

HAMBURG.

DE Eerw. Kerkraad der Evangelische Lutherische Gemeente heeft besloten, op ZONDAG...

OP MORGEN,

Zullen by den Hr. JONES op de Parade, sonder reserve, worden vercocht,

20 Pakkaadjes Stukgoederen, bestaande in fancy gedrukte en effen Orleans Laken van uitmuntende kwaliteit...

BOTER EN VET.

NU landende ex "Pilot" en "Trekhoer," en te koop aan de Pakhuizen van A. CHIAPPINI & Co.

CUSTOMHUIS VENDUTIE.

OP HEDEN, DINGSDAG den 2 Augustus ten 11 ure des Voormiddags, zal worden vercocht by publieke Vendutie...

TE KOOP,

GEWENDEBOEK; of "Lust der Heiligen in de Jochov," door GEBRAAD MEL, voor Rds. 2, en Gebonden voor Rds. 2 1/2.

GROVE HUIS TE HUUR.

GENERAAL HOPPER op het pant staande de Kolonie te verlaten, biedt te huur aan een geryk Verlyf, genaamd GROVE HUIS...

MORGEN.

Zuid Afrikaanische Brand en Levens Assurantie Maatschappij.

Berigt aan Deelhebbers.

EENE Algemeene Byeenkomst van Deelhebbers in de beroepsmaatschappij, zal worden gehouden op WOENSDAG, den 2den Augustus...

COMMISSARIAAT.

Leverantie van versche Vleesch voor H. M. Troepen.

TENDERS zullen op dit Bureau worden aangenomen, tot op Woensdag den 24 deser, te 12 ure, van allen die gegene syn te contracteren...

TE KOOP

WAGENS, KARREN EN PAARDEN.

OP ZATURDAG, den 6 Augustus aanst., zullen publiek sonder Reserve op de Parade worden vercocht,

EEN HUIS en TUIN genaamd Rosenhoff, gelegen in de Kloofstraat, zeer geschikt voor een fatsoenlyke Familie...

UIT DE HAND TE KOOP OF TE HUUR HET Huis, No. 8, Keizersgracht, het eigen-dom van den Heer P. J. TRUVER...

TE HUUR.

EEN HUIS en TUIN genaamd Rosenhoff, gelegen in de Kloofstraat, zeer geschikt voor een fatsoenlyke Familie...

HUIS TE HUUR.

DE Ondergeteekende biedt te huur aan, een zeer geryk en pas nieuw gebouwd Huis en Erf, staande op het Dorp Wellington...

Uitgevoerd te Nieuw, Waterkant, Kaapstad, elke Dinsdag op Vrijdag Ochtend...



Published at No. 10, Waterkant, Cape Town, every Tuesday and Friday Morning...

De Zuid-Afrikaan.

[Tros Tyrinnus mihi nullo discrimini agetur.—VIRGIL.]

DEEL XIII, DINGSDAG DEN 2 AUGUSTUS 1842. No. 697.

ZUID-AFRIKAANSCH GENOOTSCHAP BESCHERMING DER GELICENTIEERDE HERBERGIJEREN.

WAARSCHUWING AAN DEGENEN DIE SMOKKELDRANKEN VERKOOPEN.

DAAR het Publiek in het algemeen, en onze gelyke Superintendent van Policie in het byzonder, nu volkomen overtuigd sijn...

XIX. En wordt verder vastgesteld, dat byaldien enig persoon aangifte zal doen by eenen Resident Magistraat...

XXVI. En wordt verder vastgesteld, dat ieder persoon, die gelicentieerd zal worden om een Kosthuis te houden...

BEKENDEMAKING. DE Ondergeteekende heeft de eer het Publiek in het algemeen, en de Nabestaanden van den Wyaberg...

PUBLIEKE VERKOOPING MET RUIM STRYKGELD EN BONUS.

OP MAANDAG, DEN 8de AUGUSTUS 1842, Zal stellig aan den Hoogsten Bieder worden vercocht,

ZEKER stuk Eigendomsland, voorheen het Eigendom van den Wel-Ed. Heer P. G. BRINK...

UIT DE HAND TE KOOP. DE Heer H. C. WATERMEYER, Secretaris.

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ADVERTENTIE. AAN het Publiek wordt mits dezen kennis gegeven dat de Directie van de "Zuid-Afrikaansche Maatschappij van Administratie en Boedberoeiding"...

CAPE OF GOOD HOPE BANK. AFBETAALD KAPITAAL £70,000.

KAAP DE GOEDE HOOPSCHIE Brand Assurantie Maatschappij.

De Edele HAMILTON ROSS, Voorzitter.

De Heer W. M. JAFFRAY, Graham's-stad.

ZUID-AFRIKAANSCH BRAND EN LEVENS ASSURANTIE MAATSCHAPPY.

KANTOOR, No. 32, St. GEORGE'S-STRAAT.

De Heer DANIEL CLOETE, J. T. JURGENS.

De Heer H. LE SUEUR, H. F. HOHNE.

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INTEBKENINGS BALS, Onder de Patronage van LAAT NAPIER.

HET volgende BAL van het Seizoen, zal plaats hebben op HEDEN AVOND, den 2 Augustus...

DE Paarlse Widdowen zullen plaats hebben op DONDERDAG, VRYDAG en ZATURDAG...

AANDEELEN. DE Verkoop van Aandeelen in onderscheidene Maatschappijen, als te voren geadverteerd, zal op ZATURDAG den 6 Augustus...

VERKOOPING VAN PUBLIEKE VERKOOPING VAN VASTGOED, IN HET DORP D'URBAN.

DE Ondergeteekende zal (indien zyn Eigendom als bovengemeld niet voor dien tyd uit de hand vercocht is) op DONDERDAG 18 Augustus...

PRECIOS TE 11 URE, publiek doen verkoopen, zyn Huis en Erf gelegen te D'Urban...

DE Ondergeteekende welke zeer voordelig sijn, zullen te vermenen zyn by den Ondergeteekende, of ten Kantore van den Heer J. G. STETTLER, Gz.

Publieke Verkoop van Vastgoed, in het Dorp D'Urban.

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Publieke Verkoop van Vastgoed, in het Dorp D'Urban.

AAN Nabestaanden en Vrienden wordt by deze kennis gegeven dat toen aan de Compella synde, overleden is op den 6 Maart, myn kind FABIAN, in den ouderdom van 3 maanden...

PORT NATAL. Wy zyn zeer verheugd het angstvallig publiek te kunnen mededeelen, dat de aangelegenheden van Natal sonder verdere blygdestoring geschikt sijn, gelyk blykt uit de volgende.

ZYNE Excellentie de Gouverneur heeft het genoege te gelast dat het volgend Narigt publiek worde bekend gemaakt.

De Uitgeweken Boeren eene plegtige verklaring van hunne onderwerping aan de Koninglyk gezag, — de gevengenen, hetzyl soldaten of burgers, ontvingen, — de genoemen kanonnen, zoodat die aan bezwelen behorende, en alle publiek zoodat als privat eigendom, door hen in beslag genomen, opgevegen hebende...

DE Paarlse Widdowen zullen plaats hebben op DONDERDAG, VRYDAG en ZATURDAG, den 9, 9 en 10 September aanst. — De Paarden te worden vercocht en geveerd op WOENSDAG den 7 Sept, van 's morgens 10 tot 's middags 2 uur, ten Huise van den Heer PHIPPS tot Topp, J.F. aanst, in dit Dorp.

AANDEELEN. DE Verkoop van Aandeelen in onderscheidene Maatschappijen, als te voren geadverteerd, zal op ZATURDAG den 6 Augustus...

VERKOOPING VAN PUBLIEKE VERKOOPING VAN VASTGOED, IN HET DORP D'URBAN.

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TO CORRESPONDENTS.

"A Village but no Shander" in our next.

AGENTS

FOR THIS PAPER IN THE VARIOUS DISTRICTS:

- Beaufort, Mr. A. J. de T. Meiring,
Cape Town, Mr. S. J. de T. Meiring,
George, Mr. A. P. Keyser,
Grahamstown, Mr. A. P. Keyser,
Malmesbury, Mr. J. D. A. Pretorius,
Pani, Mr. J. D. A. Pretorius,
Stellenbosch, Mr. C. Moller,
Swellendam, Mr. John Barry,
Tulbagh, Mr. W. Vos,
Tygerburg, Mr. F. Uys,
Uitenhage, Mr. J. Behm,
Worcester, Mr. J. Meiring.

THE

ZUID-AFRIKAAN.

CAPE TOWN, AUGUST 2, 1842.

OUR readers will find in another column of this paper a copy of a letter addressed by His Excellency the Governor to the Committee, appointed by the public meeting, to forward the petition of the inhabitants to Her Majesty, praying for the boon of a Representative Legislative Assembly; communicating the despatch of the Secretary of State.

We think we may safely consider the points raised in the Despatch as a good omen, and as we apprehend that the public will be called upon to express their opinion upon them, we give the following statement of the constitution of those British Colonies, where Representative Legislation at present exists:—

1. THE IONIAN ISLANDS.—These islands, seven in number, situated in the Ionian Sea, have a population of about 65,000, governed by a Lord High Commissioner, a Senate, and a Legislative Assembly. The Senate is composed of six members, including its President; and the Assembly of forty members. They are elected for five years, and their session is held every two years. The qualification of members and electors seem to be very peculiar, and are not clearly stated.

2. LOWER CANADA.—Population 500,000. Before the Union with Upper Canada, its provincial legislature consisted of the Governor, a Legislative Council of 34 members, and a House of Assembly of 88 members. The latter were elected for four years, by British subjects resident in the Province, and possessed, for their own use and benefit, in the counties, of real property to the yearly value of 40 shillings sterling; in the towns, of the yearly value of £10 sterling. No religious distinction existed as to electors, but clergymen or Jews were not eligible for election. Members of the House of Assembly were allowed 10 shillings per diem for their expenses, and 4 shillings per league for travelling expenses from their places of residence to the town where the sittings of the legislature were held. The session was held once a year, and lasted from three to four months. The Speaker had a salary of £900 per annum. The constituency of Lower Canada was very widely diffused; among the half million of people there were about 80,000 electors, of whom nine-tenths were proprietors of the soil; several counties had from 4000 to 5000 electors, all of whom were landed proprietors.

3. UPPER CANADA.—Population, 400,000. Legislature, before the Union, a Lieutenant-Governor, a Legislative Council, and a House of Assembly, the Council consisting of 30 members, and the Assembly of 62, namely, 58 for counties, and 4 for towns. The elective franchise, &c., the same as in Lower Canada.

4. NOVA SCOTIA.—Population, 150,000. Legislature, a Lieutenant-Governor, Legislative Council, and House of Assembly; President of the Council, the Chief Justice. Members in the Council, 12; members of Assembly, 45.

5. NEW BRUNSWICK.—Population, 120,000. Legislature, a Lieutenant-Governor, a Council of 12, which is both Executive and Legislative, and a House of Assembly containing 28 members, this number having, however, been recently increased.

6. NEWFOUNDLAND.—Population, 60,000. Legislature, a Governor, Legislative Council, and House of Assembly, the latter containing 16 members. The qualification for an elector is household suffrage; that of a representative, being a household of two years' standing.

7. JAMAICA.—Population, 360,000. Legislature, a Governor, Legislative Council of 12, and House of Assembly of 45. A representative must possess a freehold of £300 per annum in any part of the island, or a personal estate of £3000. An elector must be of age, and possessed of a freehold of £10 per annum in the parish for which he votes. The members of Council are appointed by mandamus from the Crown, and hold office during Her Majesty's pleasure. As a constituent part of the legislature, it corresponds with the British House of Peers; and it sits as a Court of Error or Appeal. The House of Assembly exists, at the utmost, for seven years; it has all the privilege of the House of Commons in England; it has the sole power of levying taxes, and the distribution thereof, with the exception of an annual permanent revenue to the Crown of £10,000 per annum. The salary of the Speaker is £1000 per annum.

8. TOBAGO.—Population, 150,000, of whom only 280 are whites. Legislature, a Lieutenant-governor, Legislative Council of 9, and House of Assembly of 16 members.

9. GRENADA.—Population, 21,000. Legislature, a Lieutenant-governor, Legislative Council of 9, and House of Assembly of 27 members. The qualification of a representative is, a freehold or life estate of 50 acres in the country, and of £50 house-rent in the capital. The qualification of an elector is, an estate of ten acres in fee or for life, or a rent of £10 in any of the country towns; and a rent of £20 out of any freehold or life estate in the capital.

10. ST. VINCENT.—Population, 26,000. Legislature, a Governor, Legislative Council of 12, and House of Assembly of 19 members. The Council sits in two capacities, Privy and Legislative; in the former the Governor presides, in the latter the senior member, under the title of President. The qualification of members for the parishes and islands is, 50 acres of land in cultivation, or producing an income of £300 a year;

and for the town, a house of the yearly value of £100; the titles of the candidates to their property must appear to have been registered in the office twelve months, except in cases of wills, and conveyances of property executed in Great Britain. Electors must have a freehold of ten acres, or a house in Kingstown of £20 yearly value, or £10 elsewhere, registered in like manner.

11. BARBADOES.—Population, 100,000. Legislature, a Governor, Legislative Council, and Representative Assembly.

12. DOMINICA.—Population, 16,000. Legislature, a Lieutenant-Governor, Legislative Council of 12, and Representative Assembly of 20 members.

13. ANTIGUA.—Population, 35,000. Legislature, a Governor, Legislative Council of 10, and House of Assembly of 28 members.

14. MONTSERRAT.—Population, 7000. The executive is embodied in the Government of Antigua, but the islanders enjoy their separate Council and House of Assembly, the former consisting of 11, the latter of 12 members.

15. ST. KITTS.—Population, 23,000. Legislature, a Lieutenant Governor, Legislative Council of 10, and House of Assembly of 24 members.

16. BARBADOS.—Population, 12,000. Legislature, a Governor, Legislative Council of 12, and House of Assembly of 30 members. To become a representative, the person must have 200 acres of cultivated land, or property of the value of £2000. The electors are free white persons of 21 years of age, who have resided 12 months within the government, for six of which they must have been householders or freeholders, or in default of that, have paid duties to the amount of £50.

17. BERMUDA.—Population, 8500. Legislature, a Governor, Legislative Council of 8, and Representative Assembly of 36 members.

To enable the reader to take in the more readily the proportion between population and the number of legislators, in the several colonies, we have arranged the foregoing statistics in the following tabular form, beginning with the largest population, and proceeding regularly to the smallest. We leave out Barbadoes, because we have not been able to ascertain the number of its legislators.

Table of Population and Legislators in the British Colonies.

Table with 4 columns: Colonies, Population, Members of Legal. Council, Members House of Assembly. Rows include Lower Canada, Upper Canada, Jamaica, Cape of G. Hope, Nova Scotia, Tobago, New Brunswick, Ionian Isles, Newfoundland, Antigua, St. Vincent, St. Kitt's, Grenada, Dominica, Bahamas, Bermuda, Montserrat.

LEGISLATIVE ASSEMBLY.

The Undersigned having received the subjoined letter from the Acting Secretary to Government, the hon. J. Moore Craig, Esq., dated the 29th instant, on the subject of the Petition from the inhabitants of Cape Town and its vicinity, praying for a Legislative Assembly, hereby publish the same for the information of the Petitioners.

(Signed) H. R. EBDEN, J. G. CLOETE, L. S. WATERMEYER.

To the Honorable J. B. Eldon, Hon. H. Cloete, and F. S. Watermeyer, Esquires.

Colonial Office, Cape Town, July 25, 1842. Gentlemen.—With reference to my letter of the 13th December last, in which I intimated to you the intention of His Excellency the Governor to transmit and support with his recommendation, a petition addressed to the Queen in Council, praying that, for the reasons therein set forth, the Government of the Colony may, as speedily as possible, be assimilated in principle and form to that of Great Britain, and that it may be composed of a Governor appointed by the Crown, an Executive Council, also appointed by the Crown, and a Legislative Assembly, composed of Representatives freely elected by the people, I am now directed by His Excellency to acquaint you, that he has received a despatch from the Right Honourable the Secretary of State, in which His Lordship, while he recapitulates and admits the abstract justice of the principles upon which the recommendation of His Excellency was founded, enters, at length, into a consideration of a number of obstacles which appear to him to hinder the practical application of those principles to the circumstances of this colony, being unwilling to dismiss with a slight or cursory notice a petition bearing such signatures as those attached to that before him, and one supported by His Excellency.

Nor indeed, does His Lordship wish His Excellency to understand him as meeting that petition by any irrevocable or fixed opinion against the prayer of it, since he limits himself, at present, that the proposal is open to many difficulties, not adverted to by His Excellency or the petitioners; and that the scheme is presented in a form too incomplete to enable the confidential advisers of the Crown to advise Her Majesty as to the acceptance or rejection of it.

Before transmitting an answer to the Secretary of State, His Excellency deems it proper to allow the petitioners an opportunity of applying their minds to the many considerations suggested by a perusal of his Lordship's despatch, in order that he may be able to lay before His Lordship more distinctly than he is at present in a situation to do, the precise plan of government which the petitioners contemplate, and the mode in which they propose to obviate the objections which may appear to be against it.

I do not, therefore, contemplate that the Legislative Assembly, to be elected by the people, should be the only legislative power in the colony? Or, is the Council, called Executive in the petition, also to possess legislative functions? And what, if any, are to be the legislative functions of the Governor? If, as the language of the petition would seem to import, the Legislative Assembly is to be the only legislative power in the colony, how can the change suggested be considered as an assimilation in principle and form to the Government of Great Britain, or to that established in any other British colony?

3. On what principle are the representatives to be distributed throughout the colony, so as to give to Cape Town, and the towns in general, their legitimate share in the representation and in power? In other words, by what plan is it proposed to secure to a scattered population occupying a large space, their due proportion of representatives, in competition with a more numerous population, occupying a more limited area?

4. Assuming that proper electoral districts can be described, is it contemplated by the petitioners that the Representatives will be selected by the distinct districts of the colony, from the inhabitants of the same? Or, is it contemplated that the districts generally would choose members resident in or near Cape Town? If the former, can fit persons be found who will be willing to give the necessary time, and encounter the inevitable expense? If the latter, how will the country districts be sufficiently secured against those local views and influences which will make their nominal representatives in reality the representatives of Cape Town, and how, in a country where communications between the representatives and their constituents must necessarily be tardy and imperfect, will the representatives be able to ascertain correctly the sentiments of their constituents upon the measures submitted for discussion and legislation?

5. Where are the votes of the electors to be taken? If there be only one polling place in the district is it expected that voters will be found disposed to travel what must fre-

quently be very inconvenient distances, in order to exercise the suffrage, and will not the representation become in many places merely nominal, from the non attendance of voters? If there be many polling places, by what checks is the integrity of the voting to be adequately guarded?

6. On what grounds do the petitioners conceive that the right of representation may be indifferently bestowed upon all the various races, as well of different European, as of African descent, of which the population of this Colony is made up, so that each of those races may enjoy its due proportion, and so move, without causing or influencing heats and jealousies, and tending to create a powerful majority and a disconcerted minority in some direction or another?

7. Is there to be a property qualification for the electors? If so, of what nature and to what amount?

8. Is there to be a property qualification for the elected? If so, of what nature and to what amount?

9. Assuming that the petitioners contemplated some property qualifications in both cases, are they able to fix it at a rate which will not on the one hand be so high as generally speaking to exclude the coloured population from the operation of the principle, or on the other hand be so low as to let in a number of persons whose political power the rest of the community might regard as dangerous?

10. Do the petitioners contemplate that the constitution of the proposed Assembly should be modified in any, and if so, in what manner, by the existing division of the colony into its eastern and western districts—and

11. By what machinery do the petitioners propose that voters should be registered and the business of the election managed?

When you shall have taken the opinions of those with whom and for whom you have acted on this occasion in such manner as may appear the most expedient, I shall be happy to be favoured with your reply for the information of His Excellency. I have the honor to be, Gentlemen, Your most obt. humble servt.

J. MOORE CRAIG.

THE MUNICIPALITY OF CAPE TOWN AND GREEN POINT.

In our paper of 18th Feb. last, we inserted the objections raised by the Commissioners of Green Point, against the Municipal Regulations for raising a general water rate, as proposed for the adoption of the Board of Wardmasters.

By the Municipal Ordinances both for Cape Town and Green Point, Ordinance No. 1, 1840, and No. 4, 1839, the Cape Town Municipality is bound to provide the Inhabitants of Green Point, with water from the Cape Town Reservoir, in the same proportions, on the same terms, at the same rates, and under the same regulations as they supply the inhabitants of Cape Town.

The present proposed Regulations have been framed in compliance with that enactment, adopted by the Board of Wardmasters, and transmitted to the Governor for his sanction; but the Commissioners of Green Point have entered certain objections against those Regulations, and proposed such amendments, which, if approved, would entitle the Inhabitants of Green Point to a supply of water, under different regulations, on different terms, and at different rates, and render it at the same time impossible for the Commissioners of Cape Town, to execute them.

Whether our conclusion is correct, will appear from the following Correspondence:—

Colonial Office, Cape Town, 27th June 1842. Sir,—With reference to your Secretary's letter of the 30th ultimo, I have the honor to acquaint you, that as the regulations therein transmitted for the approval, amendment, or disallowance of the Governor affecting the interests of the Inhabitants of Green Point; His Excellency considered it expedient to submit the same to the Commissioners of that Municipality before bringing them under the notice of the Executive Council. I beg now to inclose a letter which has been addressed to me on the subject, &c. this body, and to request you will lay the same before the Commissioners of the Cape Town Municipality, and return it to me with any observations which they may deem it necessary to make thereon.

I have the honor to be, Sir, Your most obt. humble Servant, J. MOORE CRAIG.

The Chairman of the Cape Town Municipality.

Green Point, June 23, 1842. Sir,—We have the honor to acknowledge having received your letter of the 2d instant, inclosing by direction of His Excellency the Governor, certain of the Municipal Regulations for Cape Town, having reference to the Municipality of Green Point, and we request you will convey to His Excellency our thanks for having caused this communication to be made to us.

The Regulations above referred to (and for the sake of reference marked A, B, C, D, E, and F.) are considered by the Municipality of Green Point objectionable in the following respects:—

1st. That certain of the proprietors and occupiers within the Municipality of Green Point are liable to pay a water rate to the Municipality of Cape Town, although such proprietors and occupiers are not legally liable for the payment of any of such rate.

2d. That the proprietors and occupiers within the Municipality of Green Point are liable to pay to the Municipality of Cape Town whatever rate may be assessed on them by the Commissioners and Wardmasters of said Municipality, while they are not so liable for the payment of any rate except one assessed for the purpose of a water rate.

The preamble of the proposed Regulation marked B, contains the following statement, "and whereas the inhabitants of the Municipality of Green Point are by virtue of the 53d Section of Ordinance No. 1, 1840, liable to pay to the Municipality of Cape Town whatever rate the inhabitants of the Cape Town Municipality shall be obliged to pay for the purpose of a water rate."

No such provision is contained in or made by either of the sections of the Ordinances referred to in the above preamble. Those two enactments merely provide, "That the inhabitants of the Municipality of Green Point shall have the right, and shall be entitled to be furnished and provided from the Waterworks, &c. by which water is supplied to the inhabitants of Cape Town, with a supply of water in the same proportions, on the same terms, at the same rates, and under the same regulations, in, on, at, and under which the inhabitants of Cape Town, are liable and are compelled to pay the water rate payable by the inhabitants of Cape Town."

Whereas the words of the enactments above referred to, merely provide that every such inhabitant who desires to be supplied with water from the Cape Town Waterworks, shall be entitled to have water supplied to him from those Waterworks on paying for it the same rate that an inhabitant of Cape Town is bound to pay for a similar supply, and have not the effect of compelling any inhabitant of Green Point who does not use any water supplied from those waterworks, to pay the same water rate which is paid by an inhabitant of Cape Town.

The provisions of both the sections of the Ordinances above referred to were framed it is supposed in their present form for the express purpose of preventing the proprietors of Sea Point, whose properties are supplied with water from springs flowing from their own rocks, from being liable to pay any water rate to the Municipality of Cape Town.

If the words used in the preamble have a different meaning or are susceptible of a different construction from those made use of in the sections of the Ordinances above referred to, the Municipality of Cape Town has no right to attempt to have the law as it now stands established by those Ordinances.

approved by His Excellency the Governor, and with the advice of the Executive Council.

On the other hand if the words used in the preamble have no other meaning, and are susceptible of no other construction than the words used in the Ordinances have, and are, then there can be no reason why the very words used in the Ordinance should not be inserted in the preamble, and by doing so, a certain advantage will be obtained, namely, that if any question shall be raised as to the nature of the legal liability of any of the inhabitants of the Municipality of Green Point, under the provisions of those Ordinances, that question will be tried and decided according to the legal construction of the terms of the Ordinances themselves, and not according to any gloss put on them by the Municipality of Cape Town.

For these reasons we have the honor of suggesting to His Excellency the Governor, that His approval of the Regulation of the Municipality of Cape Town, respecting the assessment and levy of water rate, until the preamble above referred to shall be struck out altogether, or amended by substituting the precise words of the 53d Section of Ordinance No. 4, 1839, and of the 55th Section of Ordinance No. 1, 1840, in place of the words "liable to pay to the Municipality of Cape Town, whatever rate the inhabitants of the Cape Town Municipality shall be obliged to pay for the purpose of a water rate."

And until the Regulation marked B, shall be amended as follows:—

"It shall be the duty of the Commissioners of the Cape Town Municipality, and they are hereby authorized and empowered for the purposes of such water rate, to fix the classification and valuation of the immovable property, situate within the Municipality of Cape Town, and of any of the immovable property, situate within the Municipality of Green Point, the proprietors or occupiers whereof, shall claim to be supplied with water from the Waterworks belonging to the Municipality of Cape Town, or who shall within the Municipality of Green Point use, or knowingly cause or suffer their families, inmates or cattle to use any water supplied by or from such Waterworks, as in the section of these Regulations provided, and such classification and valuation having been fixed a written notice signed by the Secretary of the Municipality of Cape Town, shall forthwith be given to the several proprietors and occupiers of the immovable property so valued, stating the classification at which their respective properties have been valued."

And until the Regulation marked B, shall be amended as follows:—

"It shall be the duty of every proprietor or occupier of any house, shop, cellar, or of any other dwelling-house, situate within the Municipality of Cape Town, to pay demand made by a person duly authorized by the Commissioners of the Cape Town Municipality, whatever rate shall have been assessed on the same by the Commissioners and Wardmasters of the Cape Town Municipality. And it shall be the duty of every proprietor or occupier of any dwelling-house, or of any inhabited house, shop, or cellar, situated within the Municipality of Green Point, who shall claim to be supplied with water from the Waterworks belonging to the Municipality of Cape Town, or who shall within the Municipality of Green Point use, or knowingly cause, or suffer their families, inmates, or cattle, to use any water supplied by or from the said Waterworks, to pay on demand made by a person duly authorized by the Commissioners of the Cape Town Municipality, whatever rate shall have been legally assessed on the same, for the purpose of a water rate, by the Commissioners, or by the Commissioners and Wardmasters of the Cape Town Municipality; and in case of refusal or neglect to pay any such rate legally demandable and demanded in manner aforesaid, it shall be lawful for the said Commissioners of the Cape Town Municipality, and they are hereby empowered to sue either the said occupiers or proprietors separately, or both of them in one and the same action, each for the whole before any competent court, and to obtain the judgment and process of such court for the recovery of the same, reserving to such occupiers and proprietors respectively such relief against each other, as they may be entitled to, provided, &c. &c. &c. (as in the proposed Regulation.)"

We have been compelled to bring the above objections to, and amendments to, the Regulations proposed by the Municipality of Cape Town, under the consideration of His Excellency and the Executive Council; but we shall be at all times ready to co-operate with the Commissioners of the Municipality of Cape Town in framing any Regulations which may be necessary to prevent any of the Inhabitants of the Municipality of Green Point, who are legally liable to the payment of a water rate to the Municipality of Cape Town, from evading due payment of the same.

We have the honor to be, Sir, Your most obedient humble Servants, (Signed) W. GADNEY, Chairman, H. E. RUTHENFORD, H. F. HORNBY, J. DIXIE, ISAAC CHASE, Commissioners.

(The reply of the Commissioners of Cape Town in our next.)

WORCESTER—CIRCUIT COURT.

JULY 16, 1842. Before the Honorable Mr. Justice MENNIES.

CRIMINAL ROLL.

The Queen v. Andries Kleinbooy, a laborer, for the crime of theft, in that upon the 8th day of April last, and at Groot Baviensskuil, the said Kleinbooy did steal one heifer, the property of Christian Snyman.

Pleaded guilty. Sentence, 2 years imprisonment in the gaol of Worcester, with hard labor.

Ditto v. Esau, a shoemaker, and Apollis a laborer, for the crime of theft, in that upon the 23d day of April last past, and at Schurftberg, the said prisoners did steal from a bullock wagon of Petrus Ludovicus du Toit, 1 piece of check, 2 ditto of chintz, 4 shawls, 5 ells of everlasting, 4j do. of velvet, 14 do. of mouslin 2 pieces of roperchitz, 12 ells of chintz, 8 do. of chambray, 2 quires of paper, 1 lb. weight of thread, 1 do. of spices, and 1 basket, the property of the said P. L. du Toit.

Pleaded not guilty. Verdict guilty. Sentence to be severally confined in the gaol of Worcester, for a term of 2 years, with hard labor.

Ditto v. Klaas Piet, a laborer, for the crime of cellar-breaking and theft, in that upon the 1st day of January last past, and at Zand River, the said Klaas Piet did break and enter the cellar of J. H. Basson, and did steal nine gallons of wine, the property of the said Basson; and Andries Lucas, a laborer, for the crime of receiving the said stolen wine, knowing it to have been stolen.

Klaas Piet pleaded guilty, and Andries Lucas pleaded not guilty. Verdict, Andries Lucas guilty. Sentence, Klaas Piet 1 year, and Andries Lucas 2 years imprisonment in the gaol of Worcester, with hard labor.

The Queen v. Marinus, a laborer, for the crime of theft, in that upon the 25th day of May 1841, and at or near the town of Worcester, the said Marinus did steal one cow, the property of the said Marinus, and one of the 13th, who had been left behind sick. The money was raised by subscription amongst the troops and was sent, but not one of them made his appearance. Lissant was kept here by the General. They are, I believe, altogether at a place called Lughman, about 24 miles from this; there are 12 ladies, Lady Sale and daughter, Lady Macnaghten, and others, whose names I cannot tell you. Besides General Elphinstone and other officers, there are 17 men of the 44th, and one of the 13th, and some soldiers' wives. It seems by their letters that the Afghans behave well to them, they get plenty of food, and are now and then allowed to write letters to their place. Capt. Mainwaring's lady is there also; all that could be sent from here, such as wearing apparel, tea, sugar, &c., have been supplied them.

Now for ourselves. About a month and a half after the Kabul affair, Ukbar Khan came and pitched his camp in sight of our fort, and on the 19th February, a most dreadful earthquake took place, which knocked down the parapet which had cost the men so much labour, and made three breaches in the wall; they were so large that had the enemy been any way brave they could have walked in quite easy; nearly all the houses in the town were knocked down, and I hope, I may never see such an event again; every one expected to see the earth open and swallow us all up; but thank God we escaped. The enemy's Cavalry came down frequently, and thought to cut up all the grass cutters, but a few of our men kept them in check until the grass-cutters would get in; three times our Cavalry made a charge out and took lots of bullocks, sheep, asses and goats, for rations were bad and if we had not contrived now and then to steal in this way our men would have been out long ago; the forage for our camp being scarce all the bullocks were killed and salted, so we get salt rations one day and fresh another.

The last foray was a glorious one. The enemy had a large camp pitched on either side of us; they were very fond of driving their sheep to within a few hundred yards of the fort to graze, under the impression that we were afraid to go and take them, the men hiding themselves somewhere under cover. So, on the 1st of April, a rally was ordered by a party, comprising the whole of the Cavalry and 800 Infantry for the purpose of capturing a few flocks of sheep that were grazing on the Kabul side of Jellalabad. They were about 2000 yards off; on the right was a small fort in which were posted 400 of the enemy's Cavalry in case any such attempt should be made; our Cavalry got the word charge, and more honor to them, they did it beautifully and took three flocks of sheep; the Infantry then charged and took about a portion of the Shah's Cavalry, under Lieutenant M'Neil, chased a body of the enemy's Cavalry, but the brutes cut like d—s over the hills; so the whole of their force turned out of Camp and made a great shoo, but our guns and musquetry did their business gallantly, and it was not a little amusing to see the scoundrels getting behind the banks to fire at our men. They

value of seven pounds and ten shillings sterling; the property of the said S. S. Botha.

Pleaded not guilty. Verdict guilty. Sentence, to be confined in the gaol of Worcester, for a term of 2 years, with hard labor.

Ditto v. C. F. Mulder, for the crime of forgery, and of uttering a forged instrument, knowing the same to be forged, with intent to defraud, or one or other of the said crimes; in that upon the 10th day of February last past, and at Worcester, the said C. F. Mulder did forge a certain undertaking for the payment of money, with intent to defraud one James Rattray, a messenger of the Court of the Resident Magistrate, on one H. F. van der Merwe, and did offer and utter the said forged undertaking for the payment of money to the said James Rattray, in satisfaction of a warrant of execution of the Resident Magistrate's Court, against the said C. F. Mulder, well knowing the said undertaking to be forged.

Pleaded not guilty. Verdict guilty of forgery and of uttering a forged instrument, knowing it to be forged, with intent to defraud; but find that the instrument so forged and uttered by the prisoner, varies from that set forth in the indictment, in so far as in the forged instrument, the words are "Ik Ondergetekende," whilst the words as set forth in the indictment, are "an Ondergetekende." Ordered that this case be removed to the Supreme Court, and that the prisoner be transmitted to Cape Town forthwith.

CIVIL ROLL.

—But two cases appeared upon this roll, one of which withdrawn; the other was an action for defamation of character, brought by P. J. Poggenpoel, Esq., Clerk of the Peace, against Adriaan Kuhl, a Chemist and Druggist, for the amount of £2500 as and for damages sustained by the said plaintiff in consequence of certain false, scandalous, malicious and defamatory expressions, uttered and spoken by the said defendant in certain discourses, which he, the said defendant, had with, and in the presence and hearing of divers good and worthy subjects of her Majesty the Queen, and concerning the said plaintiff, to wit:—that "he" (meaning the said P.) "had on the evening of the 19th of May last, fraudulently and for his own benefit obtained the signature of Jacob Storm," or words to that very effect and meaning, and intending to have it believed and inferred that the said P. had committed fraud for his own use and benefit, whereas the said P. had been greatly prejudiced and injured in his good name, fame, credit and reputation, and has sustained damages to the amount as aforesaid.

Mr. Advocate Hiddingh for the plaintiff, assisted by Mr. F. L. Lindenbergh as agent, and Mr. Advocate Ebdon for the defendant.

Upon an exception, offered by the defendant's Advocate as to the uncertainty and insufficiency of the summons in law, as not setting forth the names to whom the scandal was spoken, the Advocate for the plaintiff, offered to file his declaration immediately, but the Advocate for the defendant objected, the notice being too short. Plaintiff was ordered by the Court to frame a declaration, mentioning the names to whom scandal was spoken, costs of exception to be costs in the cause. Thereafter it was agreed by the parties that the case be postponed till next Circuit; declaration to be filed in one month.

His Lordship then ordered the interpreter to state to the public in the Dutch language that the plaintiff was desirous to meet his charge, but for the exception sustained, the case could not come on this evening, and was upon the agreement of the parties postponed until next Circuit.

CORRESPONDENT.

F. S. This day, (July 21) a preliminary examination took place before the Resident Magistrate in a case of housebreaking and theft, committed at the farm "Zuurkloof," by two persons of color (late apprentices), and upon the clearest evidence fully committed for trial.

The Delhi Gazette of the 27th ultimo, contains some letters from Jellalabad, repeating the accounts of the recent victory over Akbar Khan. We do not extract them all, principally because the intelligence is now stale, and partly because one of the letters attempts to throw discredit on Sale's management of the business. But there is one which gives a brief and homely description of the entire five month's blockade, which is worth quoting entire:—

"The following letter from Jellalabad has been sent to us from Kurana; it is written by one in humble circumstances, but we assure the writer it is very welcome, as adding to our stock of information. Jellalabad, April 11, 1842.—Nearly three months have elapsed since we poor devils have heard any thing from the provinces; while you were quite comfortable we were daily surrounded by a barbarous enemy. I will now endeavour to give you a short account of what has happened to ourselves and the unfortunate Kabul army. I think it was about the 13th January, when we first got the awful tidings of the Kabul army being completely massacred by the army of Mahomed Akbar Khan and several of the Chiefs of our army. It was a Doctor Brydon, who made his way good the first gave us the news, he himself being severely wounded in the arm and head, though now quite recovered. At different times afterwards several of the poor unfortunate followers made their appearance amongst us all frost bitten in the feet and fingers, and having lost those members altogether, and all giving woeful accounts of the operations both in Kabul and on the retreat from that place, but I dare say you have seen as much as I can tell you. Poor Mr. Bances, the Merchant, was brought in one morning by a few Afghans who knew him, having been employed by him as Muleteers, when going to Kabul with merchandise. He gave them 300 rupees for their trouble. He said he was living with them for about 10 or 12 days before they brought him here: the poor man was in a dreadful state from the effects of the frost, he did not say much but died two or three days after his arrival. Sergeant-Major Lissant is another of the army; he got off pretty safe, was a prisoner for about a month, when a chief who had more of our prisoners sent him in to make a bargain with our people; they wanted 3000 rupees for the number they had; there were Major Griffiths of the 37th N.I., poor Dilwit, Lissant, and some other men of the 44th, and one of the 13th, who had been left behind sick. The money was raised by subscription amongst the troops and was sent, but not one of them made his appearance. Lissant was kept here by the General. They are, I believe, altogether at a place called Lughman, about 24 miles from this; there are 12 ladies, Lady Sale and daughter, Lady Macnaghten, and others, whose names I cannot tell you. Besides General Elphinstone and other officers, there are 17 men of the 44th, and one of the 13th, and some soldiers' wives. It seems by their letters that the Afghans behave well to them, they get plenty of food, and are now and then allowed to write letters to their place. Capt. Mainwaring's lady is there also; all that could be sent from here, such as wearing apparel, tea, sugar, &c., have been supplied them.

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