.

Mr. Hamilton, Clerk of the Council, then read the following Report: