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TO CORRESPONDENTS.

A Traveller has been received and will appear in our next.

THE ZUID-AFRIKAAN.

CAPE TOWN, MAY 1, 1849.

The Government Gazette of Thursday last, contains a most important document. The report of the proceedings of the Central Road Board during the year 1847, and the disposal of the labor and the funds entrusted to them.

The Report sets out with an expression of well merited regret at the loss the Board have sustained by the removal of two most valuable officers connected with them, namely, Lt.-Col. MICHELL, the able Surveyor General and Civil Engineer of the Colony, and Mr. WILLIAM TENNANT, their late Secretary,—the first having left the Colony for the restoration of his health, and the latter having, a few months ago, been removed by death from the sphere of his useful labor. The public, we think, will fully concur in the eulogy passed by the Board on the superior abilities of, and the services rendered by both, and which certainly cannot be considered as exaggerated.

The report next proceeds to give a lengthened and detailed description of the state of the works already completed or now in progress; and though we cannot deny that the sums laid out on them exhibit an astounding aggregate, it cannot be disputed, on the other hand, that they have produced substantial and highly useful works. The amount disbursed in planting shrubs to prevent the progress of the drifting sands to the hard road in the Cape Flats, occupies indeed a prominent place, not less than £1755 having been expended for that purpose; and as it is proposed to continue this operation during the present and following year, the sum eventually to be laid out in that branch will certainly form a very important item.

In making this observation, we are not actuated by any desire to censure, or unnecessarily to terrify the rate-payers. Our own opinion is that such vegetation is the only effectual means to remedy the evil. But looking at the sum already expended and still required, we cannot refrain from expressing our hope that this operation will be executed with the greatest possible economy, in order that the public funds be not unnecessarily burthened by neglect or abuse. We have often heard it stated by farmers passing in that direction that zeal and industry are not the chief characteristics of those employed there as overseers and laborers, and we deem it but proper to give the Board a slight hint on this occasion.

make to induce their countrymen across the Orange River to adopt the preferred advantages.

We sincerely concur in the wish, nay, we cherish the confident hope, that they may well succeed in their noble enterprise. But, whatever be the result, we cannot conceal our abhorrence of the idea to propose the natives as the means ready at the bidding of Sir Harry Smith, to maintain his authority, and to put down disobedience, if need be, by force of arms. We have too elevated an opinion of the dispositions of His Excellency to entertain, even for a moment, the supposition that he will, under any circumstances, avail himself of such dangerous assistance, calculated to produce the most fearful consequences in future, and to render his measures entirely unavailable. We trust that no thought even will be given to such an alternative, and that all violent measures, of what nature soever, will be wholly unnecessary:

A communication from the new district of Albert, under the date 1st inst., states that the inhabitants there (Dutch) could scarcely credit the recent intelligence relative to the opposition which had been evinced by their countrymen across the Orange River to the tyrannical measures of Sir Harry Smith. His Excellency's "Manifesto" had reached that quarter, and had been publicly read at a large meeting of farmers by the Civil Commissioner, commenting, as he proceeded, on the various points entitled to peculiar consideration. The effect produced seems to have been very favorable, many having relatives in the country in question, applied subsequently for copies for the purpose of taking them across the river." In the confident hope that when fully understood all would assent to His Excellency's kind and considerate proposal, and the existing excitement be speedily allayed. Should these hopes be disappointed, and the misguided individuals be determined to resist the establishment of order and settled government, then their doom will be sealed, the native chiefs, who are very powerful, being fully prepared at the bidding of Sir Harry Smith to sustain his authority and put down insubordination, if need be, by force of arms. We earnestly hope that such an alternative will be avoided."

We beg to call particular attention to the Report of the S. A. Provident Society, inserted in another column.

With respect to the leave given to the Rev. P. E. FAURE by the Rev. E. MILLER, in his letter elsewhere inserted, we would recommend to the first the propriety of availing himself thereof, in order that the public may receive the necessary elucidation in the matter.

CRIMINAL SESSIONS.

The Criminal Sessions will commence this day. The Calendar is rather heavy. It exhibits 2 cases for murder, 2 for store and cellar breaking and theft, 2 for theft or receiving stolen goods, 8 for theft, and one for contravening two Placats of 1740 and 41, in setting fire to certain grass or grazing land, by which the dwelling house and other buildings of J. D. Jurgens took fire and were destroyed.

On Wednesday evening last, a performance took place in the Garrison Theatre, Main Barracks, on which occasion Lady SMITH, with a suite of twelve ladies and officers in full dress, honored the company with their presence.

With regard to the pieces, more were performed than stated in the programme.

The dancing was excellent. Mad. MONTASSU and Mons. HÜL again proved their proficiency in this art. Much satisfaction was given by the Polka, tastefully executed by two children 2½ and 3½ years old. The Cracovienne, a dance by a Cape young lady, 10 years old, was superior; it clearly proved what willingness can effect, especially under the guidance of a woman like Mad. MONTASSU, who had only given twelve lessons to this girl.

The Cradock Pass, which was formerly the great, and almost insurmountable, barrier to any communication inland between the Eastern and Western Districts of the Colony, has been overcome, and the beautiful and easy passage through the Cradock Mountain by the Montagu Pass has been established for it. The progress which has been made in this great work, which has, at length, been completed, has been, from time to time, reported by the Board. The work is now finished, and the Pass was opened for public traffic on the 15th of January last.

"Some estimate of its value can be formed from the fact that by the opening of Montagu Pass the farmers are now enabled to perform in two or three hours, with an ordinary draught, that which it formerly took them 18 hours and sometimes as much as three days and nights, to effect with a double draught. The passage of this mountain is now performed with comfort and safety, and without the hazard of the accidents and dangers, which were the causes of the former delays.

The singing was good,—the pieces were well chosen, and the Vaudeville of the "Boar and the Pacha" both merry and laughable. It is a great pity that the French language is not more generally understood. We advise the actors always to issue a sketch of the pieces they intend to perform, in the English language, and add the same to the programme.

When will they complete their new theatre? We have heard that they intend to give ten representations by subscription, which would no doubt be welcome, for there is no one, we think, who will deny the want of some amusement during the long winter evenings.—(Communicated.)

BOTANICAL GARDEN.

The following gentlemen have been appointed to form a Board of Commissioners for superintending and directing a Botanical Garden in Cape Town, viz.: the Rev. J. Adamson, Dr. L. Pappe, J. Fairburn, Esq., and R. H. Arderne, Esq.

Major George Longmore has been appointed Colonial Aide-de-Camp to His Excellency Sir Harry Smith.

of these are exempted from the payment of contributions, leaving therefore 213 contributing members.

Acting according to the spirit of the regulations, the Directors were obliged to render pecuniary support to one of the members during the last six months; but this member having now recovered and being in a position to resume his customary avocation, the Directors have withdrawn the support allowed him under ult. March.

With respect to the resolution passed at the last General Meeting, respecting the supply of medicines to sick members, the Directors have the pleasure to state that, having allowed the members to procure their medicines from any apothecaries they pleased, from and after the 1st of June, 1847, it has appeared that, owing to the liberality of that body, it is most desirable to continue this mode of supply, the additional expense, for the greatest convenience thus secured to the members, not being worth naming.

It is also a source of satisfaction to the Directors to state that the Doctors' and Apothecaries' Bills for the past year were considerably less than those of the former, notwithstanding some members, who previously made no use of the benefits conferred by the Society, were in the past year compelled by circumstances to avail themselves thereof.

Pursuant to the resolution passed at the last Meeting, the medical rules were printed in the Dutch and English languages, and distributed gratis among the members and the public; and the Directors assure themselves that the utility thus established will in future prove most effectual;—this at least is their confident hope.

As it has lately appeared that the services of night attendants on the sick are more frequently in requisition, the Directors propose that twelve members be invited to take upon themselves that duty, and that their pay be increased to 2 shillings per night.

The Directors also propose, that the present scale of pensions to widows, remain fixed as in the past year.

The services of the following four Directors having expired, viz.: Messrs. A. G. Olthoff, J. P. Volstedt, O. Lautberg and F. J. Keeve, four new members are to be elected in their stead by ballot.

L. F. ANHUYSER, Chairman.

J. W. LOTZ, Secretary.

Original Correspondence.

WORCESTER.—FINING OF A WITNESS.

Worcester, April 24, 1848.

SIR.—I take the liberty of sending you my copy of a petition, presented by me to His Excellency the Administrator of Government, and His Excellency's reply thereto, in which it is stated that as a matter of information to Resident Magistrates—Auctioneers—and the Colonists, in general, you, I believe, not generally aware that this Mr. Seidenfaden was at one time the Resident Missionary of the Institution at Zuurbrak, near Swellendam, but for various reasons,—which are detailed in the Report of the Commissioners of Inquiry, and in "Moodie's Ten Years' Residence in Southern Africa," and, I believe, also in Dr. Philip's "Researches,"—was dismissed from his office, and as the Commissioners of Inquiry express it, "ordered to withdraw from the Institution."

Under these circumstances Mr. Seidenfaden, who has taken up the office of "Accuser of the Brethren,"

would do well to explain through your columns to the public, the charges with the most notorious conduct, which charges, when subjected to the ordeal of a Court of Inquiry, are pronounced to be perfectly untenable; and who can doubt, but the subsequent publication of the case, without either explanation or apology, entitles the accused individual to redress by the legal tribunals of the country?

I have the honor to be, Sir,
Your most obedient Servant,

F. L. LINDBERG.

Unto His Excellency Lieut. General Sir HENRY GEORGE WALKERLY SMITH, Bart., K.C.B., Administrator of the Government of the Settlement of the Cape of Good Hope, &c. &c.

The Petition of Fredrik Lucas Lindenberg, Auctioneer and Venal Administrator at Worcester.

Humbly and respectfully Sheweth!

That a certain cause brought before the Court of the Resident Magistrate of Worcester, at the instance of Pieter de Wet, of Oosterbaan Valley, against one John Callanan a master, residing at Worcester, for payment of Rds. 33, the price of a quantity of thatch straw, your petitioner was on Wednesday the 23rd of February, summoned to attend the hearing of the said cause on Saturday the 26th of that month, to give evidence on the part of the plaintiff. Your petitioner long previous to having received said summons called upon the Resident Magistrate, and explained to him the circumstance in which he was placed, and fully expected that the Magistrate would consider this a sufficient excuse. That your petitioner afterwards called upon the plaintiff's agent, who stated that he regretted that the summons had been issued for that day, and that if he had been aware of the sale (which he solemnly declared he was not,) he would have deferred the case, but as it was, he, on the case being called, gave its continuation in terms of section 20, of the rules and orders of Court. That your petitioner fully and confidently relied, that the case would be postponed without inconvenience to either party, as his attendance, for the reason above stated, was impossible. That on his returning home from the town, which occupied two days, your petitioner heard a Fague report that the hearing of the case had been postponed with the Court day, 2d of March, and that he had been fined in Court, for his non attendance, and that although the plaintiff's agent had brought under the notice of the Magistrate the hardship of the petitioner's cause, and suggested a nominal fine, yet the Magistrate had gone the full length of his jurisdiction in awarding a penalty of £5. That your petitioner not altogether crediting the report, and not believing, if it was true, that there could be any serious intention of exacting the penalty, called at the office of the Resident Magistrate on the Tuesday following (Monday being the day of despatching the mail, when the Magistrate invariably declines taking up any business not of any pressing nature,)—between the hours of 10 and 11, for the purpose of inquiring whether there was any truth in the report, and so, to give the Magistrate the time to remit the fine; but after waiting for nearly an hour, Mr. Truter did not make his appearance in office, and having learned from his Chief Clerk Mr. Scholtz, who on your memorialist communicated the object of his attendance) that he had not been in office that morning, and other pressing matters requiring the attention of your petitioner elsewhere, he left, intending to call again the following day. Singular, as will appear to your Excellency, however, about an hour after your petitioner left the Magistrate's Office, there was put into the hands of the Master of the Court a warrant to attach your petitioner's goods and chattels for the abovementioned fine, and that immediately thereafter, the messenger came to your petitioner's dwelling house, to put the warrant into execution. That your petitioner was immediately struck by the illegality of such a proceeding, but in order, if possible, to save a disturbance, and heartrending sight to your petitioner's wife and family, he tendered the money to the messenger under protest, for which he granted a receipt. That it was both illegal and unwise for the Resident Magistrate to issue this warrant; and your petitioner humbly conceives, that in this case, he had mistaken his power. Your Excellency will observe by section 19, of the rules and orders of the Resident Magistrate's Courts, the law laid down thus:—"And if any person being duly summoned to give evidence and his reasonable expenses being paid, or offred to be paid to him, and having no sufficient excuse, shall neglect or refuse to attend, or give evidence according to the said summons, then said Court shall impose upon the said person a fine not exceeding £5 sterling, and for non payment shall commit such person to the goal of such district for any time not exceeding 14 days."—That your petitioner therefore most humbly submits, that the Magistrate should, before fining your petitioner, have allowed him an opportunity of stating the reason of his non attendance, for which he had no sufficient excuse whatever, that he was fined, or any demand even made for the payment of the fine, but the first proper intimation received, was the exhibition of the warrant by the messenger to make a levy of his goods and chattels, which your petitioner considers highly prejudicial to his credit and reputation as an auctioneer and general agent. That the warrant issued in this case is one of those intended to be issued in terms of section 12, of Ordinance No. 31—1837, for levying by distress and sale goods of offenders under that

ordinance, and not for the non appearance of a witness. That to this warrant your petitioner lodged the following protest:

"Worcester, Feb. 29, 1848.
Sir.—You having exhibited to me a warrant of the Resident Magistrate of Worcester, directing you to make a levy of my goods and chattels, for payment of a fine of Five Pounds Sterling, imposed upon me for my non attendance in Court on Saturday last. As that warrant is compulsory, and to give a heartrending sight to my wife and family, I have paid you that fine, but under protest, that I do not admit the legality of said fine or that warrant, and deserving my right to obtain redress and relief from said fine."

"I am, Sir, your obedient Servant,

(Signed) F. L. LINDBERG."

To Mr. JAMES RATTRAY, M.A.
"I am, Sir, your obedient Servant,

(Signed) F. L. LINDBERG."

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