

FURTHER CORRESPONDENCE

RELATING TO THE

COLONIES AND STATES OF SOUTH AFRICA.

NATAL.

(In Continuation of Part II of C. 1342-1 of 1875.)



Presented to both Houses of Parliament by Command of Her Majesty.
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Rough Sketch showing the relative positions of Mr. J. Shepstone and Matyana on the 16th March, 1858.



Natal.

No. 1.

Aborigines Protection Society to Colonial Office.

*Aborigines Protection Society, Canada Government Building,
King Street, Westminster, August 12, 1875.*

My Lord,

THE Bishop of Natal, in a letter which I have received from him, while expressing natural and, as it appears to us, just dissatisfaction with the proceedings of the Cape Government, in connection with the location of Langalibalele on a sandy flat in the Cape Colony, strongly urges that the Chief should be allowed to return to Natal. His Lordship says:—

“As to the natives, it is simply ridiculous to suppose that any harm would arise from his being brought back to live here, not as a powerful Chief but as a private individual, with merely his family and friends around him. As to the Europeans, no doubt in January last there was some strong excitement, and possibly some foolish act of violence might have been attempted if Langalibalele had been landed without due military protection. But this feeling has died away, and the people are thoroughly tired of the whole affair, and the spirit roused in January last cannot now be resuscitated. With Sir Garnet Wolseley on the spot, I do not believe that there would be the slightest risk or difficulty in his being landed at Durban, and conveyed to his destination, whatever that may be.

“If I were asked what that destination should be, I answer without hesitation that in my opinion the wisest and best thing to be done with him would be to let him live as a private person, with his family and some of his people, on the mission land at Bishopstowe. It is one large plot of 8,500 acres, in the very centre of the Colony, 70 miles from the nearest edge of his old location, 3 miles at its nearest point from Maritzburg, on which side it is bounded by the town lands, and on all other sides by farms in the hands of Europeans, being utterly cut off therefore from the general native population. On this land are now living Mahoiza, the notorious witness, who still retains his post as chief Induna of the Magistrate’s Court at Maritzburg; Manxele, Induna of the Secretary for Native Affairs, one of the native judges who sat upon Langalibalele’s trial, and several native policemen in Mahoiza’s train. It would be utterly impossible that he should conspire or get away, if he had the least inclination to do either the one or the other. Let him be ‘interned’ on this land, with orders not to go out of it for the next three years, without express permission from the magistrates, and I am sure he would be perfectly safe and harmless, and I myself would be responsible for his good behaviour so far as I can reasonably be expected to incur such responsibility. Meanwhile, let the Government give all possible help and encouragement to the men of this tribe (and others) to work for money wherewith to buy land, and I venture to predict that at the end of three years they will have acquired one or two small farms, and will have got a footing again in the land. Perhaps then, if he has behaved well and is still living, he might be allowed more freedom of locomotion, especially if our native affairs shall have settled peacefully down under the new system.

“If Mr. Shepstone, and therefore also Sir Garnet Wolseley, should object to this plan, as making the Chief too comfortable, he might of course be put for a time under some black chief, as Qatslucke, Mr. Shepstone’s *protégé*. But under such an arrangement, if he had any wish to intrigue, he would be more able to do so when

living on a location far away from the city and white people, and surrounded by natives.

"I have now said what I had to say on this matter, and must leave it to your friends in England to do what can be done."

In a subsequent letter, dated June 18, the Bishop states that his Excellency the Lieutenant-Governor had sent a message to Edendale, near Maritzburg, to ascertain which of Langalibalele's women would be willing to go immediately by sea to Cape Town. His Lordship says:—

"Mungo (Langalibalele's son) tells me that there are a number of the women and children who are very anxious to go; but they have the greatest horror of the sea. They will ask, I expect, to be allowed to go by land (even if it takes a year to walk the distance, and though some would be likely to die on the way), and to be helped by Government with the same sum it would have cost to take them to Cape Town by sea, and they will get the rest from the young working men, &c., or if Government will not help them at all in the matter, then they will ask merely for passes that they may find their way to the Chief by land at their own expense. As far as I can judge at present, the women and children, and their attendants who would be ready to make the pilgrimage on foot at a moment's notice, if they had leave to do so, and as soon as they had the means of living upon the way (I suppose it would take them two months at least) would exceed 500. But very few will wish to go by sea, until, at all events, some of their friends have gone to the unknown land (which to them is truly one of the shadow of death) and returned in safety. I think that they will ask that two or three women and a few attendants may go at once with John Zulu, and the others will await his return, with the Report of his voyage, &c."

I have ventured to trouble your Lordship with this further extract because it appears to the Committee greatly to strengthen the Bishop's opinion in favour of sending Langalibalele back to Natal. I need not add that the Committee feel very grateful to your Lordship for all that you have done in this matter, and that they entertain the fullest conviction that whatever you may hereafter do will be dictated by the same determination to consult the true interests both of the colonists and of the natives.

I have, &c.

(Signed) F. W. CHESSON, *Secretary.*

No. 2.

Major-General Sir G. J. Wolseley, G.C.M.G., K.C.B., to the Earl of Carnarvon.—
(Received August 20.)

My Lord,

Camp, Ollivier's Hoek, Natal, July 2, 1875.

I HAVE the honour to inform your Lordship that I have instructed Major Butler, C.B., to proceed by the first opportunity to the Orange Free State, and I inclose a copy of the instructions which I have given to him.

I have, &c.

(Signed) G. J. WOLSELEY.

Inclosure in No. 2.

Sir, *Camp, Ollivier's Hoek, Natal, July 2, 1875.*

I HAVE it in command from Major-General Sir Garnet Wolseley to direct you to proceed at the earliest opportunity to the Orange Free State, for the purpose of conferring with the President upon the subject of telegraphic communication between Natal and Bloemfontein, and through the latter place with the Cape Colony.

You will inform the President that it is the desire of this Government to establish telegraphic communication with the Cape Colony at the earliest possible date.

There are several routes proposed for the line of telegraph, one by sea to East London and thence by land to Cape Town, one by land direct through British territory only, and another through the Orange Free State. Each of these has its own peculiar advantages, but owing to the community of interests existing between

Natal and the Orange Free State, it is believed that the line affording telegraphic communication between Bloemfontein, Maritzburg, and Durban would not only be acceptable to the people generally, but would be of great commercial advantage to the merchants and men of business both of the Orange Free State and of this Colony.

You will be so good as to invite Mr. Brand to inform you of his views on this question, and will ascertain whether his Government would be prepared to enter into a Convention for constructing, at the expense of the Orange Free State, a telegraphic line from one of the passes on the Natal frontier (say Van Reenen's Pass) through Bloemfontein to the point on the frontier of the Cape Colony, to which it is the intention of the Cape Government to carry their line, the Colony of Natal constructing on their part a line connecting Maritzburg and Durban with the frontier pass.

His Excellency would suggest as one of the terms of such a Convention that both lines should be finished within one year from the date of signing the Convention. The tariff of charges could be settled hereafter, but it is suggested that they should be proportionally on about the same scale as those now in force between Maritzburg and Durban.

You are aware of the address on the subject of telegraphic communication with the Orange Free State presented to his Excellency by the Legislative Council of Natal. A copy of this address has been sent to the President of the Orange Free State, and his opinion has been invited upon the subject.

I have, &c.

(Signed) HENRY BRACKENBURY, Major.

Major Butler, C.B.,

Aide-de-camp, &c., &c.

No. 3.

Major-General Sir G. J. Wolseley, G.C.M.G., K.C.B., to the Earl of Carnarvon.—
(Received August 20.)

Camp, Mooi River, Umvoti County, Natal,

July 15, 1875.

My Lord,

I HAVE the honour to inclose, for your Lordship's information, copies of letters which I have addressed to the Governor-General of the Portuguese Possessions in East Africa, and to his Excellency Sir Henry Barkly, upon the subject of the trade in firearms with natives through Delagoa Bay.

I have, &c.

(Signed) G. J. WOLSELEY.

Inclosure 1 in No. 3.

Sir,

Camp, Tugela River, Natal, July 14, 1875.

I HAVE the honour to inclose, for your Excellency's information, a copy of a resolution of the Firearms Board of this Colony, with a copy of the minute of the Colonial Secretary to the Board upon which this resolution is based.

2. I also forward you a copy of the Law No. 11 of 1862, regulating the importation and sale of firearms in this Colony.

3. No firearms can be exported from the Colony without having been previously imported, and you will see that, under section 18 of this Law, none can be imported without a license being previously obtained.

4. Several applications having been made for leave to import firearms, with a view to their export to Delagoa Bay, I have ordered licenses to be granted in all such cases. But I beg to point out to your Excellency that it is the policy of this Government, as I believe it to be that of Cape Colony, the Orange Free State, and the South African Republic, to prevent the sale of arms to the native tribes; and that no arms of an inferior description, such as are evidently intended for sale to natives, are allowed to be imported into this Colony, either for sale here or for export to Orange Free State or South African Republic.

5. If your Excellency agrees with me that it is most important, in the interests of civilization, that the sale of firearms to the natives should be checked, and will

issue instructions which shall prevent this sale being carried on through Delagoa Bay, I shall be very glad to make my instructions conform with your Excellency's, and will, in that case, refuse licenses to import this inferior class of arms for export to Delagoa Bay.

6. I shall be thankful to your Excellency if you will furnish me with your views on this matter as soon as possible, and with a copy of any instructions you may think it desirable to issue to the Lieutenant-Governor of Lorenzo Marques with a view to preventing the indiscriminate sale of firearms to the native tribes through Delagoa Bay. In the meantime, I shall continue to authorize the export of firearms to that port.

I have, &c.
(Signed) G. J. WOLSELEY, *Major-General,*
Administrator.

The Governor-General of the Portuguese Possessions
in East Africa, Mozambique.

Inclosure 2 in No. 3.

Firearms Board.

June 22, 1875.

RESOLVED:—That the Board, while giving full compliance to the directions contained in the minute of the Colonial Secretary of the 7th June, 1875, nevertheless considers that the spirit of the Law No. 11 of 1862 is meant to prevent, if possible, the introduction by any channel of firearms into South Africa which are ostensibly for sale to natives. The Board would, therefore, respectfully suggest that negotiations be opened with the Portuguese authorities, and if necessary with other Governments on the east coast, in conjunction with the Cape Colony, and Orange Free State, and Transvaal Governments, to fall in with so wholesome a regulation as to prevent the introduction of inferior and low-priced firearms. And that a copy of this resolution be sent to the Honourable the Colonial Secretary for the information of his Excellency the Administrator of the Government.

Inclosure 3 in No. 3.

Minute.

June 7, 1875.

Colonial Secretary, Natal, to the Secretary to the Firearm's Board, Durban.

IN notifying to you, by direction of his Excellency in Council, the removal of the restriction on the export of arms to Delagoa Bay, I have the honour to inform you that such removal is meant to apply to all classes of guns, even to such as are obviously intended for native trade. His Excellency considers that nothing would be gained by preventing the importation to Natal for the purpose of transshipment to Delagoa Bay of these arms. If the license to import were refused, the arms would be sent direct to Delagoa Bay, without passing through Port Natal.

In giving this permission, it is hardly necessary for me to add that the importation of cheap arms, presumably for trade with the natives Overberg, or elsewhere in or beyond the interior of Natal, is not to be allowed in any case, since it is not the wish of either the Orange Free State or the Transvaal Governments to encourage the sale of such arms, and most certainly they cannot be allowed to be imported for trade in this Colony.

(Signed) F. NAPIER BROOME, *Colonial Secretary.*

Inclosure 4 in No. 3.

Sir, *Camp, Tugela River, Natal, July 14, 1875.*

IT having come to my knowledge that large quantities of arms are constantly being imported into Delagoa Bay of a description manifestly intended for sale to natives only, I have addressed the letter, of which I inclose a copy, to the Governor-General, Portuguese possessions, and I should be glad to know if your Excellency's

Government is inclined to take a similar course in regard to exportation of arms to Delagoa Bay from the Cape Colony.

I have, &c.
(Signed) G. J. WOLSELEY, Major-General,
Administrator.

His Excellency Sir Henry Barkly, G.C.M.G., K.C.B.,
Governor of the Cape Colony.

No. 4.

Major-General Sir Garnet Wolseley, G.C.M.G., K.C.B., to the Earl of Carnarvon.—
(Received August 20.)

My Lord, Camp, Mooi River, Umvoti County, Natal, July 15, 1875.
I HAVE the honour to inclose for your Lordship's information a copy of a report by Major W. F. Butler, C.B., A.D.C., upon the subject of European Immigration into this Colony.

I have, &c.
(Signed) G. J. WOLSELEY.

Inclosure in No. 4.

Government Notice No. 209, 1875.

HIS Excellency the Administrator of the Government directs the publication for general information of the following Report by Major Butler, C.B., A.D.C., upon European Immigration into this Colony, with covering letter.

By his Excellency's command,
(Signed) F. NAPIER BROOME,
Colonial Secretary.

Colonial Secretary's Office, Natal, July 6, 1875.

Sir, Camp, Oliver's Hoek, July 3, 1875.
I have the honour to submit, for the consideration of his Excellency the Administrator of Natal, a Report upon the question of Immigration, with suggestions for the promotion and development of European settlement in the Colony.

I have, &c.
(Signed) W. F. BUTLER, Major.

To the Private Secretary, his Excellency the Administrator.
&c. &c. &c.

Many schemes have been devised during the past thirty years, for promoting the introduction of European immigrants into Natal, and for the settlement and occupation of the Crown Lands of the Colony.

So far back as 1846 the question occupied the serious attention of the then Governor of the Cape.

"I submit to your Lordship," wrote Sir Philip Maitland to Lord Stanley in that year, "that it would be highly desirable to promote the emigration to Natal of Europeans possessed of some amount of capital, and able to buy and cultivate the farms; the district has far greater capabilities than this Colony (the Cape), a better supply of water, and less encumbrance of bush. Its climate is also favourable, and, I believe, on the whole, it is of a nature amply to repay the middle class emigrant for his outlay and labour, while the numerous natives settled upon the land, who are generally of a docile character, would supply abundance of labour for the cultivation of the soil.

"The 'trekking' of the Boers is rapidly denuding Natal of its white population, and the daily increasing numbers flocking from Panda's cruelty, threaten to occupy the country.

"The consequent thinness of the scattered white population, and the vast numbers of the interspersed natives, would render the Government weak and the Colony poor."

"I agree with you in thinking," wrote Mr. Gladstone in June, 1847, "that an emigration of the kind might be desirable, but I do not at present see by what means a practical encouragement could be given for promoting it; but if you are prepared to suggest any mode in which an emigration to Natal of persons possessed of small capital could be successfully promoted without expense to the British treasury, I shall be glad to give the subject my best attention."

Shortly after the receipt of this despatch the Lieutenant-Governor of Natal appointed a Commission for the purpose of reporting upon the most feasible methods of carrying into effect the suggestions of the Governor of the Cape "upon a system at once necessary for the secure and profitable occupation of the territory, and at the same time best calculated to secure a just price for the Crown Lands to be hereafter sold."

The Report of this Committee is only interesting as evidence of the state of the Colony at the time; and the remarks made upon it by Earl Grey, Sir H. Pottinger, and Sir Harry Smith, point to the interest manifested at a period so remote in the history of the Colony in a question which still remains to-day unsettled and unsolved.

Following closely upon the correspondence above cited, came the first scheme of emigration to Natal. It was named after its projector, and is still known as the "Byrne Emigration Scheme."

The substance of Mr. Byrne's agreement with the Imperial Government was as follows: That a bonus of 10*l.* should be allowed for every white immigrant landed in Natal, to be available in the purchase of Crown Lands at the established upset price of 4*s.* per acre. That a like amount should be deposited in the Bank of England by Mr. Byrne in sums of not less than 1,000*l.* as security, to be released on receipt of certificates from the Local Government that the emigrants had been properly treated on the voyage, and each put into possession of twenty acres of land.

It would be needless to follow the history of this scheme, through its many phases of dispute and disappointment, to its ultimate failure; it will be sufficient to observe that the causes of that failure are now clearly manifest; but of the many reasons adduced, that of the upset price of land being fixed at a rate far above its real market value, and far above the price at which the Boers were disposing of their lands at the same time, was alone sufficient to account for the failure of the scheme.

In 1850-51 this, and one or two other schemes of similar design, finally ceased—nearly 3,000 persons had been added to the population.

No further attempt was made to people the country, and an interval elapsed during which no emigrants from Europe entered the Colony.

Nevertheless the fruits of even these inadequate systems of emigration began to make themselves apparent. The community was growing in wealth and importance; the Customs had increased from 5,802*l.* in 1849, to 14,647*l.* in 1857; the exports from 11,992*l.* to 82,497*l.*; the imports from 55,922*l.* to 184,549*l.* in the same period.

In this year—1857—a fresh attempt was made to bring settlers into the Colony, and the system of "Free Passages" was devised to effect that object. An Immigration Board was established, an agent was sent to England, money was voted, and many strenuous efforts were made to set in motion the stream which flowed so rapidly to other lands—so sluggishly to South Africa.

The reports of the Immigration Board are long and varied—they contain many valuable suggestions, and many practical remarks upon the needs of the Colony; but they also bear unmistakable evidence of the failure of the assisted system to produce a continuous or sufficient stream of immigration into the country; and they afford conclusive proof of the impossibility of rendering the Crown lands of the Colony an inducement to the incoming settlers, so long as the vast areas of land in hands of public speculators or private absentee proprietors remained in their present condition.

To fully understand the true bearing of this last important question, I must go back into the subject of land grants in Natal.

At the close of the operations which resulted in the establishment of British authority in Natal, the Dutch Boers were the possessors of immense tracts of country, known by the singularly inappropriate title of "farms."

The frugal habits of European Dutch industry had changed under the influence of South African extent, and it had become the custom of the farmers to possess themselves of immense tracts of land in the old Colony, and of still larger areas in their newer settlements along the upper waters of the Orange river. When they crossed the Drakensberg, and descended into the fertile slopes of Natal, they found a country differing in almost every respect from their former possession. The rains were regular and abundant, the soil was rich, the climate warm, and the land, under the influence

of a semi-tropical sun, put forth a luxuriant vegetation, from the foothills of the Berg to the bush-covered shores of the Indian Ocean. Yet under these altered conditions of soil and climate, the same practice was persisted in, and to make the earth a waste, and call it a farm, became the common custom of the new proprietors.

Unfortunately, those who guided the destinies of the infant Colony failed to read aright the lesson of their time. They saw, on the one hand, the Dutch abandoning their immense freeholds, and carrying families and flocks across the Berg; on the other hand they beheld the natives from beyond the Tugela fleeing from the tyranny of the Zulu chiefs to the protection of the British flag; and, fearing that the country would lapse again to the undisputed possession of the savage, they held forth to the emigrating Boers the most liberal offers of land in the newly acquired province. These offers were successful; the Boers remained; the system of vast farms was perpetuated, and the opportunity of rearing a strong and compact white community on African soil was lost for ever.

In 1857, as we have already seen, an attempt was made, under the Governorship of Mr. Scott, to recommence immigration. By the system of assisted passages, two-thirds of the rate of transport from England was defrayed by the Colony. The persons introduced under this system were, generally speaking, of the artizan or labouring classes, and their introduction was sought more with a view towards developing, by means of their labour, the lands already in possession of former settlers, than in the hope of opening up fresh settlements, and still less with the object of breaking through the existing conditions of the large grant system. In fact, as the natural prosperity of the Colony increased, the grants, which in earlier years had been of so little value that they were not unfrequently bartered away for a bag of coffee, became of considerable importance; and so far from any diminution of area being brought about by the action of time, men sought to accumulate in their hands still vaster possessions.

From 1857 to 1860 the vicious system of large land grants became still further increased by the sale at nominal rates of land in blocks of 3,000 to 6,000 acres to single individuals.

In these three years 1,361,334 acres passed out of the hands of the Crown while only 279 persons were added to the population of the Colony.

In the seven years during which the assisted passage system was worked, a total sum of 23,600*l.* was spent by the Colony, resulting in the introduction of 1,703 immigrants; of this sum nearly two-thirds were recovered, leaving the actual cost to the country of each immigrant at about 7*l.* per head.

Nevertheless, the operations of this system were necessarily of so limited a nature, that at the expiration of seven years it was found needless to continue it. Again the question was raised as to what new direction should be taken to bring white settlers to the Colony. Again, Committees assembled, received evidence, and reported, but all to little purpose.

To grasp the cause of evil was no difficult matter; to remedy it seemed impossible. And in truth there lay behind this scheme, as there had lain behind all others, a cause of failure sufficient to destroy any attempt to introduce Europeans into Natal. There was no available land to be had.

In a country as large as Scotland, and with a total white population of a third rate English town, the Government had no land to give away, some 8,000 individuals were in possession of 8,000,000 acres of Natal. The Crown lands were remote and utterly unsuited to the occupation of newly arrived settlers. In the Report of the Immigration Board of 1864, stress is laid upon this fact. In the concluding portion of the Report of the Select Committee of 1863 we find the following:—

“Unfortunately two leading difficulties to be encountered by every attempt to introduce a new system, are that the inadequacy both of revenue and land are almost insurmountable obstacles in the way of any comprehensive proposal,” and thus with an amount of decision somewhat antithetical in its reasoning and contradictory in its logic, the Report goes on:—

“It is only by a wise liberality in the expenditure of one, and by a judicious discretion in the disposal of the other, that immigration can be materially assisted, and somewhat similar inducements held out in connection with Natal that are offered to intending settlers by other Colonies.”

In a despatch from Mr. Cardwell to the Lieutenant-Governor of Natal in 1865, we find the following reference to the large land grants:—

“The concluding remarks in the Report” (Board of Colonial Lands and Emigration) “on the evils resulting from large land grants, and on the remedy of a land-tax, which has been found effectual and advantageous in many parts both of British North

America and the United States, appear deserving of your consideration, and I shall be glad to receive the opinion which, after consulting your Executive Council, you may form upon it."

In the Report above alluded to Mr. Murdoch states:—

"In conclusion, I may be permitted to observe that the difficulty under which Natal labours is similar to that which has been so fatal to West Australia, viz., the accumulation of all the best land of the Colony in the hands of a small body of landowners.

"Hardly any British Colony possesses greater natural advantages than Natal; but these are neutralized by the obstructions which the state of the land market opposes to the profitable investment of capital. It is useless to expect that capitalists will resort to a Colony where they have no assurance of being able to obtain the land they require, and where their operations would be impeded by the want of proper roads and other means of communication.

"The only remedy for this state of things—slow and inadequate at best—is the imposition of a general land-tax which might induce landowners, who hold land only with a view to its further advance in price, to surrender it to the Crown, or to part with it to those who would make immediate use of it."

These views were of importance at the time they were expressed—they are doubly so now.

The difficulty then spoken of has since increased—a rapid depreciation in the value of property in 1865-6—consequent upon commercial panic and over-speculation, had the effect of further consolidating the already large tracts of land in the hands of still fewer individuals—more than three quarters of a million of acres of the best and most available lands passed into the possession of a single Corporation, and the stream of emigration, always slow and insufficient, stagnated into complete inactivity.

Since the Report above quoted was written, ten years have passed away. Commerce has recovered its former active tone. A great impetus has been given to trade by the discovery of precious stones and minerals in the adjoining Republics—the value of imports has quadrupled; the value of exports has increased threefold—but all the same a vast waste of wilderness meets the traveller's eyes wherever he turns his steps over the great uplands of Natal, and year by year the blue sky of winter is darkened by the smoke, and the nights are reddened by the glare of unnumbered fires, which carry again into the atmosphere the wealth that the summer's rain and sun had quickened upon the soil.

In the Session of 1874 another attempt was made to promote immigration—a sum of 10,000*l.* was voted by the Legislative Council. A Select Committee reported upon the question, and some alterations were made with a view of promoting free passages to Natal. The old Immigration Board, established in 1857, ceased to exist, and a new office, called the Department of Immigration, was nominated.

Nevertheless, since the end of last Session, notwithstanding all the efforts made to promote emigration from England, only 45 persons have entered the Colony; of these 39 have been under the assisted, and 6 under the free passage system.

Such has been the history of white emigration to this country.

In sketching the successive efforts made to introduce Europeans into Natal, I have dwelt at some length upon the causes which appeared to operate injuriously against the settlement of the country. And it now remains to be seen if the experience of the past is to avail us aught in arriving at some new means by which the evils pointed out can be either partly or wholly overcome.

There are roundly stated about 8,000,000 acres of Natal held by private individuals, or by companies; of these nearly 1,000,000 are in the possession of one corporate body.

There still remain some two or three million acres of unallotted Crown lands, situated generally in remote parts of the Colony.

Two general conditions appear to offer themselves for consideration:—

The first is the leasing to small farmers of certain portions of large estates, in 200 or 300 acre farms, upon a term of years, with right of pre-emption to the tenant at Government valuation, upon expiration of term of lease.

The second is the settlement upon the Crown lands of small communities of farmers, forming new centres of settlement in remote districts.

In order to illustrate the first proposition, I will suppose a case of a person holding 10,000 acres of land.

Ten thousand acres, unfenced, left as nature formed it, and roamed over by straggling flocks and herds, which destroy more than they consume.

I will suppose that such an estate—and there are many of the kind—has been divided into four portions, one of which, to the extent of 2,500 acres, has been broken up into lots of 200 to 300 acres, and let to incoming settlers for a term of twenty-five years. During the first five years the land would be rent-free, and the condition of future occupation would be the erection of a homestead and farm-buildings within that period.

At the expiration of five years the tenant would pay rent at the rate of 1s. per acre for twenty years, and at the final termination of the lease in twenty-five years he would have the right of becoming the owner of his farm upon payment of a sum which should be fixed by Government valuation.

The advantages derivable from a plan of this kind would be:—

1st. Throwing open for settlement the best and most available lands in the Colony.

2nd. The gradual breaking up of the large grants.

3rd. The introduction of a new element into the Colony, viz., the small industrial farmer.

4th. The increased value which would accrue to the remaining three-fourths held by the landlord, from the presence in the neighbourhood of a community of farmers; a value which would, at the expiration of a few years, be much greater than had the entire 10,000 acres remained unbroken.

5th. The effect which such a settlement of the available lands would have upon those districts lying far away from the main roads, and which are now unsuited to settlement, by reason not so much of their remoteness, as from the fact that land nearer the centres of trade and civilization remains still in a state of wilderness.

There appear to be two methods by which the compliance of landowners in a scheme such as that proposed could be attained. One, by a Squatting Law, giving the Government power to locate squatters upon certain portions of large estates, and to lease lots to such squatters. The other, the imposition of a land or absentee tax, coupled with the remission of the annual quit rent now paid, on estates whose owners voluntarily entered into leasing arrangements with incoming settlers, upon the fixed Government rates.

I can see no reason to suppose that a measure having for its object the settlement of a small farming class upon portions of large unoccupied estates would in any way impinge upon the vested interests of the landowners; but, on the contrary, I perceive many reasons why such a measure would eventually lead to results as favourable to the present proprietors as they would be advantageous to the general interests of the Colony.

It must be steadily borne in mind that the real evil under which Natal at present suffers, is not so much the limited amount of land held by the Crown as the remoteness and discontinuity of such land.

To the small farmer a near market is a necessity, and while vast tracts of unoccupied lands are held by private speculators and others in the close proximity of towns, and along the main roads of commerce, these desirable sites for settlement are not only kept from the hands of those who could turn them to advantage under a system of small culture, but they are also kept as barriers against the occupation of more remote districts, drawing around such districts wide cordons of desolation. With regard to the Crown lands remaining available for allotment, a plan of settlement might be devised, giving to each settler 300 acres of land free, conditioned upon his occupation of such land, and of his building a homestead upon it within two years of his entering into possession. I would suggest that the Crown lands of the Umkomas be surveyed for the purpose of carrying out such a system of settlement, regard being had to particular localities which might be found suitable to the establishment of small communities of settlers, which should be grouped around a new centre of trade in the south-west section of the county of Pietermaritzburg. In these two propositions I have stated what appears to me to be the only remedy for the long-existing evils of the land system in Natal.

Believing that it is only by inducing an influx of white settlers into the Colony that the evils which now retard its progress, and affect its peace, can be overcome, I have not hesitated to depart from the usual routine of reports upon subjects such as this, and by exposing what appear to me to be the real causes of previous failures, endeavour to frame from the past the materials of future success.

Exceptional evils can only be met by exceptional remedies, and not until this land question, so long avoided, is resolutely faced, can we hope to see introduced into

Natal a population corresponding in numbers with the capabilities and the requirements of the country.

It is possible that an argument, too frequently misused in our day, may be put forward by those who would seek to perpetuate in Natal the present land system. That argument is, that such a measure as the one proposed would be an interference with the rights of property—rights in this instance, let us not forget, frequently acquired in exchange for a few bags of coffee, or some such trifling remuneration. That the rights of property should condemn to lasting stagnation a land rich in all the wealth nature can give to a country; that they can bar against Anglo-Saxon energy a fair field for labour and for enterprise; that they can militate against that noble mission of peopling with prosperous communities the wild waste spaces of the earth, which has been England's highest duty to fulfil; these are rights of property which can never be sustained in any country, still less in one which holds within its infant bosom the germ, though small it be, of African civilization.

So far, we have only considered this question of immigration in connection with the land system of Natal. We have now to speak of the machinery by which the stream of emigration may be set in motion from England, and the means by which an incoming settler might be most effectually put into actual possession of his future home.

In the first place we will consider the expense necessary to carry out a system of emigration upon a scale corresponding with the proposed changes.

The present cost of transport per mail steamer from England is 16*l.* 16*s.* for each second class adult passenger. Children are carried at the rate of 1*l.* for every year of age. A contract upon these terms has been entered into between the Natal Emigration Agent in London and the Union Steam-Ship Company. This contract is to be in force for a period terminable by two months' notice from either party. Now, presuming that 200 families were introduced annually into Natal, there would be expended yearly a sum of about 9,000*l.* in the transport of immigrants to the Colony, and a further expenditure of half as much again would be necessary to place these people in possession of their farms. I therefore assume that a sum of not less than 15,000*l.* should annually be placed upon the estimates for the sole purpose of defraying the passages of approved emigrants to Natal, and the subsequent expenses in moving them from the port of disembarkation to their destinations.

I have used the term families advisedly, believing that a man who has a wife and one or two children with him is the only true settler. He has "given hostages to the State" for the permanency of his occupation in a more binding manner than any stipulation he could otherwise enter into.

The difficulties attending the arrival of immigrants in this country, and their transport to their destination, are considerable.

To meet them, a depôt will have to be established in Durban, and some method of transport placed at the disposal of the settlers to enable them to move up country; but, if the principle of inducing the large landowners along the main road from Durban to Maritzburg, to lease portions of their unoccupied lands be carried out, the transport of settlers to such lands will not be difficult. It must be borne in mind that it is only by utilising the nearer unoccupied waste lands, for the purpose of settlement, that the more remote parts of the Colony can be rendered available for future operations.

The greater portion of the country lying between the port of Durban and the capital of Maritzburg is at the present moment in a state of almost complete wilderness—yet this district commands the only two markets in the Colony. Once people this unoccupied country, representing about 500 square miles of territory, and the future success of Natal as a field for European immigration is, I believe, assured.

In no part of the British Colonial Empire does there exist a stronger necessity for a gradual and complete settlement of the country, or more formidable objections against far scattered occupation, than in Natal.

The physical features of the land present strange contradictions—the rivers are useless as means of transport; the roads barely passable for the ordinary rough waggon of South Africa in the dry winter season, are frequently rendered wholly impassable during the rainy season of summer, yet it is during this rainy season of summer that feed and forage for cattle are plentiful, and the favourable time for transport, so far as the roads are concerned, is the period of greatest scarcity of grass and food.

In the upper districts the valleys are deep and steep, and the numerous streams and rivers, even in the dry season, are difficult to cross. Within 50 miles of the sea an altitude of 4,000 feet is attained; and the great range of product and climate for

which the Colony is remarkable, is the result of surface undulations which are hostile to traffic.

All these conditions point to the necessity of filling up the waste spaces of Natal lying adjacent to the centres of population before attempting the wider work of general colonization.

So far I have endeavoured to point out the means which appear to me best calculated to promote a new flow of immigration into Natal—immigration of a class and a type differing from anything that has preceded it, except the scheme of Mr. Byrne, alluded to in the early portion of this Report. I feel fully convinced that the present system of assisted passages, upon application from residents in the Colony for the introduction of persons of the labouring and artizan classes, should be steadily persevered in; but the introduction of such persons, important though it is, is nevertheless secondary to that of the other class, whose presence as occupiers of the soil I have, in the foregoing remarks, endeavoured to facilitate.

It now remains for us to consider the existing machinery in the Colony and in England for carrying out the work of immigration.

The Colonial Department of Immigration will first claim attention.

The duties of the officer at the head of this Department, the Protector of Immigrants, are almost confined to Indian immigration. These duties are onerous, and require the constant presence of the Protector in the sea coast districts. Hence arises the present unsatisfactory state of this Department. On the one hand, it is evident that the hope of future prosperity must altogether depend upon the introduction of European immigrants into Natal; on the other, we find immigration wholly confined to persons alien alike in habit, colour and nationality; and we commit to the Department whose office it is to watch over the interests of these aliens, a combination of work impossible for it to fulfil. Differing in every respect from the question of white immigration, and distinct in all its bearings and its needs, is the coolie immigration to this Colony. It requires a special staff to carry out its minute and complex regulations. It necessitates the use of those checks entailed whenever the opposite interests of labour and capital are conducted under a system of Government supervision; the sphere of its operations is confined to particular areas along the coast, where only the special labour suited to the Asiatic and the African can be carried out. All these conditions point to the necessity of keeping the Asiatic and African labour and immigration questions distinct and separate from the European.

As I am convinced that white immigration is of vastly greater importance to the Colony than any influx of coloured people, whose presence here must at best tend only to a partial development of a particular interest, and whose interest can never become the general interest of the country—so I am of opinion that the head of the Department of Immigration should be free to give his undivided attention to the question of the settlement of Europeans in Natal. Let his assistant be the Inspector or Protector of Indian and African immigrants with the present staff of clerks working under him, and having power to decide coolie cases, and to allot newly-arrived Indians—while, on the other hand, the head of the Department would undertake the duties of European immigration, be a member of the Executive and Legislative Councils, and act as Commissioner of Crown and Waste Lands. The subject of the Natal Emigration Agency in London next claims our attention.

Should the foregoing recommendation be deemed worthy of being acted upon either wholly or in part, the increased demand which will be made upon the services of the Agent in England will require a more independent scope of action than that now enjoyed by the present Agent, and increased facilities for furthering the objects of the agency.

The Emigration Agent for Natal will in fact have to take his place as a competitor among those Agencies which the North American, Australian, and New Zealand Colonies maintain in Europe for the advancement of their several interests.

It is evident that for such a position the present salary of 300*l.* per annum, which includes all charges on account of office, &c., is insufficient.

I would suggest that the salary of the Agent for Natal should be increased to 350*l.* per annum, exclusive of charges for office and advertisements, and that a sum of 200*l.* be annually expended in advertising throughout the United Kingdom the conditions of emigration to the Colony, and the facilities which Natal affords as a field for European settlement.

This expenditure, together with the present office charges, will bring the total annual cost of the London establishment to about 800*l.*, a sum which would be only excessive in the event of the other recommendations put forward in this Report not

being acted upon, and the whole question of emigration to Natal remaining in its present unsatisfactory state. With regard to the fitness of its present Agent to sustain the duties of his position, my limited official intercourse with him precludes my giving a decided opinion; but if the action taken by him, as reported in the "Natal Mercury," be correctly stated, I am forced to entertain the belief of his being, on that occasion at least, singularly deficient in the knowledge of his duty:—

"The 'European Mail' tells us that a meeting of the Natal colonists in London, convened by Mr. J. Goldsmith Rolls, was held at the Natal Emigration Office, 79, Coleman Street, on January 18, to consider what course of action should be taken in view of the present aspect of the Langalibalele affair. A long conversation ensued, and ultimately Messrs. Goodliffe, Adler, Gladstone, Blackwood, Gooch, Peel, and Dickinson, were appointed a Vigilance Committee. It is proposed shortly to hold a public meeting at the Cannon Street Hotel, at which the subject will be freely discussed."

In connection with this subject, I would observe that the position of Emigration Agent to a Colony, is one requiring the exercise of ability and energy of no ordinary kind. The individual filling that position, should not only be conversant with all conditions of life in the Colony which he represents, but he should also be able to take his place in those deliberative meetings, which are held by the Colonial Institute and other Societies, on subjects connected with Imperial and Colonial interests. He should also be able to extend the sphere of his labour to those other countries of Northern Europe, whose outflowing population forms such a large proportion of the total emigration from the old world; and as a considerable portion of German and Scandinavian passenger traffic has to pass through England, he might be in a position to hold out to emigrants from those countries the benefits of his office.

It is desirable that cheap maps of the Colony should be issued, showing the lands available for lease and settlement, and giving in the smallest compass, and under the simplest forms, that information requisite to the new settler.

I have now to close this report, which has attained a length not originally anticipated. Begun during a short period of connection with the Immigration Department of the Colony, when I acted as Head of that Department, it is now ended when longer experience and actual travel through the country have enabled me to form more mature judgments upon the general capabilities of Natal as a field for settlement.

I have only to add, that such experience has not caused alteration in the views first set forth, but has materially strengthened them.

(Signed) W. F. BUTLER, Major.

Camp, Oliver's Hoek, July 3, 1875.

No. 5.

Colonial Office to the Aborigines Protection Society.

Sir,

Downing Street, August 23, 1875.

I AM directed by the Earl of Carnarvon to acknowledge the receipt of your letter of the 12th instant,* inclosing extracts from letters from the Bishop of Natal, respecting the location of the Chief Langalibalele.

Though Lord Carnarvon is satisfied that it would not be right or safe to send Langalibalele back to Natal at present, his Lordship will forward a copy of your letter to the present Lieutenant-Governor Sir Henry Bulwer, for his consideration. Sir Garnet Wolseley, on whose presence in the Colony the Bishop seems to count, is believed to have already left it for this country. The Bishop does not appear, from your letter, to have informed the Lieutenant-Governor of the course he had taken in communicating with the Aborigines Protection Society; and the Society will understand that such suggestions as he makes must be in accordance with the usual rule referred back for the consideration of the local Government in the first instance.

I am, &c.

(Signed) R. H. MEADE.

No. 6.

War Office to Colonial Office.

Sir, *War Office, August 23, 1875.*
 WITH reference to previous correspondence relative to the case of Lieutenant Clarke, R.A., who was charged with having wantonly ordered a captured rebel to be shot on the occasion of the expedition against Langalibalele in Natal, I am directed by Mr. Secretary Hardy to transmit to you, for the information of the Earl of Carnarvon, extracts from the proceedings of the court martial which was held on this officer in Natal on the 21st May, 1875.

The Major-General commanding reports that the Court having honourably acquitted Lieutenant Clarke of the charge, he had approved and confirmed their proceedings; and that that officer had accordingly been released from arrest, and had resumed his civil duties as magistrate.

I am, &c.
 (Signed) J. C. VIVIAN.

Inclosure in No. 6.

Extract from Proceedings of the General Court Martial, of which Lieutenant-Colonel R. B. Montgomery was President, which was assembled for the Trial of Lieutenant M. J. Clarke, Royal Artillery.

LIEUTENANT CLARKE was arraigned upon the following—

Charge.

Scandalous conduct unbecoming the character of an officer and gentleman in having, near the Hlatikula River, Natal, on the 10th day of November, 1873, when in command of a rocket party in the expedition against Langalibalele, then in rebellion against Her Majesty, and carrying out an order to dislodge certain rebels from a cave, whence they had fired upon the native contingent, cruelly, wantonly, and wrongfully caused Gologodela, a captured rebel, to be shot to death, the said act not being done by him, the said Lieutenant M. J. Clarke, R.A., in good faith for the purpose of suppressing the said rebellion, or for the preservation of the peace in the said place.

Finding.

The Court find that the prisoner Lieutenant M. J. Clarke, R.A., is not guilty.
 Signed at Fort Napier, Natal, this 31st day of May, 1875.

(Signed) ROBT. B. MONTGOMERY, *Lieutenant-Colonel,*
13th Light Infantry, President.

W. EDWD. BROWN, *Major, 13th Light Infantry,*
Officiating Judge Advocate.

Approved and confirmed.

(Signed) G. J. WOLSELEY, *Major-General.*

Head-Quarters, Government House, Pietermaritzburg,
June 4, 1875.

Sir, *Fort Napier, May 31, 1875.*
 I have the honour to acquaint you that the general court martial, of which I am President, in finding the prisoner Lieutenant Clarke not guilty of the charge preferred against him, desire to add to their verdict that they honourably acquit him.

I have, &c.
 (Signed) ROBT. B. MONTGOMERY, *Lieutenant-Colonel,*
13th Light Infantry, President.

To Major-General Sir Garnet Wolseley, G.C.M.G., K.C.B.,
 Commanding the Troops, Natal.

True extract.

(Signed) H. HULLUM PARR, *Lieutenant, District Adjutant.*
Fort Napier, Natal, June 1875.

Aborigines Protection Society to Colonial Office.

*Canada Government Buildings, King Street, Westminster,
August 24, 1875.*

My Lord,

I BEG to thank your Lordship for your acknowledgment, through Mr. Meade, of the receipt of my letter concerning Langalibalele.

I am aware that, as your Lordship points out, the usual course is for such suggestions as were made in the Bishop's letter to be forwarded through his Excellency the Lieutenant-Governor; and I am anxious your Lordship should understand that the Bishop did not ask us to send these extracts to you, his letter having been written for our private information, and not for public use. No doubt the Bishop, for reasons which readily occur to us, has considered it inexpedient to make to Sir Garnet Wolseley a formal representation of his views as to Langalibalele; and perhaps we may have committed an error in sending to your Lordship an expression of opinion which possibly he might not have wished to become the subject of an official communication.

At the same time, considering the very peculiar circumstances of this case, we thought, and I am sure the Committee will still think, that your Lordship should know that, in the Bishop's judgment, Langalibalele's return to Natal would not be attended with any danger.

I have, &c.
(Signed) F. W. CHESSON.

No. 8.

The Earl of Carnarvon to Lieutenant-Governor Sir H. Bulwer, K.C.M.G.

Sir, *Downing Street, August 26, 1875.*

I HAVE received Sir Garnet Wolseley's despatch of the 2nd July,* and I have to express my full approval of the judicious instructions which he gave to Major Butler on his proceeding to the Orange Free State.

I shall be glad to be furnished with Major Butler's report of his mission as soon as possible.

I have, &c.
(Signed) CARNARVON.

No. 9.

The Earl of Carnarvon to Lieutenant-Governor Sir H. Bulwer, K.C.M.G.

Sir, *Downing Street, August 28, 1875.*

I TRANSMIT to you a copy of a letter from the Secretary to the Aborigines Protection Society,† inclosing extracts from letters from the Bishop of Natal, in which he urges that Langalibalele should be sent back to the Colony.

I also inclose a copy of the answer which has been returned to Mr. Chesson's letter.‡

I shall be glad to receive your opinion on the Bishop's suggestion.

I have, &c.
(Signed) CARNARVON.

No. 10.

The Earl of Carnarvon to Lieutenant-Governor Sir H. Bulwer, K.C.M.G.

Sir, *Downing Street, August 31, 1875.*

I HAVE received Sir Garnet Wolseley's despatch of 15th July,§ inclosing copies of despatches which he had addressed to the Governor-General of the

* No. 2.

† No. 1.

‡ No. 5.

§ No. 3.

Portuguese Possessions in East Africa, and to Sir Henry Barkly, on the subject of the trade in fire-arms with natives through Delagoa Bay.

I have to express my approval of these despatches.

I have, &c.
(Signed) CARNARVON.

No. 11.

Colonial Office to War Office.

Sir, *Downing Street, September 1, 1875.*

I HAVE laid before the Earl of Carnarvon your letter of the 23rd ultimo,* with its inclosures, from which it appears that Lieutenant Clarke, R.A., has been acquitted, by the court-martial held upon him on the 21st May last, of the charge of having wantonly ordered a native to be shot on the occasion of the expedition against Langalibalele.

Lord Carnarvon is glad to hear that, after a careful inquiry, the court-martial have been able to arrive at this conclusion.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

No. 12.

Major-General Sir G. J. Wolseley, G.C.M.G., K.C.B., to the Earl of Carnarvon.—
(Received September 20.)

My Lord, *Government House, Natal August 13, 1875.*

WITH reference to your Lordship's despatch of 20th December, 1874,† directing that the lands from which the Amahlubi and Putini tribes had been expelled, and any other lands set apart for natives in the Colony, should be conveyed to the Natal Native Trust as soon as possible, I have the honour to inform your Lordship that, with the exception of the location of the Amangwana tribe, not yet surveyed, all the other lands in the Colony set apart for natives have now been conveyed to the Natal Native Trust.

I have, &c.
(Signed) G. J. WOLSELEY.

No. 13.

Major-General Sir G. J. Wolseley, G.C.M.G., K.C.B., to the Earl of Carnarvon.—
(Received September 20.)

My Lord, *Government House, Natal, August 13, 1875.*

UPON my arrival here I at once took steps to inquire into the condition of the members of the Amahlubi tribe dispersed through the northern districts of the Colony; and with this end in view I called for Reports from the various Resident Magistrates.

2. It having been represented to me by the Bishop of Natal that members of the tribe were in a destitute condition in the Orange Free State and Basutoland, I directed inquiries on this subject also to be made by the Resident Magistrates, and the Administrator of Native Law, Olivier's Hoek; and I also requested the President of the Orange Free State to make inquiries, and inform me as to the condition of such of these people as were living in that territory.

3. I have now the honour to inclose, for your Lordship's information, copies of—

1. Report of Resident Magistrate, Weenen County.
2. Ditto, Klip River County.
3. Ditto, Klip River County, Newcastle Division.
4. Report of Administrator of Native Law, Olivier's Hoek, with inclosures.

5. Letter from President, Orange Free State, 29th May.

6. Ditto, 25th June.

By these your Lordship will be informed that neither in this Colony, in the Orange Free State, nor in Natal, is there any destitution as was reported; and I would further express to your Lordship my opinion that, with the urgent demand for labour which exists throughout South Africa, it is practically impossible that these people could at any time be in a starving condition, if they are willing to work.

4. It having been further reported to me, in a conversation with the Bishop of Natal as to the sending of messengers by his Lordship, referred to in my despatch of the 13th May, and your Lordship's reply of 28th ultimo, that the natives of the Amahlubi tribe in the Orange Free State and Basutoland were afraid to enter the Colony to seek work, and his Lordship having assured me that he would send no more messengers provided I would communicate to the Amahlubi, through the proper authorities, that they were free to return to the Colony for work, I addressed, on the 5th ultimo, despatches, of which I inclose copies, to the President of the Orange Free State and Sir H. Barkly, requesting them to inform these natives that, except those actually implicated in the taking of human life, they are free to enter this Colony to seek work, but that they will not be permitted to settle in the location formerly allotted to them, nor to settle together as one tribe.

5. I have received a reply (copy inclosed) from the President of the Orange Free State, and Sir H. Barkly has informed me that notice shall be given to his agent in Basutoland. Your Lordship will perceive, from Major Bell's letter, inclosed in Captain Allison's Report, that the Amahlubi in Basuto-Land know perfectly well that they are free to return to Natal, and that they would be unmo-
lestled there.

6. I trust your Lordship will now consider that the necessary steps have been taken to carry out the instructions regarding this tribe contained in your Lordship's despatch of 4th December last.

I have, &c.
(Signed) G. J. WOLSELEY.

Inclosure 1 in No. 13.

Minute.

June 5, 1875.

The Acting Resident Magistrate, Weenen County, to the Hon. the Secretary for Native Affairs.

IN compliance with the instructions of His Excellency the Administrator, I have caused inquiry to be made as to the extent to which the members of the late Alubi tribe have returned to their former homes, and whether they are sadly in want of the necessaries of life.

I find that only five families have, with permission, returned to the location lately occupied by the tribe, but a great many others have returned to the county and settled on private lands.

Those who are in the location are, as Mr. Wheelright reports to me, in sufficiently good circumstances.

The men who have again begun to settle on private lands have, for the present, and pending the replanting of their land and ripening of their crops, dispersed their families amongst their friends and relatives in various parts of the county. This has necessarily occasioned a greater consumption of food at the kraals where members of these families are temporarily located, and there is not in consequence the same abundance of food as there would otherwise be, but I am assured that there is nothing like absolute want amongst the people, and that they all have a sufficiency.

I am, however, causing further inquiries to be made, and shall not fail to report to you any cases of destitution I may discover.

(Signed) PETER PATERSON,
Acting Resident Magistrate.

Inclosure 2 in No. 13.

Minute.

May 20, 1875.

The Acting Resident Magistrate, Klip River County, to the Hon. the Secretary for Native Affairs.

IN reply to your Minute of May 10, 1875, concerning a representation made to His Excellency that "a large number of men belonging to the Amahlubi tribe are hiding, either in Basutoland or the Free State, in a starving condition," I would premise by stating that I had considered it my duty to keep myself informed of the condition of the Amahlubi people since their exodus from Natal, and that I availed myself of every opportunity to obtain such information, either through native channels or in conversations with Dutch inhabitants of the Free State; and I have found that since the issue of Proclamation of 2nd May, 1874, there has been no "hiding" and no "starving" amongst the Amahlubi. Pursuant to your directions, I have now made strict private inquiries, and I am enabled to say with certainty that the above statements made to his Excellency are untrue. There is now neither "hiding" nor "starving" amongst the Amahlubi in the Free State, and I have this assurance both from reliable Dutch farmers and from trustworthy natives.

When the Amahlubi fled to the Free State, they were by the authorities apprenticed as refugees amongst the farmers; others who surreptitiously entered the State took refuge with their relations and friends living on private lands, under contract of labour with owners of such lands, and are not, therefore, in a starving condition, and none, if willing to work, need ever be destitute, as the demand for labour in the Free State is great, and the wages are good. But such is their disinclination to farm labour that many have absconded from the homesteads on which they had been placed, and sought maintenance at the Diamond Fields.

When it was made known to the Amahlubi that, if willing, they could return to Natal, they refused availing themselves of the privilege, and elected to remain in the Free State, on the grounds that they obtained better wages, that the lands they there occupied were more productive and preferable for their cattle than those abandoned in Natal. And although it was known to them that farmers in Klip River would remunerate their labour at the rate of 10s. per month, with food, this offer failed to induce their return.

The Free State and Transvaal have lately gained great estimation in the native opinion, and many kraals in this division, who were not Amahlubi, have, within the last year, abandoned Natal for adjoining territories.

As far as I am personally concerned, I am conscious of no obstruction having been placed in the way of those families wishing to join their friends in the Free State, nor in that of anyone thence desirous of returning to this Colony. I have always been most anxious to afford every facility to Amahlubi families, since the "offer of pardon" to reunite either in or out of Natal, and I am not aware that any hindrance has been offered them in the carrying out of such wishes, either by Free State officials or officers of this Government.

I know but little of Basutoland, but the information I have gleaned from time to time from Basuto natives visiting this division ever tended to the effect that the Amahlubi were happy and contented in their new home, that they had built kraals, and had, during last season, reaped good crops.

I will continue my endeavours to obtain every information I can concerning this people, and should any matter of importance affecting them take place, I will not fail at once to acquaint you with it.

(Signed)

A. E. TITREN,
Acting Resident Magistrate.

Inclosure 3 in No. 13.

Minute.

May 19, 1875.

The Resident Magistrate of Newcastle to the Hon. the Secretary for Native Affairs, Natal.

IN compliance with the instructions contained in your Minute of the 10th instant, I have the honour to report as follows:—

2. That at the time of the hostilities in connection with the Amahlubi tribe, I reported to Government that some of the people of that tribe had taken refuge on Free State territory adjoining the boundaries of this Colony. These people were under Mabuhle and Umzilikazi; and, in obedience to the instructions I received from Government, I have constantly watched the movements of these people, hence I am fairly able to state their present condition, &c.

3. The two Izinduna, Mabuhle and Umzilikazi, a few months ago, moved with their families on to the Vaal river, below its confluence with the Klip river. There are at present no men of rank residing with the people immediately on the Berg, with the exception of Langalibalele's sons, Undungazwe, Umfipa, and Umhazi.

4. Immediately on receiving intimation of the amnesty granted by Government, I sent one of my most reliable men to those persons of the Amahlubi tribe on the Berg to acquaint them of it, and to assure them of their safety, should they elect to return to their allegiance, and that I would furnish safe-conduct passes to any who would prefer not to return for good, to enable them to fetch their families that were still in Natal (Weenen County). Shortly after this message was delivered, Macaleni, Induna, and Makala (a Headman), came down, and went straight on to Weenen County, where, I am informed by natives here, they were unmolested, and obtained their families.

5. The number of souls of the Amahlubi alluded to would, I believe, be about 150, and not exceeding 200, women and children included. They are certainly not in a starving condition. They live with, or under the guidance of, Umgijimi, an old resident there, and who belongs to the same tribe. They live upon private lands (speculators), and pay rent, at least I am aware that all Kafirs on those lands are expected by the proprietors to pay the rent, which varies from 7s. to 10s. per hut.

6. That the people are not in a starving condition, I can, so far as I am able to learn, assert with confidence. A full crop was harvested last season in that neighbourhood, and grain has been plentiful there. It is possible that the idea of their being in a starving state arises from the fact that the present season's crop, which ought soon to have been ready for harvesting, has been very seriously damaged, and to a great extent destroyed by frosts since last month, which is sure to result in a short harvest and scarcity.

7. The people alluded to are not hiding, as alleged; they live mostly in their own huts, built by themselves, and openly; some of them, I understand, are in service in and about Harrismith, but most of them labour at the Diamond Fields, on account of the high wages obtained there.

8. They are chiefly still without the whole of their families, the latter being with their friends and acquaintances about Nodada's and other locations in Weenen County; so far as I know, no hindrance whatever exists to their joining them. I am aware, however, that these people, who were accustomed to the comparatively warm climate of Natal, are not satisfied with the locality where they are now, especially on account of its high altitude, exposed position, and the severity of the winters. Another important reason of their dislike to it is that they (and all natives there) are held under great restraint by the Free State Government, and they are well aware that, a short time ago, an order or law was issued by that Government forbidding the congregation of more than a very limited number of natives on any one farm occupied by whites, and that none at all would be allowed on farms not so occupied. They are also well aware that this law or order was made especially in reference to those farms upon which they now squat, not because of their presence on them, but because, during the past few years, a large number of Zulu and Basuto Kafirs (especially the latter) had been encouraged by the owners to locate themselves on those lands, upon payment of rent. The Amahlubi refugees, therefore, viewing the undesirability of that locality for a permanent residence, and the uncertainty of their tenure, as the Government regulation may at any moment be enforced against them, are, in my opinion, purposely leaving their families in Natal until they may be able to find a suitable and permanent residence.

Before concluding, I beg to say again that these people are not in a starving condition, that they are, with regard to provisions, about as well off as the many other Kafirs residing in their immediate neighbourhood. That in view of the anticipated scarcity, on account of the damage sustained by the present crops there, they can easily meet the difficulty by responding to the urgent demand for labour in the Harrismith District and this Division, at high wages. Moreover, the crops in Newcastle Division, under the Drakensberg, and within a few miles of their residence, have sustained no injury, and promise a fair harvest, whence they will be

able easily to obtain supplies by purchase at the rate of about 7s. per muid, as has been often before done by natives living on the Berg, where they are now, when their crops had been damaged by early frosts. The corn so purchased is transported with facility upon pack oxen.

(Signed) M. OSBORN, *Resident Magistrate.*

P.S.—The people of the Amahlubi live on the Drakensberg adjoining the Natal boundary, and close to the Mill River and Klip River Districts (Free State), which district is, I may say, thickly occupied by farmers, who, I am aware, are very much in want of labour, and are constantly hiring and endeavouring to hire Kafir servants from the Kraals on those unoccupied farms where Umgijimi and these Amahlubi refugees reside.

Inclosure 4 in No. 13.

Sir,

Upper Tugela, July 19, 1875.

I REPLIED to your minute of the 10th of May, with reference to the condition of members of the Amahlubi tribe resident beyond the borders of this Colony, on the 30th ultimo.

As Major Bell's letter with regard to this subject only reached me after you had left Pietermaritzburg with his Excellency to visit the native locations, I retained the report until your arrival here.

I have, &c.

(Signed) ALBERT B. ALLISON,
Administrator of Native Law.

The Hon. the Secretary for Native Affairs,
Natal.

Inclosure 5 in No. 13.

Report.

AS I only received Major Bell's reply very lately, I have awaited your arrival here before replying to your minute of the 10th May.

It will be seen by the accompanying minutes that I received special instructions from your Department to provide for and facilitate the departure from the Colony or arrival of any of the Amahlubi tribe, and I have acted upon those instructions.

Many of these people have entered the Colony, and travelled to Estcourt and Pietermaritzburg in search of their relatives, and returned with them; others (women and children chiefly) have been passed on their way to join their husbands or families resident in the Free State, at Leribe, or in other parts of Basutoland; these people have been sheltered and fed on their way.

To the remnant of the men of the Amahlubi tribe living at Molappo's and in the Free State I have sent frequent messages, with the assurance that they might come and claim their families, and go whither they would, and no impediment that I am aware of has existed to prevent them from entering Natal.

Upon receipt of your minute, I again sent out messengers. The messenger who returned from Umkijimi states that those who declined to enter Natal fear to do so because they will be apprenticed as refugees. Many of the people at Umkijimi's are settled amongst their relatives. Umkijimi formerly lived in Natal.

One of the sons of Langalibalele now living at Umpatswanas says, "after he has gathered in his corn he intends to return to Natal."

I append letters from Major Bell, Leribe, and Mr. M. Uys, a farmer resident in the Harrismith District, upon this subject.

(Signed) ALBERT B. ALLISON,
Administrator of Native Law.

Olivier's Hoek, June 30, 1875.

Inclosure 6 in No. 13.

Sir, *Leribe, Basutoland, June 5, 1875.*
 IN reply to your minute No. 103, dated 25th ultimo (received this day), on the subject of stray members of the Amahlubi tribe, I have the honour to acquaint you that there are doubtless many people of Langalibalele in Basutoland. I know there are several in this district; there is no impediment whatever to their returning to Natal. There are none in a starving condition; on the contrary, they are so well off as to be disinclined to work. They are mostly living with relatives long settled in this country. They all know perfectly well that they are free to return to Natal, and that they would be unmolested there.

I have, &c.

Captain Allison, (Signed) C. H. BELL, Major, Magistrate.
 Administrator of Native Law,
 Upper Tugela, Natal.

Inclosure 7 in No. 13.

Sir, *Southey's Hoek, Orange Free State, June 5, 1875.*
 YOUR letter of the 1st instant I have received. There are people of the Amahlubi tribe living on my lands. These people are paid by me as labourers and well fed.

They are so far satisfied and settled that they only wish to recover their wives and children, but do not want to come back to Natal. They say they have nowhere to live there.

I have never heard any of them say they have been stopped from going back to live in Natal. There are six men living on my land. I have asked them to go and fetch their wives and children, so that they might be more easy, but the answer they gave me is, "We don't want to go to Natal for our families, because we have heard that we shall be sent to work for three years."

Yours truly,
 (Signed) M. J. UYS.

Captain Allison,
 Olivier's Hoek, Natal.

Inclosure 8 in No. 13.

Sir, *Bloemfontein, May 29, 1875.*
 IN reply to your Excellency's letter of the 11th instant, I have the honour to state that in my letter of the 23rd April, 1874, I informed his Excellency Lieutenant-Governor Sir Benjamin Pine that, at the beginning of that year, I had instructed the Landdrost of Harrismith to maintain our Pass Law (Ordinance No. 1, 1860), with respect to natives coming from Natal without proper passes.

I have inquired of the members of the Volksraad of Harrismith and Bethlehem respecting the condition of such of Langalibalele's people as have come to this State, and they inform me that they have heard nothing of those people being in a starving condition; those whom they saw had plenty of mealies and corn, or were living with their relatives, and others were working with our farmers, with whom they could readily obtain employment; and, as they came into this State before the picking season, it is not likely that they can be in a state of destitution now.

I have also written by this mail to the Landdrosts of Harrismith and Bethlehem, and I shall acquaint your Excellency with the result of the inquiry.

I have, &c.

(Signed) J. H. BRAND.

His Excellency Major-General Sir G. Wolseley, G.C.M.G., K.C.B.,
 Administrator of the Government of the Colony of Natal.

Inclosure 9 in No. 13.

Sir, *Blaemfontein, June 25, 1875.*
 TO supplement my letter of the 29th ultimo, in reply to your Excellency's letter of the 11th of the same month, I have the honour to forward the following trans.

lation and extract from the report of the Landdrost of Harrismith to our Government Secretary :—

“In compliance with a former order of the President, I caused the necessary inquiry to be made, and sent out the Field Cornet of the Ward Harrismith, who could not, however, find out anything. I have spoken to the same Field Cornet again, and he informs me that there are Kafirs of the Amahlubi tribe who had formerly concealed themselves, but who, now that the affair at Natal is settled, have made their appearance, and have commenced to build kraals on the farms of Mr. C. de Villiers and son, and also on the farms of Mr. Matthys Uys. I, therefore, presume that these Kafirs reside upon the farms with the consent of the proprietors.”

I have, &c.

(Signed) J. H. BRAND.

His Excellency Major-General Sir G. Wolseley, G.C.M.G., K.C.B.,
Administrator of the Government of Natal.

Inclosure 10 in No. 13.

Sir, *Camp, Biggarsberg, Natal, July 5, 1875.*
I HAVE the honour to acknowledge the receipt of your Honour's letter of the 25th ultimo, inclosing a translation of an extract from the report of the Landdrost of Harrismith on the subject of members of the Amahlubi tribe living in the Orange Free State.

I beg to thank your Honour for the inquiries which you have caused to be made in regard to these people, and shall esteem it a favour if your Honour will cause it to be communicated to them that, so far as the Government of Natal is concerned, all men of the Amahlubi tribe living in the Orange Free State, except those actually implicated in the taking of human life, are at liberty to return to this Colony, and may bring with them their wives and children; but that they will not be permitted to settle in the location formerly allotted to them, nor to settle together as one tribe.

I have, &c.

(Signed) G. J. WOLSELEY, *Major-General,*
Administrator.

His Honour the President of the Orange Free State,
Bloemfontein.

Inclosure 11 in No. 13.

Sir, *Camp, Biggarsberg, Natal, July 5, 1875.*
I HAVE the honour to request that your Excellency will be so good as to instruct the Governor's Agent in Basutoland to communicate to the members of the Amahlubi tribe living in Basutoland that, so far as the Government of Natal is concerned, all men of the Amahlubi tribe living in Basutoland, except those actually implicated in the taking of human life, are at liberty to return to this Colony, and may bring with them their wives and children, but that they will not be permitted to settle in the location formerly allotted to them, nor to settle together as one tribe.

I have, &c.

(Signed) G. J. WOLSELEY, *Major-General,*
Administrator.

His Excellency Sir Henry Barkly, G.C.M.G., K.C.B.,
&c. &c. &c.

Inclosure 12 in No. 13.

Sir, *Bloemfontein, July 31, 1875.*
I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 5th instant, relative to the members of the Amahlubi tribe living in the Free State, and to inform your Excellency that I have caused the letter to be published in our "Government Gazette" of the 28th instant, with directions to the Landdrosts,

Justices of the Peace, Field Cornets, and Burghers to make it as generally known as possible.

I have, &c.

(Signed) J. H. BRAND.

His Excellency Major-General Sir G. Wolseley, G.C.M.G., K.C.B.,
Administrator of the Government of Natal.

No. 14.

Major-General Sir G. J. Wolseley, G.C.M.G., K.C.B., to the Earl of Carnarvon.—
(Received September 20.)

My Lord,

Government House, Natal, August 17, 1875.

IN reply to the request contained in your Lordship's despatch of the 5th ultimo,* that I would inform your Lordship in whose department the accounts of revenue derived from the sale of cattle, &c., of the Amahlubi tribe and Putini tribe were prepared, who were the officers concerned in framing them, and how far they are fairly responsible for the loose and inaccurate manner in which they have been produced, I have the honour to state that the accounts were prepared in the Treasury, and that the Colonial Treasurer is responsible for them; but that it was impossible for him to do more than estimate the proportion of property taken from each tribe, as the cattle were mixed together, sold in lots without being separated, the gross receipts being forwarded to the Treasury.

I have, &c.

(Signed) G. J. WOLSELEY

No. 15.

Major-General Sir G. J. Wolseley G.C.M.G., K.C.B., to the Earl of Carnarvon.—
(Received September 20.)

My Lord,

Government House, Natal, August 17, 1875.

WITH reference to previous despatches on the subject of the Putili or Amangwe tribe, more especially mine to your Lordship, of the 7th May last,† and your Lordship's reply of the 5th ultimo, I have now the honour to report to your Lordship the steps taken and ordered to be taken for the relief of this tribe in accordance with my Minute inclosed in my despatch of 7th May last.

2. Early this year advances in money to the amount of 550*l.* to relieve any pressing want were made, through the magistrate, to such of this tribe as applied, in sums seldom exceeding 2*l.* to an individual.

3. When I passed through the location in June last I ordered a supply of blankets to be sent to the tribe. This was done at a cost of 360*l.* 16*s.* 8*d.*

4. Cattle to the amount of 70*l.* have been purchased for them, and an opportunity having now arisen for the purchase of 350 head of cattle of a suitable description at a price of about 5*l.* per head, I have ordered them to be bought and distributed. This will make a total expenditure on cattle of about 1,820*l.*

5. I propose to make up the amount to be spent upon the tribe this year to 3,000*l.* by the purchase of ploughs, hoes, or other helps to agriculture which the magistrate resident among them may recommend. A supplementary estimate for this sum will be laid before the Legislative Council at their next Session.

6. I have also ordered a sum of 3,000*l.* to be placed in the estimates of the year 1876 for relief of this tribe; and I shall leave a Memorandum for my successor to the effect that, in my opinion, the total sum of 12,000*l.* to be expended on the tribe should be spread out over a period of about four years including this present year.

7. I have further the honour to inclose a copy of the last monthly report of the resident magistrate of the Ulundi division upon the condition of this tribe.

I have, &c.

(Signed) G. J. WOLSELEY.

* No. 33 of C. 1324-1 of 1875.

† Ibid., No. 23.

Inclosure in No. 15.

Report.

*Resident's Magistrate's Office, Ulundi Division,
August 1, 1875.*

NOTHING of any importance has transpired during the past month in the locations of Langalibalele and Putini.

A large supply of blankets has been distributed among the people of the latter tribe; the distribution was made as general and wide-spread as possible; the recipients seemed well pleased, and the people generally of the tribe seem contented.

The widow of Manziyezulu has returned to her late husband's kraal.

Mazujana, who was allowed to settle at the head of the Little Tugela, has been directed to remove his kraals from there, and has had a tract of land lying between the Umstshazana and Umtshezi Rivers apportioned to him to live on.

Those of the Amangwe tribe who went to live on private farms after their liberation, are gradually returning to their old location.

(Signed) W. D. WHEELWRIGHT,
Resident Magistrate, Ulundi.

No. 16.

*Major-General Sir G. J. Wolseley, G.C.M.G., K.C.B., to the Earl of Carnarvon.—
(Received October 1.)*

My Lord, *Government House, Natal, August 27, 1875.*

WITH reference to your Lordship's despatch of the 12th February last,* I have the honour to inclose copies of the Reports of Mr. Bird, Resident Magistrate, Pietermaritzburg, and Mr. Shepstone, Secretary for Native Affairs, on the subject of the complaint made by Miss Colenso in the letter forwarded by your Lordship to me for inquiry and report.

2. I do not consider it desirable that any further inquiry should be instituted into the matter, but would suggest that, if your Lordship is satisfied, after reading Mr. Bird's and Mr. Shepstone Reports, that Mr. Van Breda is cleared from the charges made against him, the Lieutenant-Governor here should be authorized to write Mr. Van Breda a letter to that effect.

I have, &c.

(Signed) G. J. WOLSELEY.

Inclosure 1 in No. 16.

Minute Paper.

*Report by the Secretary for Native Affairs on Despatch No. 15 of February 12, 1875,
transmitting Miss Colenso's complaint to Mr. Bird in re Ngwadhla.*

REPORT forwarded herewith. Mr. Breda's request for an investigation before some competent Tribunal in the Colony has not been submitted to his Excellency for his decision, because I wished to ascertain the facts as far as I could before doing so.

I do not see what good can be gained by an inquiry; if any harm was done, which I do not for a moment believe, it has long ago been remedied by removal, and it would only tend to keep alive a feeling of irritation which has food enough already to feed upon.

(Signed) T. SHEPSTONE.

August 8, 1875.

Inclosure 2 in No. 16.

Report on Despatch of the Secretary of State No. 15 of February 12, 1875, forwarding Miss Colenso's complaint to Mr. Bird in the matter of Ngwadhla.

BEFORE leaving for England last year, I was anxious to provide comfortably for some of the old men of Langalibalele's tribe—men who could not work themselves, and whose families were not made up of working members, because for such families I knew it would not be easy to find places.

I had known Mr. Van Breda and his family for many years. I was aware from my official position that they had treated their native tenants and servants with uniform kindness and consideration, and that natives who have grown up in their service from childhood still voluntarily remain in it; I considered further that Mr. Van Breda was a large landed proprietor with ample means, and that, therefore, he was not likely to be tempted to be guilty of oppression after for so many years having followed an opposite line of conduct.

I asked him to allow these people to settle on his lands, describing to him their condition and the composition of their families; at first he objected, because he thought they would be a mere encumbrance, and possibly an expensive one; at length, however, he consented, in the hope that ultimately they might attract a working and therefore a useful tenantry.

On leaving the Colony, I arranged that as many of such families as Mr. Van Breda would receive should be placed on his lands, supposing that I was doing them, rather than Mr. Van Breda, a service; and I never was more surprised than to find that he and his family had been accused of harshness and cruelty to these people, nor could I believe it.

The Secretary of State's despatch now under report transmits Miss Colenso's letter to Mr. Bird, which contains these accusations. Mr. Bird says in his Report annexed of 16th April, 1875, that he did not regard it as an official communication. I do not feel disposed to criticise a lady's private letter, written evidently under the influence of one of those impulses which ladies are liable to be carried away by or listening to an *ex parte* story of oppression. I believe Miss Colenso to have been misled, and to have done Mr. Van Breda and his family a real injustice.

Her letter has been referred to Mr. Van Breda; his answer is annexed; he indignantly denies the accusations, and requests that an investigation before some competent Tribunal in the Colony may be instituted to enable him to rebut them, adding that the adoption of such a course would be conferring an obligation upon him.

I represented to him that I scarcely thought that either his Excellency or the Secretary of State would care to institute a special Tribunal to inquire into such a case, and urged him to give me any explanation he thought fit; but he perseveres in his preference for a public inquiry, because he considers the charges, to use his own language, to be not only "false" but "slandercous."

I have, however, succeeded in getting, for my own satisfaction, the following particulars from a member of the family personally acquainted with them, and as I believe I can rely upon their being true, I take the liberty of inserting them in this Report:—

Two families of twenty-three individuals in all were sent to Mr. Van Breda, *i.e.*, two men, two young boys, the rest being all women, girls, and young children.

One of these families, that of Fehlela, consisting of eight members, Mr. Van Breda placed with his son on the same estate; they were sent to the kraal of Muloms, an old family servant, until a dwelling could be erected for them; a lately vacated native hut was given to them, and Mr. Van Breda's servants assisted to remove it to the spot chosen for them to live upon.

About three weeks after their arrival, Fehlela asked leave to fetch the head of the family, whom he represented had been left on the way during their journey in bad health; this was, of course, agreed to, and he left, as he alleged, with this object, taking two of his women to assist the sick man. A few nights after this the remainder of the family went off secretly, and have never returned.

Mr. Van Breda gave notice at once of this to the office of the Secretary for Native Affairs, stating that he did not wish them to return, as it was not his desire to keep people against their own free will.

Fehlela was unfit for any work, but he had done a few odds and ends about

the place, and one of the girls had been taken in young Mr. Van Breda's house as a servant.

They were well supplied with food, and left a good deal behind them in the hut they had occupied.

The family that remained with Mr. Van Breda, senior, consisting of fifteen members, *i.e.*, one man, three women, one boy, and ten girls.

Two huts were at once erected, and ground ploughed and planted for their use. They came twice a day for their maelie meal and butter milk, of which they had as much as they wished for.

The man cut grass for the calves, one woman with the elder girls weeded the maelies, four of the girls were taken into the house, and the younger ones gathered acorns under the oak trees.

It was supposed that these girls would supply the place of a native woman servant, who had been twenty-five years in the service of the family, but was now on the eve of being married.

The girls in the house were properly clothed; the others positively refused to wear any dress, although clothing was given to them.

At length an order came for them to leave, and leave they did in obedience to that order.

All expressed great regret. The girls had become attached to the family, and the family to them; they had acquired some knowledge of housework, sewing, &c., and were rapidly becoming useful servants.

On the morning of their departure they went to the house to say good-bye, dressed in the clothes they received, seemed much affected; the girls cried, and so did the boy, and one of the women had to keep hold of his hand to prevent his staying behind.

The man said if it had remained with him they never would have left. The head of the family also thanked much for the kindness shown to his relatives, and said that they would never forget it.

It happened that young Mr. Van Breda and his wife were journeying up country after these events; they met these people on the road, who greeted them and requested them to convey kind messages from them to the Breda family whenever they should write to their parents at home.

Further on, they came together again, for they were journeying in the same direction; it was on a Sunday; the natives remembered the day, for they had donned their Sunday dresses, and again went to greet the young travellers, from whom they received a welcome and some biscuits; and, on taking leave, this family of natives a second time requested that kind greetings from them might be conveyed to Mr. and Mrs. Van Breda, Senior, and family at their home. This statement requires no remark from me to support my opinion that Miss Colenso must have been misinformed and so misled.

(Signed) T. SHEPSTONE, *Secretary for Native Affairs.*

August 14, 1875.

Inclosure 3 in No. 16.

April 16, 1875.

To the Hon. the Secretary for Native Affairs.

I AM not sure whether I gave a written answer to Miss Colenso's letter, which I did not regard as an official communication. I know that very shortly after its receipt (I think on the same day) Miss Colenso called at my office, and I explained to her that the remedy of the alleged grievances was a matter entirely beyond my province and functions and those of the magistrate of the Mugeni Division, since the location of the destitute families had been a duty assigned to Mr. Arthur Shepstone, and they had been placed in a part of the Colony beyond my jurisdiction or that of Mr. Clarke. I engaged, however, to urge the proper officer immediately to inquire into the matter with the view of undoing a wrong, if a wrong had been done. I pointed out to Miss Colenso that the terms on which the families were located could not possibly bear the construction of slavery, and that the use of such a term was intemperate and injurious.

I also explained to Miss Colenso that Mr. Van Breda was well known to me as a high-minded man, who would shrink from doing a wrong to any one, and most of all from a want of consideration for the unfortunate.

I lost no time in making known to Mr. Arthur Shepstone Miss Colenso's state-

ments. I received his promise that the matter should receive his immediate attention, and I have every reason to believe that the promise was redeemed without delay, for within a few days Mr. Van Breda informed me that the contract for the location of the families on his property had been set aside and annulled.

I have, &c.
(Signed) JOHN BIRD,
Resident Magistrate, City Division.

Inclosure 4 in No. 16.

Sir, *Breda's Fontein, June 15, 1875.*

I HAVE the honour to acknowledge the receipt of your letter dated 8th June, with the inclosed copy of Miss Colenso's letter to Mr. Bird, received from the Secretary of State for the Colonies for my information, requesting me for an explanation if so inclined.

I beg to state, for the information of the Right Honourable the Secretary of State for the Colonies, that the evil-disposed accusations brought against me and my son are entirely false and without foundation; and that I am in a position to explain the same to his Lordship's satisfaction.

But that I, as a colonist of thirty-six years standing, personally known to yourself and Mr. Bird, the Resident Magistrate under whose jurisdiction I have always resided, have never during that long period had any charges of whatsoever nature brought against me by any native; and you both are aware that I and my family always entertained the kindest feelings towards the natives generally, and more especially those living on my lands, whose rights I have always protected.

In consequence of which I request you to urge upon his Lordship that an investigation before a competent tribunal in the Colony may take place, so as to enable me to rebut the above false and slanderous charges brought against me, and in doing so I will consider it an obligation.

I have, &c.
(Signed) S. VAN BREDA.

To the Hon. the Secretary for Native Affairs.

No. 17.

The Earl of Carnarvon to Lieutenant-Governor Sir H. Bulwer, K.C.M.G.

Sir, *Downing Street, October 2, 1875.*

I HAVE received Sir G. Wolseley's despatch of the 13th of August.* I learn from it with great satisfaction the absence of any real distress among the members of the Amahlubi tribe.

I approve of the steps taken by Sir G. Wolseley to allay the fears of those members of the tribe in the Orange Free State and Basutoland who were afraid to return to the Colony.

I have, &c.
(Signed) CARNARVON.

No. 18.

The Earl of Carnarvon to Lieutenant-Governor Sir H. Bulwer, K.C.M.G.

Sir, *Downing Street, October 4, 1875.*

I HAVE received Sir G. Wolseley's despatch of the 17th of August last,† and I approve of the steps taken by him for the relief of the Putili or Amangwe tribe. I need scarcely, however, add that care should be taken in giving relief, to give it in such a manner that the people may not be led to depend too much on the Government for assistance.

I have, &c.
(Signed) CARNARVON.

No. 19.

Lieutenant-Governor Sir H. Bulwer, K.C.M.G., to the Earl of Carnarvon.—(Received October 5.)

My Lord,

Government House, Natal, September 2, 1875.

I HAVE the honour to report my arrival in Natal, and that I have this day assumed the Government of the Colony.

2. On reaching Cape Town on the 17th ultimo I learned that Sir Garnet Wolseley, whom, according to your Lordship's instructions, I expected I might meet there, had not arrived, nor was immediately expected; and receiving, two days later, a telegraphic communication from him to the effect that he would await me at Durban till the 3rd September, on which day he proposed leaving the Colony, I accordingly at once proceeded on my way in the Colonial mail steamer.

3. I arrived at Durban on the 27th August, Sir Garnet Wolseley coming down from Maritzburg on the following day, and I have since had the great advantage of personal communication with him, and of learning from him the present position of affairs in the Colony. I have also received from him Minutes containing information, and recording his views on various important subjects and questions.

4. As the mail is just leaving, I have no time at present to do more than express my sense in general terms of the exceeding value of these Minutes; but I cannot close this despatch without this reference to them, nor can I omit to bring under your Lordship's notice, if I may take the liberty to do so, the friendly reception I have met with from Sir Garnet Wolseley, and the frank and loyal manner in which he has placed at my disposal the information he has obtained, and the results of his experience and judgment in all matters connected with the Colony, and the administration of its Government.

I have, &c.
(Signed) HENRY BULWER.

No. 20.

The Earl of Carnarvon to Lieutenant-Governor Sir H. Bulwer, K.C.M.G.

Sir,

Downing Street, October 9, 1875.

I HAVE received Sir G. Wolseley's despatch of 27th August,* forwarding Reports from Mr. Bird and Mr. Shepstone, on the subject of Miss Colenso's complaint of the ill-treatment of one Ngwadhla.

I cannot hesitate to conclude from these papers that Miss Colensow as misled by the statements made to her, and that Mr. Van Breda treated the Kafirs placed on his lands with great kindness.

I have to request you to write to Mr. Van Breda, as suggested by Sir G. Wolseley, informing him that I am quite satisfied, after reading the Reports of Mr. Bird and Mr. Shepstone, that the charges brought against him were without foundation.

I have, &c.
(Signed) CARNARVON

No. 21.

The Earl of Carnarvon to Lieutenant-Governor Sir H. Bulwer, K.C.M.G.

Sir,

Downing Street, October 10, 1875.

I HAVE received your despatch of the 2nd of September,† reporting your arrival in Natal and assumption of the Government. I have read with much satisfaction your testimony as to the great advantage which you have derived from your personal intercourse with Sir Garnet Wolseley, and from the memoranda which he prepared for your information embodying the result of his own inquiries and observation on public questions.

I have, &c.
(Signed) CARNARVON

Governor Sir H. Barkly, G.C.M.G., K.C.B., to the Earl of Carnarvon.—(Received October 11.)

My Lord,

Kimberley, September 4, 1875.

WITH reference to your Lordship's despatch of the 15th July,* announcing that Her Majesty will not be advised to disallow the Act of the Cape Parliament No. 1 of 1875, which authorizes and provides for the removal of the native Chief Langalibalele and his son Malambuli from Robben Island to a location on the mainland of the Colony, I have the honour to report that the said Act was proclaimed by me to commence and take effect from and after the 26th ultimo, and that in pursuance of its provisions, I have issued a further Proclamation defining the limits of the farm "Uitvlugt," situated a few miles from Cape Town, to the homestead of which the Chief and his son were on the same day conveyed as their future residence.

2. I have likewise the honour to transmit a copy of the regulations as prepared to restrict the Chief and his son within the limits defined, which regulations do not differ from those already submitted to your Lordship.

3. I may add that the conditions on which they would be released were fully explained to them in the presence of the Secretary for Native Affairs and other gentlemen on Robben Island some weeks ago.

4. It may serve to show the respect still paid to Langalibalele by his fellow-countrymen, and the importance attached to his movements, that his nephew Xibi, who lives under British protection in the St. John's territory, has recently applied to the Government for permission to send a deputation of four head men to Cape Town to inquire after his uncle's health and congratulate him on his release from Robben Island.

As there is no question of Xibi's loyalty, the permission will be granted subject to proper precautions.

I have, &c.
(Signed) HENRY BARKLY.

Inclosure 1 in No. 22.

No. 44 of 1875.

Proclamation.

Proclamation by his Excellency Sir Henry Barkly, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-chief of Her Majesty's Colony of the Cape of Good Hope, in South Africa, and of the Territories and Dependencies thereof, and Her Majesty's High Commissioner, &c., &c., &c.

WHEREAS by an Act of the Parliament of this Colony, No. 1 of 1875, entitled "An Act to repeal the Act No. 3 of 1874, and to make other provisions in lieu thereof," it is enacted that it shall be lawful for the Governor to provide and set apart a suitable and sufficient location in the Cape Division on the mainland of this Colony for the native Chief Langalibalele and one of his sons Malambuli, during the period for which they respectively have been prohibited from returning to the Colony of Natal, and that the said location shall be defined and fixed by Proclamation to be published in the "Government Gazette:" Now, therefore, I, the Governor aforesaid, do hereby proclaim, declare, and make known that I have provided and set apart a location in the said Cape Division for the said Langalibalele and the said Malambuli, which location I do hereby define and fix as follows:—

Bounded on the north by the Wellington Railway from the crossing between the fourth and fifth mile (from Cape Town) to the eighth mile; thence to the beacon common to Lots D.D., H.H., G.G., and F.F., thence to the beacon common to Lots C.C., D.D., E.E., and F.F.; thence to the most easterly beacon of the farm "Jackals Vley" belonging to Mrs. Wrench; thence to the most northerly beacon of the said farm; thence along the western boundary line of "Jackals Vley;" thence to a beacon of "Vygekraal" common to it and Lot C.C.; thence to the most northerly beacon of

“Vygekraal;” thence to its most westerly beacon; thence to the north-eastern beacon of a piece of land granted to B. Jones; thence along the boundaries of “Rapenburg,” “Oude Molen,” and “Nieuve Molen,” to the first-named point, as more fully described in a general plan deposited in the office of the Registrar of Deeds.

God save the Queen!

Given under my hand and the public seal of the Colony of the Cape of Good Hope this 23rd day of August, 1875.

(Signed) HENRY BARKLY, *Governor.*

By command of his Excellency the Governor in Council,
(Signed) J. C. MOLTENO, *Colonial Secretary.*

Inclosure 2 in No. 22.

Government Notice.—No. 402, 1875.

*Colonial Secretary's Office, Cape Town, Cape of Good Hope,
August 23, 1875.*

WITH reference to Proclamations No. 43 and 44 of this date, the first fixing the date on which the Act No. 1 of 1875 shall take effect, and the second defining the limits of the location set apart for the residence of the Native Chief Langalibalele and his son Malambuli, it is hereby notified that his Excellency the Governor, with the advice of the Executive Council, has been pleased to make the following regulations, in terms of the 3rd Section of the said Act, to restrict the Chief and his son during the period mentioned in the Act to the said location, and to prevent them from proceeding beyond the limits thereof.

(Signed) J. C. MOLTENO, *Colonial Secretary.*

Rules and Regulations to be observed in connection with the Location of Langalibalele and Malambuli at Uitvlugt, on the Cape Downs, about four miles from Cape Town.

1. Langalibalele and Malambuli will be located at the farm residence and neighbouring Government grounds at Uitvlugt, under surveillance and supervision of the superintendent of the plantations and constables serving under his orders, who will be held responsible for their detention. One or two of Langalibalele's wives and a few followers (the number to be determined by this Government in concert with that of Natal) will be permitted, if they desire it, to reside on the location.

2. The limits of the land allotted for their use and benefit have been duly defined by Proclamation No. 44 of the 23rd August, 1875, and are as follows:—Bounded on north by the Wellington Railway from the crossing between the fourth and the fifth mile (from Cape Town) to the eighth mile; thence to the beacon common to Lots D D, H H, G G, and F F; thence to the beacon common to Lots C C, D D, E E, and F F; thence to the most easterly beacon of the farm “Jackals Vley,” belonging to Mrs. Wrench; thence to the most northerly beacon of the said farm; thence along the western boundary line of “Jackals Vley;” thence to a beacon of “Vygekraal;” common to it and Lot C C; thence to the most northerly beacon of “Vygekraal;” thence to its most westerly beacon; thence to the north-eastern beacon of a piece of land granted to B. Jones; thence along the boundaries of “Rapenburg,” “Oude Molen,” and “Nieuve Molen,” to the first-named point.

3. No strangers will be permitted to trespass or graze their stock within these limits, except under the written order of the Honourable the Secretary for Native Affairs, to be delivered through the superintendent.

4. Langalibalele and Malambuli will not be permitted to be absent from their residence between sunset and sunrise; but they will have free liberty to move about during the day-time over the land and premises allotted for their use as previously defined. Should they be found beyond such limits, they will be ordered back by the superintendent or any of his constables; and should they not immediately return, they will be liable to be arrested, and, if necessary, to be placed under stricter surveillance.

5. To prevent any doubt as to boundaries, they will be well defined by white posts having notices placed on them warning strangers not to trespass.

6. No presents will be allowed to be given, except by permission of the superintendent. Langalibalele and his wives and Malambuli will be supplied by the Government with everything essential to their health and comfort. An ample supply of good food, clothing, bedding, and all other necessaries will be provided for them.

7. A medical officer will visit Langalibalele and Malambuli when required to do so by themselves or by the superintendent in charge.

8. The superintendent will make a weekly report to the Government as to the observance of these regulations by Langalibalele and Malambuli, with any suggestions that may occur to him conducive to their comfort and absolute security.

9. Either the superintendent or chief ranger will certify each day, in a book kept for that purpose, that Langalibalele and Malambuli are in safe keeping.

10. Subject to the aforesaid regulations required for the safe detention of Langalibalele and Malambuli all reasonable indulgence and freedom of action will be permitted.

No. 23.

Lieutenant-Governor Sir H. Bulwer, K.C.M.G., to the Earl of Carnarvon.—(Received October 20.)

My Lord,

Government House, Natal, September 7, 1875.

I HAVE the honour to forward, for your Lordship's information, copy of a letter received by the Secretary for Native Affairs from Bishop Schreuder, who was good enough to undertake the delivery to King Cetywayo of the presentation copy of Mr. Shepstone's Report upon the King's coronation in 1873.*

2. The Bishop gives an interesting account of the circumstances attending the delivery of the book; and it will be seen that he took particular pains to impress upon the King's mind the importance attached by Her Majesty's Government to the promises made by the King at the time of his coronation, and to his faithful observance of them.

3. I have requested Mr. Shepstone, in acknowledging the letter, to convey the thanks of this Government to Bishop Schreuder, for the trouble taken by him, and for the complete and judicious manner in which he has discharged the Mission intrusted to him.

I have, &c.

(Signed) HENRY BULWER.

Inclosure in No. 23.

Dear Sir,

Untunjambili, August 20, 1875.

I BEG to send you a short sketch of my last trip to and interview with the Zulu King, in order to present to him your Report of your Embassy, 1873, and leave it to your discretion to lay before his Excellency the whole or a part of this sketch, got up in a language foreign to me.

After an irksome travelling right across the Tugela from here to Undi, I arrived the fifth day (August 5) at the King's head kraal, sufficiently early to have a preliminary interview with the head men then present, viz., Umnjamana, Usegetwayo, Uganze, Uzetzalusa, Untzingwayo, &c., and, according to Zulu etiquette, lay before them the substance of my message in the main points, the same as I, the day after (6th August) told the King.

N.B. In the course of the evening one of the head men hinted to me that as regards the killing of people all was not as it ought to be, and that I ought to press the matter when I had the interview with the King, as he needed to have his memory (I would rather say his conscience, for his memory is still very good—even remarkable good) stirred up, and that the present occasion was the very thing to do that. The result proved this to be a very safe and timely hint.

They spent the forenoon communicating in their bulky way this news to the King, so it was midday before I got an interview with the King, when I opened the interview, verbatim, thus:—

* Vide Command Paper [C. 1137] of 1875.

“My arrival here to-day is not on my own account. I have come at the request of the Chiefs across (the Tugela), to cause you to receive by hand and by mouth a book, which has come from Victoria, the Queen of the English, the book of the new laws of this Zulu country, which Somtseu (Mr. Shepstone) proclaimed publicly at Umlambongwenya the day he, being called to do so, set you apart to be King of the Zulus. Victoria, Queen of the English, says, ‘I and my great headmen (Ministers) have read the new laws of the Zulu country, which you, King, and all the Zulus agreed to with Somtseu; and as we adhere to our words, so also I wish you, Chief of the Zulus, to hold fast to these words of yours of this law which you agreed to adhere to the day you were made King by Mr. Shepstone, who was sent to do that by the Government of Natal.’ I have now finished; this is the only word I have brought with me from the Chiefs across (the Tugela).”

N.B. In Lord Carnarvon’s despatch accompanying your Report sent from England, which I perused in your office the 11th June ultimo, was used the word “expect” in the connection here pointed out between Her Majesty keeping her words, and her expecting that U’Cetywayo to keep his words. In your official letter, accompanying the royal copy of your Report, is used “rely;” the Zulu words that in certain connections otherwise nearest are corresponding to “expect” or “rely,” *videl.* “hope” and “look,” do not fully cover the meaning of either “expect” or “rely,” as the obligatory sense which is implied by these English words in the connection here at issue, does not lie in those Zulu words “beka” or “temba” for these Zulu words would imply that Her Majesty Victoria was the individual benefitted by U’Cetywayo keeping his words, while he was very much at liberty to keep or not keep his words. I therefore used purposely “seek,” as “call for, or upon,” perhaps would have been too strong; but I also used “biza” in explaining or paraphrasing the meaning of “funa,” as hinting to the obligatory side of the word at issue.

The royal inscription of the copy was of course literally translated.

After having thus delivered the Government message intrusted to me, I added, in the way of explaining to the King and his Councillors the merits of the case at issue, by saying:—

“You have heard the Government word, but that you may clearly see the line of this book of the new laws, I wish to explain to you as follows:—The day the Zulu nation brought the head of the King, laid low, four oxen, to the Government, the Zulu nation asked that Mr. Shepstone might come and proclaim the new laws of Zululand, and set apart the real royal child, because they no longer had power of themselves to set apart for themselves a King. Mr. Shepstone came, and began by consulting with you, the Zulu nation, at Umlambongwenya on the fifth day of the week, on all the points of the new law which he had been sent for to proclaim; and he conversed with you until the sun went down, having began early in the day. He then left you Zulus to consult together, and investigate the new laws on the last day of the week and on the Sunday; and when Mr. Shepstone returned to the waggons (camp), he wrote in a book all the points of the new law, and on Monday he again came with all his attendants, and it was in accordance with his previous arrangement with you; and he came to the Umlambongwenya, the residence appointed for the purpose, that he might set apart in becoming manner the young King. We all were present; we heard him, standing publicly, holding in his hand a paper, and pointing to it, saying, ‘That forgetfulness may never, never happen, I have written in this paper all the points of the new laws of the country which we agreed upon two days ago and to-day, in the presence of all the Zulu nation, the royal children, and the nobles;’ and he then handed that paper to his son, that it might be accessible, and speak when he himself is no more; and this proclamation of the new laws was confirmed by the English custom of firing cannons seventeen times, and according to the Zulu, by the striking of shields. On the second day of the week, Mr. Shepstone returned to the Umlambongwenya to take his leave of the King, and again the points of the new law were explained; and Uttamn (Cetywayo’s brother) explained to Mr. Shepstone the history of this house; and on the third day the nobles all went to the waggons (camp), being sent by the King to take leave, and Mr. Shepstone went home satisfied; and when he returned to the Colony he wrote this book of the narrative of his journey and his work in Zululand; and as is done (in the Colony), then he sent it to the Governor, and the Governor read it, and read it all, and said the work of Somtseu is good, and the new laws of the Zulu country are good; and as is done there too, he sent it forward to Victoria, the Queen of the English; and Victoria sent back this book of the new laws by the same way to the Governor, and the Governor returned it to Somtseu, and here it is come back to its work (discharge its function) in Zulu-Land, where it was set up

to rule over you. And as Victoria binds herself by her words, so are you also, King, and you, the Zulu nation, bound by this new law made for you here by Somtseu at Umlambongwenya. And this is the generation of this book of the new law. It was born an infant; it went across (the water), the child of a King, to seek for kingship, and it found it; it was made king far away, and here it is returned with its rank to its own country, Zulu-Land; therefore do not say it is only the book that speaks. No, I tell you Zulus, of a truth, that this book has to-day rank; it took that rank beyond (the water), it has come back a king, and is supreme in this country.

"The words of the Governor are finished, and my explanation is finished; but there are small items of news which I wish to tell in your ears, which the authorities (in Natal) did not tell me, but which I speak for myself, because I wish to see for you and reprove you gently, that you may understand."

Uganze then commenced in his usual tattling way to make some remarks, that they, as black people, did not understand books and the value of such written documents; whereupon I said to him, "That won't do, Ganze; that you, after having applied, as in the present case, to people who transact business through written documents, now afterwards say you do not understand the value of books. You all know very well that book rules are supreme with white people; it is, therefore, of no use that you, after having obtained what you wanted from the white people, now come and plead ignorance about book. If you don't know yourselves to read book, there is nothing else for you to be done but to get a trustworthy person to read for you, or learn to read yourselves."

By these remarks I stopped effectually all further talk of that kind; and, evidently displeased at Uganze's talk, the King repeated very correctly all I had endeavoured to say. (You know the King has a good memory.)

I also had taken the precaution of having with me two of my most intelligent native Christians, in order to be thoroughly understood, to whom I constantly referred for idiomatic explanation during the interview. I translated the whole of your report and appendices in abridgement, but the new Umteto verbatim, with the only alteration of using "ogelweni" instead of "elangeni" (the word used by you—public or openly). I also translated the whole of § 84, about the Mission, in order to feel the King's mind at present upon that subject.

While I was translating, the King and his nobles often expressed their astonishment, uttering occasionally that it was as if they were living the thing over again, and that what was translated was exactly what was spoken and transacted in your way, to and under your stay at the place of encampment; and, having finished, I told them that the fullness and correctness of the details of the report was a natural result of the habit of white people under such circumstances—daily to take down in writing what transpired, in order not to forget it itself long time afterwards.

As the King and his nobles now entered upon a discussion of the merits of the new laws, as set forth in your Report, and this discussion evidently would take the turn of being an answer to the message delivered, I found it necessary to tell them that I had received no commission to bring back any answer to the Government message, and stated my own private opinion about not having received such commission by saying most explicitly, "My opinion is that the Chiefs across the Tugela did not tell me to take back to them your answer because your right words to adhere to the new law are completed. They are many; no more are necessary. The thing wanted now is your acts, in accordance with that law."

Here, again, Uganze asked what I meant by acts; and the answer was, that you rule and manage this Zululand in accordance with the new law, and never over-step it; and I explained this further by telling them frankly that many reports circulated in Natal of the extensive killing of people all over the Zululand; that from the time I this year had crossed the Tugela, Natal people had with our mouth asked me if the killing of people in Zululand now really was carried on at such an extent as reported, in spite of the new law; that I had not with my own eyes seen any corpse, and personally only knew of them said to have been killed; that I myself had my information principally from the same sources as people in Natal, and often from Natal newspapers; that I myself personally believed that there were some, and, perhaps, too much foundation for said reports; there were many who pretended having seen corpses of people killed both with guns and spears. And, after having lectured my Zulu audience very earnestly upon this vital point, I concluded, saying, "Well-wishers of the Zulus were very sorry to hear of such things, as they certainly had hoped that the new constitution would have remedied this sad shedding of blood; while, on the other hand, people who did not care whether the Zulu nation was ruined or not, merely

laughed at the idea that any one ever could have entertained the hope of altering or amending the old-cherished Zulu practice of bloodshed, as the Zulus were such an irrecoverable set of man-butchers. Further, I tell you seriously, King, your reputation is bad among the whites; and, although it is not as yet officially reported to the Government, still it has come to its ears, all these bloody rumours, and nobody can tell what may be the consequences hereafter—to-morrow."

The King and his Izinduna seemed wonderfully tame—even conscience-smitten all along—while the rumours were mentioned; for I had expected some of their usual unruly excitement, but nothing of that kind was seen. But, although the King and his nobles present had, as mentioned above, with astonishment uttered that your Report had reported exactly everything done and said there and then, he now tried to point out that you, in your Report, had left out to inform the Queen that he, in his transactions with you, had reserved to himself the right of killing people who kill others, who lie with the King's girls, who sin against or steal the King's property; that it is the royal Zulu prerogative, "from time immemorial," at the accession to the Throne, to make raid on neighbouring tribes. I went into details of both questions, and proved by plain words of your Report, as well as by logic conclusion therefrom, the fallacy of both complaints, and especially as to the pretended "from time immemorial," that this was nonsense, as that bloody system of raid only was from yesterday (chaka), and, therefore, there were no reasons why it should not be broken off to-morrow, and much more so, as this raid system only tended to exasperate all neighbouring tribes against the Zulus, and eventually bring on their (Zulus') ruin, for it was well known that all neighbouring tribes were gradually coming under the protection of the white people. The King made in self-defence some silly remarks, and was of course supported by the Izinduna in the usual Zulu-duda way, but, most remarkable, in a very tame way; but I thought by myself it is easy to make an end to this support and combination, for I shall split your interest, and then combat you singly. So I turned the current of the discussion in this way, saying, "I do really believe that there is going on killing people in such a manner; that the King is blamed in Natal for doings he first afterwards is made aware of, viz., the grandees will, for example, kill a man of no note, take a few heads of cattle to the King's, in order to shut his mouth, saying, 'I found a rat spoiling my things, and struck this rat of mine, and here is the few cattle it left behind. Then the King will—although the thing does not suit him—think by himself, 'If I stir up in this poltroon matter, my grandees will say that I trouble them;' and so the King is growing on, and brings on such rumours and bad names over in Natal. But was it not agreed upon, King, at your installation, that the common saying, 'My man or my people,' must not be tolerated any longer; it must cease in the mouth of the grandees in the country. Here in the Zululand is now my people for the grandees, but all are people of the King. The grandees have no right to the people; the King is the owner of them all solely? And was it not also agreed upon that no Zulu—male or female, old or young—could be executed without fair, open trial, and the special previous sanction of the King. But now, by the old practice creeping into use again, and the grandees killing their so-called people, and the King's killing his, it is like the real owner and other imaginary owners killing independently cattle out of the same herd, without telling each other till the herd is cut up. By executing people who really only belong to the King the grandees will, in the same degree as they do so, detract from and diminish the royal power and prerogative, so that there in fact reign several kings in this same kingdom; at least, as far as the authority over life and death concerns. The grandees are concealed behind their King in the bad rumours over in Natal; so the King gains a bad name and blame for the whole, while the grandees gain the satisfaction of succeeding killing people they dislike."

The King assented to these my remarks; so the Izinduna found themselves deserted and silenced. Unnyamana only tried to put in a few very tame remarks of his usual ones, but I quickly brought him to his senses by remembering him sharply of his sayings and doings at the installation, and, as I had anticipated, both divisions of the splitted army were by this means subdued. But when the King so very unexpectedly found his combined army dissolved and weakened, he made some feeble efforts to retrieve what was lost by again trying to discuss the merits of your Report; but I now thought it high time to cut the further parlance short, by saying, "I find that I am going to be dragged into an argument about matters that are no business of mine, and I will, therefore, talk no more of these things, for the new laws owners are still a life; and, moreover the new law is there invested with undeniable royalty; so that even when Her Majesty Victoria, her present Councillors, and the rest of

us are no more, the Umteto will be there, and numerous copies of it are in the hands of the white people, so that they at present and in future times will be able to compare whether the doings of yours (Zulu) are in accordance or at variance with that law, and take their measures accordingly. Victoria binds herself by books, and so you are bound by this book of new law that now is ruling supreme; that is the long and short of it, for this book of the law will decay with the country."

The King and Councillors, knowing well the classical meaning of this expression, "decay with the law," left off further arguing in a very tame way.

Thereafter I said, "I have now talked myself tired, finished my verbal errand to you, King, and now I will hand over to you this splendid copy of the law new;" he then said, "Lay it down here" (pointing at the mat under his feet). "No," I replied, "that won't do; the book is not at your feet, but you are at the feet of the book; and if my hands are not good to hand it over to you, your hands ought not to be too good to receive it; don't make any difficulty;" so he received the copy with his hands, laid it himself on the mat, placed both his elbows on his knees, and holding bent over his head between his hand, uttered that peculiar native "Oh dear, oh dear, what a man this is."

The King evidently felt himself so out of his depth that he quite forgot his usual final topics, begging for a royal cloak (the standing topic of late) or some similar thing, and dropped into begging for a dog to bark for him at night.

Lastly, in order to test him how he now was disposed towards mission work, I told him that, as my business with him was finished, I should immediately, without sleeping that night at Undi, commence my homeward journey, for I had left much work to be done behind, having commenced a new station over in Natal, as here in Zululand is no work for us missionaries as long as he prohibited his subjects from becoming Christians; therefore in Zululand was at present quite sufficient for me in Zululand, where it under present circumstances was useless to get new stations, only to live and not work on, while we over in Natal could buy, and from Government, who approved of the mission work, get land for stations; moreover, the people, for example, over at Untunjambili were very anxious to be taught. With an heedful air the King here asked, "Do the Kafirs really wish to be taught?" "Yes, they really do," I answered him.

Thinking that it would do them (the King and Councillors) good to hear a bit of those proceedings, I inserted a few words about the contemplated and proposed federation between the Colony of Natal, Cape, the Transvaal, and Orange States, by mentioning that an important letter from the great people beyond the water had come and proposed a grand meeting of men chosen from these four States to deliberate of the best mode of establishing such federation among themselves, and the advantage and importance of this federation. I tried to point out by a few practical instances: 1. When Umtonga, having behaved badly, was to be apprehended in Natal, he ran away over to the Transvaal State, and although the Natal Government reported the case to the Transvaal Government, he was not apprehended there, as no agreement to that effect then existed between these two States; but had it existed, he would have been apprehended and imprisoned also in the Transvaal. 2. In one State the trade in firearms is prohibited, but in another it is allowed, which may be ripe of difficulties, as was seen in the Langalibalele affair. 3. Should any of these four States in an unwarrantable way be bent on molesting or attacking a neighbouring black tribe or nation, the other three States would not allow it. 4. But, on the other hand, if any white or black nation molested or invaded any of said four States, these would all combine against, and fight such black or white nation. The King and his induna now insisted upon my not leaving before next morning, as the King wanted to prepare for me (get me some living beef), and in the course of the evening I got a special message from him to you to get from a doctor medicine for a complaint he had in the chest, rising at times from regions about the liver, and medicine for an induna, who of late had become completely deaf. The messenger also told that the King already had sent to you for medicines, but, as yet, got no answer. I think that he has found out that it comes very expensive to call a dotela from Natal, and that it therefore would be cheapest to get the aid of genuine doctors through your kind unpaid assistance.

N.B.—Under the conversation with the King, the headman Usagetwayo (a rather stupid man, but whose assumed grandeur is so great and supercilious that he pretended never to know anybody, but always must ask somebody who this is) asked in his well-known hoarse way, Who is he there who speaks with the King (meaning me)? Umnjamana answered, Bishop Schreuder, native man; he is Panda's old

headman. You are joking in saying you don't know him; it was he for whom they cut off the large bit of land at Enlumeni. (One of my Christian natives present overheard this conversation getting on in a subdued tone while I was speaking with the King.)

When our interview commenced, the King seemed rather sulky, but got gradually brighter, at least very tame, which hardly could have been expected after such dusky beginning, for which there among others also was this cause, that his army, consisting of the "Umantakazi," name of a division that turned the battle at "Endonduhonka," Tugela, 2 December, 1856, to Cetywayo's favour, sent lastly out against a Chief Umtelekwana, on the Ulubombo, near Delagoa mountain region, was twice repulsed with the loss of at least ten men, and only succeeded at the third attack to cut off some of Umotelekwana's cattle that was driven in the direction of the Boers, in order to be under their protection. If now this is as it is reported, you will see how near a bloody conflict between the Zulus and the Boers has been for our doors.

I remain, &c.

(Signed) H. SCHREUDER.

The Honourable T. Shepstone,
&c. &c. &c.

No. 24.

Lieutenant-Governor Sir H. Bulwer, K.C.M.G., to the Earl of Carnarvon.—(Received October 20.)

My Lord,

Government House, Natal, September 11, 1875.

WITH reference to my predecessor's despatch of the 13th ultimo,* I have the honour to forward, for your Lordship's information, copy of a letter received from the Government of the Cape Colony.

I have, &c.

(Signed) HENRY BULWER.

Inclosure in No. 24.

*Colonial Secretary's Office, Cape Town, Cape of Good Hope,
August 21, 1875.*

Sir,

I HAVE the honour to acknowledge the receipt of your Excellency's despatch dated 5th ultimo, and to inform your Excellency that the Governor's Agent in Basutoland has been instructed to give as much publicity as possible to your Excellency's views in regard to members of the Amahlubi tribe residing in that territory, and who may wish to return to Natal.

I have, &c.

(Signed) J. C. MOLTENO.

His Excellency the Administrator of the
Government of Natal.

No. 25.

Lieutenant-Governor Sir H. Bulwer, K.C.M.G., to the Earl of Carnarvon.—(Received October 20.)

My Lord,

Government House, Natal, September 13, 1875.

COLONEL COLLEY, who, as one of the senior officers of his staff, was directed by Sir Garnet Wolseley, in accordance with the terms of your Lordship's despatch of the 22nd April,* to make inquiry into the charges preferred by the Bishop of Natal against Mr. John W. Shepstone, with reference to his conduct in attempting the arrest of Matyana in 1858, has now closed a long and most careful and patient inquiry, which he has held into the matter, and has handed in to me, for transmission to your Lordship, a Report by him, and various documents connected with the inquiry, all of which I have the honour to forward herewith.

I have, &c.

(Signed) HENRY BULWER.

Inclosure 1 in No. 25.

Sir, *Government House, Maritzburg, September 10, 1875.*

I HAVE the honour to report that I yesterday closed the inquiry which I was ordered by letter, dated 31st July, 1875, to make into the charges preferred by the Bishop of Natal against Mr. J. W. Shepstone, with reference to his conduct in attempting the arrest of Matyana in 1858.

2. At the opening of the inquiry the Bishop of Natal handed in the following Memorandum:—

“This inquiry having been ordered by Lord Carnarvon, in consequence of information which I felt to be my duty to lay before the Court which tried the late Chief Langalibalele, such information having been gathered by me in explanation of Langalibalele’s defence of his conduct in partially stripping a Government messenger, namely, that he feared he should be treated as Matyana was treated, I presume that I am invited here to assist in an inquiry for the guidance of Her Majesty’s Secretary of State in forming his judgment upon the matter in question, and I am prepared accordingly to adduce such evidence, and lay before the Commissioner such information as I may possess upon the subject.”

3. The Bishop of Natal called twenty-four witnesses, and Mr. J. Shepstone ten. Many more witnesses had been summoned by the Bishop, but partly on my representations, partly in consequence of the difficulty or delay in procuring their attendance, their names were withdrawn. I believe that the Bishop considers his case has suffered on some points in consequence. In limiting the number of witnesses I was influenced partly by the fact that my stay in the Colony would not admit of my concluding the inquiry, if all the witnesses originally named were to be examined, and partly by the small value I was led to attach to the later witnesses on both sides, who were cognizant of all the evidence that had been given before, and could frame their evidence and replies accordingly. I must add that on this, as on other points, the Bishop readily and courteously waived his own views, and placed himself entirely in my hands.

4. Having no shorthand writer or assistant I did not take down all the evidence as given, but only took such notes as I required for my own guidance. In order, however, that both parties might have the opportunity of correcting what might appear to them inaccuracies or misrepresentations in my notes of evidence, I read out to them the summary (annexed) which I had prepared for Lord Carnarvon’s information, and corrected one or two minor errors which were pointed out.

5. The charges made by the Bishop of Natal may be briefly stated thus:— That Matyana was enticed by Mr. Shepstone to an interview, held ostensibly for the purpose of enabling him to meet and confute the witnesses who had brought the charge of murder against him, that Matyana was induced to come unarmed to this as to a friendly meeting; that during the interview Mr. Shepstone suddenly drew out a hidden gun, and tried to shoot Matyana, but missed him, hitting two of his men instead, and that immediately on the attempt Mr. Shepstone’s armed men fell upon the unarmed men of Matyana and killed some thirty, wounding many more.

6. The opinions I have formed on the facts of the case (on which alone I presume an opinion is called for) are as follows:—

That Matyana was enticed to an interview as stated by the Bishop, and was induced to come unarmed under the belief that it was a friendly meeting, such as he had already had with Mr. Shepstone, for the purpose of discussing the accusations against him, and the question of his return to his location.

That Matyana, though very suspicious and unwilling, came there in good faith, and that the accusations against him of meditating the assassination of Mr. Shepstone and his party, of a prearranged plan and signal for the purpose, and of carrying concealed arms to the meeting, which are made in Mr. J. Shepstone’s statements, are entirely without foundation.

That Mr. Shepstone at that time held no magisterial position, but was simply the Commander of a small armed force charged with the execution of a warrant, and that the manner in which he proposed to effect the seizure, viz., at a supposed friendly meeting, was known to and sanctioned by, if not the Government, at least the immediate representative of the Government, and Mr. Shepstone’s superior, Dr. Kelly, the Resident Magistrate of the district.

That Mr. Shepstone did not attempt to shoot Matyana as described by the Bishop, but fired into the air after the attempt to seize Matyana had failed, and in

consequence of the attempt made almost simultaneous by some of Matyana's men to reach the huts, and seize the arms of Mr. Shepstone's men.

The concealment of the gun, and the fact that a number of Matyana's men were killed in the pursuit, is not disputed by Mr. Shepstone.

7. I confess that I have had the greatest difficulty in forming my opinion on this latter point, and especially as to whether Mr. Shepstone fired into the air as he states. The weight of direct evidence adduced at the inquiry lay altogether on the other side. But in arriving at the conclusion which I have expressed I was influenced by other considerations besides those which I have shown in my summary, and which I would mention here.

8. During several years' experience as a Kafir Magistrate on the borders of the old Colony, I had frequent opportunities of observing how, among a people where everything is handed down by oral tradition, and the memory consequently trained to wonderful perfection, a story which may, originally, have had many different versions soon crystallizes into an accepted form, which is learnt and repeated with an accuracy and minuteness of detail which will stand the test of almost any cross-examination.

9. The inquiry was conducted with very unequal ability on the two sides. While Mr. Shepstone's witnesses were subjected to a keen and searching cross-examination that placed in the strongest light every discrepancy in their evidence, those called by the Bishop escaped as a rule without anything worthy of the name, and though I asked a few questions myself, I did not feel myself justified in undertaking the conduct of Mr. Shepstone's case.

The summaries sent in by the two parties to the inquiry represent very fairly the manner in which their cases were conducted throughout.

10. Mr. J. W. Shepstone is a man of known courage, and a noted sportsman and shot. This was not brought out at the inquiry, yet helped to influence my judgment. As Mr. Shepstone himself says, had he wished to shoot Matyana, sitting not ten yards from him, he was not likely to have missed him. And if driven to fire into the crowd in self-defence it is more probable that he would have shot one of the men on the right, who were rushing forward, and that nearly reached his huts, than fired into the crowd in front, where his shots are alleged to have taken effect, and who were all running from him.

11. I annex documents. Those letters and reports which are already printed in Blue Books I have not thought it necessary to attach.

I have, &c.

(Signed)

G. POMEROY COLLEY, Colonel.

His Excellency Sir H. Bulwer, K.C.M.G.,
Lieutenant-Governor of Natal.

Inclosure 2 in No. 25.

Sir,

Government House, Natal, July 31, 1875.

I HAVE it in command from Major-General Sir Garnet Wolseley to inclose, for your information, a copy of a despatch received by him from the Secretary of State for the Colonies, and to inform you that his Excellency directs you, in accordance with that despatch, to make a careful inquiry into the charges preferred by the Bishop of Natal against Mr. John W. Shepstone with reference to his conduct in attempting the arrest of Matyana in 1858.

Those charges will be found in a letter from the Bishop to Sir Benjamin Pine, dated 23rd July, 1874, and in a letter to the Earl of Carnarvon, dated 6th August, 1874, of which copies are inclosed.

His Excellency considers that the *onus probandi* lies with the Bishop of Natal, by whom these charges have been preferred, and directs that you should call upon the Bishop to substantiate any statements made by him, of which Mr. Shepstone denies the accuracy.

The Bishop of Natal and Mr. J. W. Shepstone have been informed that the inquiry will be of a private nature, its object being to enable Lord Carnarvon to deal with the matter. No reporters will be admitted, nor will any lawyer be permitted to examine or cross-examine witnesses. The Bishop of Natal and Mr. J. W. Shepstone will each be permitted to have one friend present during the inquiry, but he will not be permitted to speak to the witnesses, or to address you as the officer holding the inquiry.

The inquiry will commence at Maritzburg on the 2nd August, at such hour and place as you may appoint.

I have, &c.
(Signed) HENRY BRACKENBURY, Major.

Colonel Colley, C.B.,
&c. &c. &c.

Inclosure 3 in No. 25.

Sir, Downing Street, April 22, 1875.

I HAVE received Sir B. Pine's despatch of the 24th of February, on the subject of the charges brought by the Bishop of Natal against Mr. John Shepstone with respect to the Chief Matyana.

Without entering upon the question whether the Bishop, in publishing his book in this country, reiterated his charges against Mr. Shepstone after the withdrawal of the latter from legal proceedings, I think it due to Mr. Shepstone, as he withdrew his action against the Bishop at my request, and left the decision upon the matter in my hands, to act upon the understanding conveyed in my despatch of the 19th of November, by pronouncing my own decision when the whole case shall have been laid before me. With this view it becomes necessary that a careful inquiry should be made into the charges preferred by the Bishop against Mr. Shepstone with reference to his conduct in attempting the arrest of Matyana in 1858; and I think that, under all the circumstances, this inquiry might be best conducted by one or more of the senior officers of your staff who accompanied you on special service to Natal.

I have, &c.
(Signed) CARNARVON.

Major-General Sir Garnet Wolseley, G.C.M.G., K.C.B.,
&c. &c. &c.

Inclosure 4 in No. 25.

List of Witnesses examined at Matyana Inquiry.

Called by the Bishop of Natal—

- *Deke
 - *Umpupuma
 - *Njuba
 - Matsoi
 - Faten na Tole
 - Magwaza
 - Gwazizulu
 - Um Tabagaz
 - Itomoi
 - *Mlamula
 - Nguza
 - *Nozu
 - *Matsona
 - Saikanba Mapisi
 - Um Faku
 - *Neamane
 - Umtambana
 - Umbombo
 - *Madhloi.. ..
 - Nomatyina Tyina.. ..
 - Umfoza
 - Uggissmiani
 - Umkosana
 - Mozeni
- } Men of Matyana's tribe, who were present with Matyana at the attempt on him.
- } Men of Langalibalele's tribe who were present at the affair on Mr. Shepstone's side; of one of these, Umtambana, the Bishop wished it to be on record that he had held no communication with him before he appeared at the Inquiry.
- } A son of Putini's, present with Mr. Shepstone's force.
- } One of Matyana's tribe, but present on Mr. Shepstone's side.
- } Zulus, from Zululand, called to speak to the use of the words "Wotshona," &c.
- } Unimportant.

* The statements of those marked thus have already appeared in print.

Called by Mr. T. W. Shepstone—

The Secretary for Native Affairs.

Mr. John Taylor .. Son of the late Mr. Shepstone, present at the affair
as a boy of 9 years old.

Nozityina .. A head man of Mr. J. Shepstone, present.

Lagaga .. A follower of Nozityinas, present.

Matendyeke .. } Men of Matyana's, and present with him.

Magwaza (gwazana) } ..

Umvamela .. One of Matyana's tribe, but a policeman or spy in
Government employ; present.

Hermanns .. } Government policemen; present.

Linilani .. } ..

Yamela .. One of Mr. T. Shepstone's men; spoke to former
statements by Deke.

(Signed) G. POMEROY COLLEY, Colonel.

September 10, 1875.

Inclosure 5 in No. 25.

Summary of Evidence taken at the Matyana Enquiry.

THE object of this inquiry, so far as my duties are concerned, is defined by the conditions of my letter of instructions, dated July 31, 1875, viz., to make a careful inquiry into the charges preferred by the Bishop of Natal against Mr. J. W. Shepstone, with reference to his conduct in attempting the arrest of Matyana in 1858, such charges "to be found in a letter from the Bishop to Sir B. Pine, dated July 23, 1874, and in a letter to the Earl of Carnarvon, dated August 6, 1874." I consider, therefore, that my inquiry is confined to the actual circumstances attending and immediately preceding this attempted arrest, and does not extend to subsequent events, or to the circumstances which have ultimately led to this inquiry; circumstances, moreover, with which Lord Carnarvon, for whose information this inquiry is instituted, is already fully acquainted.

Before proceeding to examine in detail the evidence which has been given before me, I would say a few words on its general character and value. Various causes combine to make the present investigation one of peculiar difficulty. Apart from the disadvantages under which one always labours in carrying on an examination and cross-examination through an interpreter, the length of time which has elapsed since these events took place is a principal cause of difficulty. The memory of the most truthful witness cannot be altogether depended upon after such a lapse of time, and small discrepancies will necessarily occur. On the other hand, such an incident as forms the principle subject of this inquiry, certain to be constantly narrated and much discussed, insensibly assumes a form and a colour not altogether its own; the various original versions of the story gradually merge into one, and that, usually, the most highly coloured one, which is accepted and repeated, and ultimately even believed by those who originally gave materially different versions. Thus, neither discrepancies on the one hand, nor concurrence of testimony on the other can be altogether relied on as test of the truth of such a story.

Again, the principal events took place either during or immediately before the excitement of a murderous conflict; and any one who has had occasionally to sift critically the account of a battle, or of the smallest skirmish, knows well how conflicting and untrustworthy the narratives of the actors often are; even when of quite recent occurrence, when witnessed by large numbers, and when related by men of unquestionable honour and veracity, the accounts will differ so much that it is often difficult even to believe that they refer to the same event. Lastly, this is a case in which partizanship must necessarily enter. The followers of the excited Chief remember his escape and subsequent outlawry, and the fate of many of their comrades might be expected to give the darkest colour to what they deemed an act of treachery; while the opposite party might equally be expected to exaggerate the danger of their position, and the necessity for the measures resorted to.

It is necessary to keep in mind these disturbing causes, and be prepared to make allowances accordingly in weighing the evidence given on this occasion.

Thirty-four witnesses were examined at the inquiry, of whom 24 were called by the Bishop of Natal and 10 by Mr. Shepstone. Excluding 5 who were called only to speak to collateral circumstances, and the Secretary for Native Affairs, who spoke to the preliminary transactions only, there remain 28 who were actually present at the attempted capture. Of these 18 were with Matyana on the occasion, and 10 with Mr. Shepstone. Of these 10, however, 3 belong to the tribe of Langalibalele, on whose behalf the present question was raised (one being still a refugee), and one is a son of Putini. So far, therefore, as witnesses may be supposed to be biassed by tribal feeling or attachment to their chiefs, 22 out of 28 might be considered adverse to Mr. Shepstone. Mr. Shepstone, indeed, is peculiarly placed in that almost the whole of his party on the occasion were of Langalibalele's tribe, and are thus, in the immediate object of this inquiry, adverse witnesses almost as much as his opponents. On the other hand, however, there is the effect which the position occupied by Mr. Shepstone, both as a magistrate and as brother of the Secretary of Native Affairs might be expected to have on the minds of some of the witnesses. I have endeavoured to give both of these their due weight in estimating the value of the evidence given before me.

I shall not examine in detail the value of the evidence given by each individual witness, but there are a few whose evidence calls for special remark.

I have excluded *Ncamane's* evidence absolutely. His statement made before me was diametrically opposed in almost every important point to that previously made to the Bishop; and I believe his evidence given here to be as essentially untruthful as that printed in the Bishop's pamphlet.

There are several other witnesses whose evidence I consider almost equally untrustworthy, though I have not altogether dismissed it. One of these is *Nozityina*. I shall have occasion to refer to his hereafter, so will not say more of it here. Another is *Noju*. His statement, given late in the inquiry, is curiously in accord with what had been given before, and at variance with his own former statement. Points which agree with what previous witnesses have made are re-enforced; those which disagree are softened off and attributed to hearsay.

Two other witnesses to whose evidence I attach little value are *Girazana* (Magiraza) and *Umbombo*, but their evidence is not sufficiently important to call for special remark.

There are many others whose evidence is of very doubtful value, but I mention these to explain my referring so little to them hereafter.

The circumstances immediately under investigation may be considered to begin with the meeting between the Secretary for Native Affairs and the headmen of Matyana's tribe near the Izituli Kraal. Matyana having been accused of complicity in the murder of Sigatiza, one of his tribe, and having refused or failed to appear to answer to the charge when summoned, his location was traversed by a Government force, his cattle and those of his tribe seized, and he himself had fled for refuge to Zulu-Land. Mr. John Shepstone, at that time, held no permanent appointment under Government, but was temporarily employed in command of the native contingent; and when the bulk of the Government forces had returned, remained with a small force in Matyana's location. His position there was in no way magisterial, but purely of a military character; and, in all dealings with the natives, he acted rather as the agent or executive officer of the Magistrate, Dr. Kelly.

The Secretary for Native Affairs, as stated in his evidence, was sent to Matyana's location to convey the Governor's decision to the tribe. This decision was that they should be allowed a period of probation—until they had reaped their next crops—in which to give up Matyana, failing which the tribe would be dispersed. The surrender of Matyana to answer the charge against him was the condition of their continuing to occupy their location. Other witnesses relate in greater detail what passed at the interview, but the accounts are substantially the same. Mr. Shepstone is stated to have expressed regret for the tribe, and to have held out hopes to them of recovering their location and cattle; but made the attendance of Matyana a condition. No direct message was sent by Mr. Shepstone to Matyana, but what had passed was communicated to him, as the Secretary for Native Affairs assumed it would be, though in terms bearing a slightly more favourable interpretation than would those used by Mr. Shepstone. Matyana's Indunas told him "that Mr. Shepstone had been there, and had wished very much to give a decision concerning him if only he had been present; and that, therefore, he ought to return and come home." The condition imposed that Matyana must

surrender or be given up to answer a charge of murder against him, is softened into that the tribe "ought to contrive some plan for inducing Matyana to return, that the charge might be talked over." Urged apparently by his tribe, "who were lamenting much after the 'imbya' in their deserted kraals," Matyana "consented and crossed over to this side," and opened communications with Mr. J. W. Shepstone, who had remained with a few men after the return of the Secretary for Native Affairs. According to some witnesses, Matyana first sent to Mr. Shepstone to "ask for a place to live in"; according to others, Mr. Shepstone sent to call Matyana; in any case, the result was an interview at a place called Delizela, at which Mr. Shepstone was attended by only three or four unarmed men, while Matyana was accompanied by a large force fully armed. At this meeting, according to witnesses on both sides, Matyana asserted his innocence, and produced witnesses in support of his assertions; and Mr. Shepstone urged him to surrender himself at Ladysmith to prove it, offering to accompany him. But Matyana pleaded fear of the Magistrate, Dr. Kelly, and refused. Mr. J. W. Shepstone, however, was convinced of his innocence, and wrote (February 16), "I beg leave further to state that my opinion, drawn from the evidence of the many witnesses produced, is that Matyana is innocent of the murder." The interview was friendly throughout; they shook hands at meeting and parting, and an ox was given to Matyana for food when he went away. Mr. Shepstone, at this time, held a warrant for his arrest, but did not attempt to execute it, for reasons given in his letter of February 16. "I should have apprehended him had it not been for the reasons I have given, viz., that he was attended by upwards of 300 armed men, was himself armed, and did not any of them lay down their arms during the interview, which must have lasted several hours."

That Matyana was suspicious and unwilling to meet Mr. Shepstone, except with precautions that would secure him against capture, is shown by the evidence of Njuba and others. There is a conflict of evidence as to whether word was sent to Matyana that he might bring his assegais, but no safe conduct is mentioned by any one on this occasion. It is also sufficiently clear, from the tenor of the messages which passed before the meeting, and from the fact that Matyana took no advantage of having Mr. Shepstone in his power at the meeting, that he came with no hostile designs, but simply to try and come to terms and obtain permission to return to his location; and that the arms were carried for defence in case of an attempted seizure, not for offence.

Mr. Shepstone reported this interview and his belief in Matyana's innocence in letter dated February 16, referred to above, to which a reply was sent on the 22nd from the Secretary for Native Affairs, approving of his conduct on the occasion, and continuing—"The immediate object of the Government in reference to the murder case is to institute such a full and complete investigation into the circumstances as shall enable the Magistrate to decide who are the parties it is most proper to bring to trial in connection with it; and the Lieutenant-Governor requests that you will consult with the Resident Magistrate as to the best means of accomplishing this end, avoiding any course, however, which may appear calculated to require the use of force."

Before the receipt of this letter, a second meeting was arranged and took place at Izituli, a point a little nearer than Delizela to Mr. Shepstone's headquarters, at which Mr. Shepstone again was attended by a small party only, while Matyana was accompanied by a large armed force. On this occasion, however, according to the evidence of two witnesses, Matyana's men laid down their assegais, though close at hand and within reach. Mr. Shepstone again urged Matyana to go to Ladysmith and appear before the Magistrate, and even offered to take him to Pietermaritzburg to see the Governor, and bring him back safe; but Matyana again pleaded fear. On this occasion Mr. Shepstone also found fault with Matyana for coming armed. The meeting was amicable as before, and Matyana again received an ox for food on his departure. At neither of these meetings does there appear to have been any serious intention of attempting the arrest of Matyana, though they may have been looked upon as useful preliminaries to such a step; and Mr. Shepstone seems still to have trusted rather to inducing Matyana to come in voluntarily to Ladysmith.

A meeting was next arranged between the Magistrate, Dr. Kelly, and Matyana to take place at Mr. Shepstone's camp, at which the men who had been given up by Matyana as the murderers and the policemen who had reported the murder to Dr. Kelly, and were accused by Matyana of misrepresentation, were to attend and

be confronted with Matyana's witnesses. On this occasion Matyana had been promised a safe conduct, but the object of the meeting is shown by Dr. Kelly in his letter of March 8:—" Hoping that by means of a quiet interview between Matyana and myself, his arrest at some other meeting might be more easily effected." Matyana, however, did not attend, but sent in an induna with his principal witnesses, excusing himself on the grounds of fear. "The Klip River tiger (Dr. Kelly) had bitten him so severely he could not come to see him."

The investigation, however, was proceeded with in Matyana's absence, as "the induna was accompanied by five of the parties accused of murder." There is nothing in Dr. Kelly's letter to show the view he took of Matyana's guilt or innocence, as the retention of the three prisoners (Ndhloloti, &c.) as Queen's evidence might refer equally to the "five of the parties accused of murder." But it is evident by the general tenor of the letter referring to the "operations now being instituted for the apprehension of the Chief," that there never was any intention of departing from the original decision requiring that Matyana should appear in person to stand his trial.

Dr. Kelly subsequently returned to Ladysmith, leaving the three prisoners and the policemen at Mr. Shepstone's camp.

When declining to meet Dr. Kelly, Matyana had expressed his willingness to meet Mr. Shepstone alone; Mr. Shepstone accordingly sent to Matyana to inform him of Dr. Kelly's departure, and to call him to come to him, this time apparently with the full intention of attempting to seize him, if practicable. Matyana, however, still hung back, and several days elapsed and many messages passed before the final meeting took place at Nomakabela on the 15th March.

Hitherto there had been no material difference between the statements of Mr. Shepstone and his witnesses, and of those called by the Bishop. They have been substantially in accord upon facts, though these have received a slight colouring according to the bias of the narrator. But from this point a close examination of the evidence becomes necessary, and it is first important to ascertain exactly the views and intentions of the two parties at this final meeting.

Mr. Shepstone was in receipt of the letter from the Secretary for Native Affairs, dated 3rd of March, authorizing him to "carry into effect the warrant for the apprehension of Matyana, issued by the Resident Magistrate of Klip River, and in your possession." Mr. Shepstone's letter of the 24th of February to Dr. Kelly, which is referred to, unfortunately cannot be found, so that it is not clear whether any special manner of executing the warrant had been proposed, though this may be inferred from the general tenor of this letter, and of Dr. Kelly's letter of March 8, already quoted.

On the 11th March, Mr. Shepstone writes, reporting Matyana's refusal to meet Dr. Kelly, and the proposed meeting with himself. In this letter he states his views distinctly. "I am prepared to seize him (Matyana), should he come here unarmed; but, in consideration of the lives of those under me (having only thirty men, and six of which alone have guns), I could not attempt it should his men come armed, as the odds would be too great, and would end in inevitable defeat." In the "statement" made before this inquiry he speaks of himself as "determined to execute the warrant handed to me by the Magistrate for the arrest of Matyana himself on a charge of wilful murder at all risks;" but during the inquiry he explained that he was determined not to meet Matyana unless he came unarmed. Dr. Kelly's letter of the 8th March, already referred to, shows that the proposed manner of seizing him—viz., at what might be supposed by Matyana to be a friendly conference, such as that arranged between himself and Dr. Kelly, was at least in accordance with the views of Mr. Shepstone's immediate superior, the Magistrate whose warrant he was called upon to execute.

As regards the anticipated action of Matyana, however, the statements of Mr. Shepstone and his witnesses are not consistent. The letter of the 11th March is full of rumours of *resistance* to any attempt to seize Matyana. "He has with him a large armed force." "Should an attempt be made to seize him, he has declared his intention of taking the lives of the whole party, together with my own." "His men have again been sworn either to die with him or kill us all." He told them "he would come strongly armed, as he knew that the Government are trying to catch him." The "statement," however, goes further, and speaks of an *offensive* plot on the part of Matyana. "Having a day or two previous received authentic information to the effect that at a large meeting held by Matyana, it was decided that at the interview myself and party were to be put to death." This rumour is

not mentioned in Mr. Shepstone's "report" of 17th March, 1858, made two days after the event, and is only confirmed in evidence by *Nozityina*, already mentioned as a most untrustworthy witness, and *Linelani*. *Nozityina* says that Vamela came to call him the night before the last meeting to tell him that Matyana and his people meant to kill Mr. Shepstone and party; that they were to sit down in front of them, and on the expression "kurzu kubenini" ("when is it to be?"), were to jump up and do it, adding, "our eyes were now opened to Matyana's intentions, and why he was always armed." But *Nozityina* is contradicted in all important points by Vamela himself, as well as by other witnesses who were present. *Vamela* denied ever having heard of any "signal," and his report was merely of rumours of *resistance*, in case of an attempted seizure; that Matyana's army had urged him to go and not be afraid, because they could kill both Shepstone and his few followers." And this version is confirmed by *Hermanus*, who says, "Vamela reported that Matyana intended to come armed, as he attributed his escape on previous occasions to having carried assegais, and that his army urged him to go, saying, do you think one little white man can take you before us?"

Linelani also made reference to the signal for the supposed attack, but his words seemed to be an afterthought, and contradicted his original statement, which agreed with those of *Hermanus* and *Vamela*.

Lastly, the details of the arrangement for the meeting, at which the best-armed men were sent to a point in rear and out of sight, where they could have rendered no assistance in case of a sudden rush on Mr. Shepstone and party, while only a few men, and these unarmed, remained with Mr. Shepstone to meet Matyana and his people, do not accord with the supposition of an anticipated attack.

Matyana's actual views and intentions may be gathered pretty clearly from various sources. He seems from the first to have fully understood his danger, and to have anticipated that an attempt would be made to seize him whenever it could be made with any chance of success. At the first two interviews, he went accompanied by such a force as put it out of the question, and he only came to the last unarmed on the strong persuasion of his people, and their assurance that they could protect him still against so small a force. Perhaps, also, on this occasion, his suspicions were partially lulled by the knowledge that the prisoners and policemen had at last been sent to confront him, and were in Mr. Shepstone's camp. He does not seem to have understood, or to have attached any value to, a safe conduct, for, on the two occasions on which it was offered to him, he refused to avail himself of it; and all through, if he did not distinctly understand that his surrender was the only condition on which his tribe could return, he at least realized that he was the principal obstacle. On various occasions he is represented as hanging back, while the tribe, eager to return, urged him on, and on the last occasion he complained that they were sacrificing him. Icle and the other great men persuaded him, and he yielded to them; but he said, "You do this because I have no father (to protect me), since you are leading me into danger; it is very much against my will;" and the words he is said to have used after his escape partake as much of reproach as of sarcasm against the men who had led him into the danger.

That he had no personal enmity against Mr. Shepstone may be deduced from the fact that he was willing to meet him when he refused to meet Dr. Kelly, and that on two occasions when he practically had him in his power he did not harm him. Lastly, it is clear from the whole tenor of the messages that passed, that what brought him back from Zululand and alone induced him to attend the several meetings at some risk to himself was his desire, and still more the desire of his people, to be allowed to return to their old locations, an object certainly not to be obtained by killing Mr. Shepstone and his party.

No evidence is adduced of any such intention. *Nozityina's* story is not only worthless as hearsay, but is contradicted by the person on whose authority it was in all probability given, and is directly opposed to it.

I now pass to the actual occurrences of the day.

Having determined to attempt the seizure of Matyana on this occasion, Mr. Shepstone formed his plans beforehand. The meeting was only to take place on the condition that Matyana's men left their assegais behind. *Lagaqa* says, "The plan was that the horsemen should be put out of sight and ready to seize the assegais of Matyana's men. I suggested that Matyana should be invited to the kraal and seized, his people remaining behind; but others said he will never agree to that and is coming with a large party of armed men. It was then decided that a few only should be with Mr. Shepstone, the rest remaining out of sight in the huts to come

forward if required when the attempt was made to seize Matyana." Nozityina and Setyata were appointed to seize him. In accordance with this plan the mounted men took up their position behind a ridge about two hundred yards in rear of the kraal in the morning.

Early in the day Matyana made his appearance on a ridge opposite but a little distance from the kraal with all his men, several hundred in number armed. Every man of the tribe is said to have turned out, old and young, as they hoped this day would settle the matter. Several messages passed between Mr. Shepstone and Matyana, Mr. Shepstone refusing to talk with Matyana unless he came unarmed, and Matyana refusing to leave his assegais. Witnesses speak of rumours which had reached Matyana of guns being brought up and preparations made for his capture; others speak of his having been frightened by words used by one of Mr. Shepstone's policemen or messengers. From whatever cause he was suspicious and very unwilling to leave his assegais; and was only persuaded to do so at last by the words of Nogobonyeka, a messenger from Mr. Shepstone, and the strong pressure of Tole and the great men of his tribe; supported apparently by the reports of two men whom he had sent to reconnoitre Mr. Shepstone's party, and who reported that there was no large force with him. Ultimately, however, he yielded, and the assegais were deposited at a spot about a quarter or half a mile from the place of meeting.*

Whether all the assegais were left there is disputed. Every witness called by the Bishop asserts positively they were. *Noyu* and *Mabara* indeed in their first statement say that the man who afterwards stabbed Mr. Shepstone had a short assegai ("isinquidi," assegai with the handle broken off near the blade) "which he had hidden without Matyana's knowledge, as had one or two others; the rest had none,"—but in examination stated that this was only hearsay. Another witness also stated he heard some few had hidden assegais. But all agree in asserting that within their knowledge there were no assegais, long or short, brought on to the place of meeting, except three of Matyana's, which were carried openly.

Of Mr. Shepstone's witnesses, one only, *Magwaza* (a Gwazana), speaks directly to Matyana's men bringing assegais to the meeting-place. He states that one regiment disobeyed orders and brought them on. I have already given my opinion of this witness; on this particular point his evidence was so full of contradictions and so confused as to be worthless.

The other witnesses say they did not see any brought to the meeting, but argue some must have been brought, because they were produced during the fight, and found lying on the spot afterwards.

Mr. Shepstone in his Report says:—

"At the moment my men attempted to lay hold of him short assegais were raised on all sides to rescue him," but no reference is made to this in his statement.

Nozityina states that he saw no arms in the hands of Matyana's men, either before or during the fight, yet gives a circumstantial account of how two regiments came armed, some carrying one, some three or four, assegais; and how, in order to conceal these arms, the unarmed men and boys in front remained standing until the armed regiments behind had sat down. He states, however, that he found assegais in great numbers lying where the regiments in the rear had been sitting on his return, and that Mr. Shepstone's men had picked up some when they first ran forward.

Vamela, *Quagaga*, and *Hermanus* speak to having seen numbers of assegais on the ground. The two former speak of Mr. Shepstone's men stopping to pick them up and arm themselves with them as they pursued Matyana's men; the last says he saw them as he returned with a prisoner over the ground; that there were a great number of assegais, long and short, the long ones predominating, and that he saw Mr. John Taylor picking them up. *Hermanus* also states that he rode through a party of six young men, all fully armed, who, however, did not attempt to hurt him.

Mr. John Taylor states that he went over the ground immediately after the fight and picked up all the assegais that had been left, some eight or nine. He only remembered one long one, but several short or broken ones.

Lastly, there is the fact that Mr. Shepstone himself and two of his men were wounded.

Mr. John Taylor's evidence, to which in this, as in other points, I attach special

* See Sketch.

importance, is widely at variance with that of Mr. Shepstone's other witnesses, but in no way conflicts with that of Matyana's men. According to the Kafir mode of fighting with assegais—sometimes throwing, sometimes stabbing—a certain number of assegais (many broken) are always left lying after a fight. Nor is the fact that Mr. Shepstone and two of his men were wounded of much weight. It is possible, and even probable, that here and there a man may have kept his arms contrary to Matyana's orders; and in any case, in a confused skirmish such as that which is described, a sufficient number of assegais would probably have been picked up or wrested from their opponents to account for these wounds.

But to accept the statement of Mr. Shepstone's other witnesses is to assume that a considerable number of men—one or more regiments—went to the place of meeting carrying concealed arms, especially to guard against any sudden attack or attempt against Matyana, and that when the event they were prepared for took place, they left their arms on the ground, made no fight, though outnumbering their assailants nearly ten to one, and suffered themselves to be slaughtered without resistance. The heavy loss suffered by Matyana's men, the small loss inflicted on their assailants, and the fact that the only man who really showed a bold front called on his men to get arms from the huts of their opponents, and was killed in the attempt to do so, seems to furnish the strongest evidence on this point.

Having deposited their arms near the stream, Matyana and his men advanced to the place of meeting. Mr. Shepstone was sitting under a tree about thirty yards in front of the kraal. He is described as seated on a chair, with a skin on the ground in front of him. Under the skin was concealed a double-barrelled gun, and he had also a pair of pistols. Nozityina and Selyata were immediately by his side, unarmed. Ndhloloti and the other two prisoners, who had been sent to confront Matyana and his witnesses at the proposed interview with Dr. Kelly, were also there, and the policemen were with the mounted men. Umgabo, an uncle of Matyana, and Umsoti, a petty Chief or head of a kraal of the same tribe, who had not followed Matyana, but had adhered to Government, and had been sent for on this occasion by Mr. Shepstone, were also there with their men, on the right of and a little apart from Mr. Shepstone. Mr. Shepstone's force is estimated at about thirty, of whom ten were in ambush behind the hill; but this would seem to refer to his own immediate followers only, and if Umgabi's and Umsiti's men be included, the number must have been considerably more. There are slight discrepancies in the evidence as to whether all the men were originally outside with Mr. Shepstone unarmed, and went in to get their arms during the interview or on a signal, or whether they were mostly concealed in the huts from the first. This, however, is unimportant. It was part of Mr. Shepstone's plan to make no show of force, but to have his men ready with their arms at a moment's notice to support the attempt to seize Matyana. The late Mrs. John Shepstone was also present part of the time, and passed between the spot and the huts; her two children, John and Mary, the former about nine years old, the latter a year or two older, were in the huts behind. Mr. Shepstone's horse was saddled and ready for him behind the huts.

As Matyana and his men came up marching by regiments and took their places some of them commenced crying, "Tiza, Tiza, wotshona, wotshona!" or "Waminza, waminza!"

Various interpretations have been put upon this. Mr. Shepstone, in his "Report," says, "They approached in the most insolent manner, using expressions of great contempt, for which I at once took them to task." In his "Statement"—"The majority of Matyana's men called out in an insolent tone, 'Waminza, waminza, wotshona lapa,' meaning 'You will bite the dust, you will bite the dust, you will die now.'" According to the Bishop's witnesses, this was said by the youngest regiment, or "boys" only. *Umpupuma* describes it as "a game of theirs which they were accustomed to play at home, saying, 'Tyi, tyi, you are drowned now;'" and that Matyana explained it as such when called to account by Mr. Shepstone, "Sir, it is just their play, they are not saying it to you." Others speak of it as the "insiga"—motto or cry of that regiment, always used when approaching their Chief. In support of this, the "insigas" of all Matyana's regiments were given by various witnesses, and three Zulus were called to prove that one or more of Cetywayo's regiments also have the same "insiga." On the other hand, the Secretary for Native Affairs, when asked about it, stated that "Wotshona" was not in his experience a salutation to a Chief, but an expression of insult; and that he had never heard it used except as such by one man to another when quarrelling or fighting.

There is nothing necessarily conflicting in this evidence: the meaning of the words is said to be, "You go down," or "You drown"—expressive of triumph or defiance, as are other cries of regiments which were given. Much would depend on the manner and tone in which it was uttered, and words which might be commonly and harmlessly used before their Chief might naturally, under the circumstances, be made to convey, or be understood as, threats and insults. It is clear, at least, that Mr. Shepstone so understood them, by his remark to Matyana at the time.

Matyana seated himself a short distance in front of his people and immediately opposite Mr. Shepstone, at a distance of from 5 to 10 yards. Beside him and a little advanced were some of his principal indunas. It was observed that he kept his eyes always watchfully fixed on Mr. Shepstone while shading his head from the sun with a small shield, and that he sat uneasily, shifting his legs, as if always ready for a spring. The men closed up in a thick mass behind him; at first they had formed somewhat of a semicircle, almost enveloping Mr. Shepstone's party, but Makasi, one of Mr. Shepstone's men, drove back the boys who formed the flanks, and made them sit together. After some remarks about the cries already mentioned, Matyana asked that they might come at once to the matter for which he understood he had been called, viz., to discuss the question of the murder of Segatiza. Ndhlolote and the other prisoners then came forward, and Umpako and Nozwana, on behalf of Matyana, disputed with them on the subject of Matyana's complicity in the murder of Segatiza.

During this discussion Matyana is alleged to have given the signal for the attack on Mr. Shepstone and his party. Mr. Shepstone, in his "Report," makes no reference to this. In this "statement" he says, "A signal was agreed upon to be made by the Chief for the massacre, and was actually twice repeated at the meeting, but fortunately for us not acted upon;" and, "the signal 'kwizukubenini,' translated 'when will it be?' was, as I have already stated, twice repeated. I then gave my signal for some six or seven mounted men," &c.

Nozityina says: "Matyana then spoke to me, and said, 'I have been called to Delizela and to Izituli, and here, and when is it to be?' 'kwezu kubenim' being the words which Umramela said he would use." . . . "On Matyana's using these words, Sondhloon jumped up," &c. Vamela denies all knowledge of the signal, and only "supposes it was a signal because at that moment Sondhloon jumped up." Vamela in his evidence in chief had mentioned that at that moment the horses were heard.

Lagaga says: "Matyana said to Nozityina, 'You have been deceiving me. You called me to Delizela and to Izituli, and now here, and when is it to be?' and at that moment Sondhloon called out, 'Let us aim at their huts, and catch this little white man and his wife.'"

Several of the witnesses on the other side speak to Matyana's having used the words referred to, but only with reference to the matter they had come to discuss. One witness alone, Mahor, denies the words having been made use of.

But the statement of *Nezityina* and the others is at variance with that of Mr. Shepstone himself, and with the course of events as described by every witness. Mr. Shepstone says the signal was twice given but not acted upon, whereas they make it only once given and immediately acted upon. Mr. Shepstone makes his signal for the apprehension of Matyana, following after Matyana's words, the opening of the struggle, Sondhloon's rush following in the attempt to seize Matyana; whereas they make that rush the first overt act.

There is, therefore, evidence that the words were used, but none to prove that they were intended as a signal; and, on the other hand, abundant evidence that even if so intended they were not acted upon.

I now come to the actual attempt on Matyana, and it is at this stage, where so much depends upon minute particulars of time and detail, that the real difficulties in sifting the evidence begin.

According to the version repeated with minor variations by the witnesses called by the Bishop, the sound of horses first attracted their attention. While looking round, half-risen and expectant, two shots were fired in rapid succession; the first while they were still sitting or half-risen, the second after they had risen. These shots are said to have been fired by Mr. Shepstone at Matyana, but missed him, the first hitting Deke and the second Matonga. Simultaneously or nearly so with the first shot, Matyana sprang up and bounded over his men, while *Nozityina* and *Setyata* started immediately to seize him, but failed. As Matyana's men rose and turned to run away, Sondhloon called on them to arm at Mr. Shepstone's huts, and made a rush

for the kraal, where he was killed. The rest made for the spot where they had left their assegais, but found Mr. Shepstone's mounted men there before them. At the same time the rest of Mr. Shepstone's party ran on them, stabbing and killing them, while a third shot was fired, but without effect. Being turned from their assegais and unarmed, they were driven and pursued to a considerable distance, with the loss of some thirty of their number.

According to Mr. Shepstone's account the signal to the mounted men to ride round, and to Nozityina and Setyata to seize Matyana were given first. Matyana, who was on the alert at once, bounded over the heads of the nearest of his people. "All his men rose and formed a barrier between the Chief and my party. Sondhloon, being on my left, and only a few yards from my camp, said, 'Are you running from your own people? Let us arm with theirs.' A simultaneous rush was made by mine for their assegais, which they, being nearest, secured. Seeing the whole force turn on Sondhloon's order, I took my gun from the ground at my feet, and, pointing perpendicularly, discharged both barrels. . . . The discharge of my gun, together with the riding past of the mounted men, completed the panic." In the Report he says: "After running about 50 yards they all turned and gave the shout of defiance. . . . I fired over their heads, thinking it would frighten them, but of no avail." According to both Mr. Shepstone's accounts, therefore, the shots were fired consequent on Sondhloon's rush for the huts, which again took place after the attempt to seize Matyana. I may here observe that the words, "but of no avail" which occur in this Report are not very intelligible. They are not only directly at variance with the statement which says that the shots "completed the panic," but with the very next sentence of the same Report, which speaks of pursuing Matyana.

I shall now examine *seriatim* the evidence as to the time and sequence of the events and their details.

Of the witnesses called by the Bishop, all who were present spoke of hearing two shots fired immediately after their attention had been attracted by the sound of the horsemen riding on Mr. Shepstone's signal to the spot where the assegais had been left, but concealed from view by the fall of the ground; and fourteen state that they saw Mr. Shepstone fire one or both shots.

They are also almost unanimous as to the moment when the shots were fired; the first while they were half risen and watching, and before they were up; the second, when they had risen, and as they turned, both shots before Sondhloon's charge for the huts. There are, however, two somewhat important exceptions, whose evidence requires special mention.

Gwazizulu states that he was sitting next to Sondhloon; that he was looking round, when suddenly borne down by Sondhloon, who rose, calling out, "Why are you running?" and at that moment heard the gun. The words here attributed to Sondhloon agree closely with those given by Mr. Shepstone; and this evidence would place Sondhloon's call simultaneous with, if not antecedent to, the firing of the gun.

Umtumbana, who was one of Mr. Shepstone's followers at the time, says he and others went to the huts for their arms on Mr. Shepstone's signal, as Matyana's men half rose at the sound of the horses, and the shot was fired as he came out of the huts with his arms, and after Matyana's men had risen and turned to run. He was, however, examined with a view to show that what he took to be the first shot was really the second, as he only heard one shot then; and the examination left this point doubtful.

Mr. Shepstone's witnesses place the time of firing later.

Gwazana (Magwaza) states that he heard the shots after he, in common with others of Matyana's men, had made a slight rally.

Nozityina states that he heard the report of the gun after he was in the crowd, attempting to seize Matyana. I have, however, been obliged to class these two witnesses among the very unreliable ones.

Vamela stated that Mr. Shepstone fired two shots into the air as the horsemen made for the assegais; but in cross-examination stated, he only saw one shot fired as he came out of the huts, where he had run for arms.

Lagaga gives a somewhat similar account to *Vamela's*, and also, in cross-examination, states, he only saw one shot fired into the air.

These two witnesses were cross-examined with a view to show that the shot they saw Mr. Shepstone fire was a third shot, referred to by other witnesses, as having been fired a little later, and without effect.

None of the evidence given on this point by Mr. Shepstone's witnesses was very clear or satisfactory; but they all agreed with the Bishop's witness, Umtambana, in having heard no shot until they came out of the huts, where they had run for their arms, after Matyana's men had half risen.

Of the witnesses called by the Bishop, who say they saw Mr. Shepstone fire, the majority speak positively to his firing at Matyana.

Umpupuma says, he saw Mr. Shepstone point and fire at Matyana.

Njuba, in his original evidence, says, "as we turned looking around . . . Mr. John's gun went off, he meaning to hit Matyana;" but, in examination, states, that he saw both shots fired, and that Mr. Shepstone was sitting and in the act of rising when he fired the first, but had risen when he fired the second.

Madhloi says, that he saw Mr. Shepstone fire, pointing his gun at Matyana.

Umtambana says, that he fired, pointing at the people.

Um Jabagazi, *Homoi* and *Nomatyina Tyina* speak equally distinctly to Mr. Shepstone having fired at Matyana, and describe Matyana's position at the moment.

Two other witnesses also speak to it, with less detail.

It is noteworthy that, of the number of witnesses who speak with such detail of the acts of Mr. Shepstone and Matyana at this moment, comparatively few saw the attempt of Nozityina and Setyata to catch Matyana. Yet it is asserted, on both sides, that it was made, and, from the relative position of the parties, Nozityina must have passed almost directly in front of Mr. Shepstone in making it.

Maboi says, he did not see Nozityina, though sitting close enough to Matyana to touch him.

Five witnesses only speak of it; the others either pass it over altogether, or state they did not see it.

Njuba states, that Nozityina started forward as first shot was fired, and second was fired as he attempted to seize Matyana.

Matendyeke did not see them rise, "but they were suddenly among them,—a shot first, and then the two men."

Umpupuma and *Nomatyina Tyina* give evidence nearly similar to that of *Njuba*.

On the other hand Mr. Shepstone made the signal to Nozityina and Setyata to catch Matyana, and their rising to do so was the first act in the struggle; and Nozityina and Vamela corroborate that the attempt was made before a shot was fired.

I am particular in examining the evidence on these points, because a great deal turns on them.

As regards the instant of firing, *Deke* says he was wounded by the first shot, as, or after, Matyana climbed over him, is, when he was several yards in rear of the spot where he originally sat; others, however, place the shot earlier.

Hamoi says Mr. Shepstone fired at Matyana as he jumped up, and both shots were fired before Matyana passed him (*Hamoi*).

Nomatyina Tyina states that he saw Mr. Shepstone take the gun from under the skin and fire at Matyana, "as Matyana was in the act of springing."

Madhloi's statement makes no mention of any movement on either Matyana's part or that of the people before the shot was fired, and implies that Matyana was still in his place when the shot was fired. "It was said to Matyana 'the Inkos asks why you did not come at once when called?' Immediately Mr. John fired at Matyana, but missed him."

Um Tabagaz is more definite; he states that the moment they heard the horses Mr. Shepstone took up the gun and fired at Matyana, "where he sat." When the second shot was fired Matyana was up and running.

As regards the moment of Nozityina's attempt to seize Matyana, Mr. Shepstone makes this the first act, immediately subsequent to the signal being given to the horsemen.

Nozityina makes it subsequent to Matyana's men having risen, but before any shot was fired.

Vamela says that, on Matyana's men rising at the sound of the horses, Mr. Shepstone gave the word to Nozityina to seize him.

Um Tambana says that Nozityina and Matyana rose simultaneously, the latter on hearing the sound of the horses, the former on seeing him rise.

Umpupuma says the attempt was made "as soon as Matyana jumped up, on Mr. John's firing that shot which struck Deke in the knee."

Njuba says that *Nozityina* started forward as the first shot was fired.

Nomatyina Tyina says *Nozityina* rose at the same time as the second shot.

The general tenor of the evidence given by the witnesses called by the Bishop therefore, and what the Bishop accepts as his version of the occurrence, is that Mr. Shepstone fired at *Matyana* as he sat, or was in the act of rising, and before *Nozityina* had risen to seize him; in other words, that the attempt made that day was not to *catch* *Matyana* but to *shoot* him.

It has been seen that this is directly contradicted by Mr. Shepstone, and two of his witnesses; but of these one at least is not very reliable. But in judging of this, which is certainly the most important point in the inquiry, as far as Mr. Shepstone is concerned, a careful weighing of all the evidence, indirect as well as direct, is necessary.

I have already pointed out the circumstances which tend to weaken the effect of direct testimony in the present inquiry, and I have therefore been careful, as each point of dispute came before me, to give full prominence to all indirect or presumptive evidence.

It is necessary, therefore, in the first place, to consider to what extent the observation and memory of witnesses can be relied on for the sequence and details of events which took place in rapid succession during the excitement and confusion of a surprise and short but murderous struggle, and that seventeen years ago.

In the next place the circumstances antecedent to, and leading up to, this attempt have to be considered. It has been shown that Mr. Shepstone from the first exerted himself to bring *Matyana* into Ladysmith with a view to having his case decided; that, so far from having any hostile feeling towards *Matyana*, he interested himself on his behalf, offered to accompany him personally to the Lieutenant-Governor, and be security for his safety, and represented that he believed him innocent; and that *Matyana* seems to have so far appreciated this as to be willing to meet him when he was unwilling to meet his magistrate. Mr. Shepstone had in his possession the Secretary for Native Affairs' letter of the 22nd February, showing the Governor's views, and a warrant for the apprehension of *Matyana*, and the last instructions he received were those of the Lieutenant-Governor to carry out this warrant. Mr. John Taylor states that he frequently heard plans discussed for catching *Matyana* and bringing him to Maritzburg without bloodshed. Three witnesses called by the Bishop, *Umtambana*, *Umbanbo*, and *Madhloi*, corroborate directly or indirectly what all Mr. Shepstone's witnesses are agreed on, viz., that the object of this meeting, as of all the preceding operations, was to bring *Matyana* to Ladysmith to stand his trial; and in the details of the prearranged plan, the men whose business it was to seize *Matyana* are specially mentioned. Yet, if the version we are examining is correct, at the last moment, with no cause whatever assigned, this long-considered purpose was suddenly departed from, and an attempt made as directly at variance with the instructions of the Government as with Mr. Shepstone's previous acts and intentions. The supposition that Mr. Shepstone fired at *Matyana* after the attempted seizure had failed, would be almost as contrary to the evidence of the most circumstantial of the Bishop's witnesses as to the statement of Mr. Shepstone himself.

Such is the presumptive evidence, supported by the direct testimony of Mr. Shepstone and two witnesses, which has to be considered in opposition to the testimony of numerous witnesses called by the Bishop, who assert that they saw Mr. Shepstone fire at *Matyana*.

The evidence regarding *Sondhloon's* rally and rush for the huts has next to be examined, as it has an important bearing on the time of Mr. Shepstone's shots; being, according to Mr. Shepstone's statement, the immediate cause of his firing. All accounts agree that *Sondhloon*, who was sitting some way on the right of *Matyana*, and rather nearer the huts than the bulk of his people, did call on *Matyana's* men to rally and arm themselves with the arms of Mr. Shepstone's men; that he rushed forward himself, more or less supported by *Matyana's* men (most of whom, however, by their own account, seem not to have shown equal courage); that he was stabbed at the huts, dragged himself into one, where he was subsequently found and tended by Mrs. Shepstone, and died there. Mr. Shepstone's witnesses make this rush the first act of the struggle, simultaneous with their running to their huts for their arms; and several accounts represent *Sondhloon* as met and killed by a man coming out of the huts at the moment.

Gwazizulu, who sat next *Sondhloon*, makes it take place before he himself had risen, while still looking round on account of the sound of horses; he was "borne

down" by Sondhloon, and could not immediately free himself. Mr. Shepstone's statement makes it consequent on the attempt to seize Matyana, and simultaneous with his own men running to get their arms. Most of the Bishop's witnesses place it a little later, immediately after the first backward rush. Mr. Shepstone's "Report" says:—"After running about fifty yards they all turned and gave the shout of defiance, and said let us go up to the huts and arm with their assegais." This, however, makes it later than any other account, and would imply that Sondhloon fought his way back sixty or eighty yards before he was killed. It would rather seem that there was a sort of wave of resistance, beginning on the right where Sondhloon was, and gradually taken up along the line.

Lagaga says that the men immediately in front of Mr. Shepstone's party and in the centre ran away, while those on the flank turned and tried to rush on. And Sondhloon's words, "Let us arm at their huts," would seem to fix the time as simultaneous with Mr. Shepstone's men for their arms. At a later period they would have had no sense.

These discrepancies are, however, not more than could naturally arise in attempting to describe accurately what happened in such a scene of confusion and excitement, and only serve to show the difficulty of assigning the exact order of sequence of events occurring under such circumstances.

I have now to examine the evidence as to the effects of Mr. Shepstone's two first shots, which, according to the published statements, struck two of Matyana's men, Deke and Matonga, wounding the first in the knee, and killing the latter on the spot.

Six witnesses speak directly to Deke's wound or fall: *Deke* himself. *Umpupuma*, who says he did not see Deke wounded, but assumes he was because he was lying there. *Um Tabagazi*, who afterwards found him at the stream and bound his wounds. *Noyu*, who saw Deke "lie wriggling." *Sakomba Mafusi*, who saw Deke lying, and when they turned for an instant saw him running on hands and knees trying to rise; and *Nomatyina Tyina*, who says that after the smoke of Mr. Shepstone's shots cleared away he saw Deke lying trying to rise; that he was still there when Mr. Shepstone's men ran on them stabbing, &c., and that he passed him afterwards as he ran forward himself.

On the other hand, there is the evidence of Mr. Shepstone, and of Mr. John Taylor and four of Mr. Shepstone's men, who crossed the ground during or immediately after the fight, and state that there was no one left wounded there but Sondhloon. The scar of the wound in Deke's knee was also examined by medical men, and two army surgeons having given different opinions—the one ascribing it to a bullet, and the other to an assegai—he was examined by a medical board, consisting of an army surgeon and the district surgeon, who gave their opinion that "the wound had been caused by a sharp penetrating instrument, probably an assegai, because of the shape and parallel direction of the scars."

Deke himself stated that he was wounded in the knee by the first shot fired as or immediately after Matyana climbed over him; that he fell back and swooned; that as he was about to rise, having come to himself, he was stabbed with an assegai, and fell back again on the spot; that he swooned again, and remained lying there till near sundown, "when it became chilly."

Um Tabagaz states that he found Deke at a stream about one and a-half to two miles from the kraal; that he helped to bind the wound in the knee, which was that of a bullet, and afterwards helped Deke to a kraal, distant about six miles. When examined as to the time, he stated that it was near sundown when he found him, the sun just going behind a ridge; that he (*Um Tabagaz*) first ran for the assegais, on being stopped by the mounted men, tried to get round, and made another attempt to reach them, and on being turned again, went down the ridge to the stream where he found Deke before him. *Um Tabagaz's* movements, as described by himself, seemed to have been rapid, and not much time had elapsed between his leaving the place of meeting and reaching the stream where he found Deke.

Seeing the distance from the kraal to the stream, and that Deke was badly wounded in the leg and side, there appears to be some discrepancy between the statement of Deke that he remained lying in a swoon on the place of meeting for a considerable time—till near sundown—and the fact of his reaching the stream before *Um Tabagaz*.

Mr. John Taylor, to whose evidence as regards the assegais I have already referred, states that he came out of the huts after the firing, and after the horsemen had passed; and the fact of his seeing his mother pick up a pistol and return it to

Mr. Shepstone, who was then just riding away from the kraal, taken in connection with other evidence, fixes the time as very close after the first rush. He states that they went to the spot where the men had been sitting and found assegais, &c., which he picked up. He also mentions Sondhloon being found in the huts; but he says there was no one else left there dead or wounded, and that he must have seen had there been anyone, as the place for about 200 yards was quite open.

Nozityina, who was prevented by his hurt from joining in the pursuit, gives similar evidence as to no one remaining there, and *Vamela* adds a remark which will not fail to carry some weight with those who have had experience of Kafir fighting: "No one was left wounded on the ground. How could there be? anyone left would certainly have been finished."

Hearsay or common report has also been adduced in support of Deke's statement of the manner in which he was wounded; and, on the other hand, Mr. Shepstone called two witnesses to prove that Deke had made different statements on former occasions, admitting he could not say how he was wounded.

The evidence regarding Matonga's wound is more meagre. He is said to have been hit but not killed by the second shot, and to have reached a stream or gully about 200 yards off, where he died from an assegai wound. That two sons of Mbengana, Matonga and another, were killed during the fight, seems undoubted, but to ascertain the manner of their death under such circumstances is not easy; and in this case, it is evidently almost impossible for Mr. Shepstone to bring directly adverse evidence to combat any account given. The value and trustworthiness of such account must, therefore, depend largely on the circumstantiality and accord of the witnesses who speak to it. But at the very outset, the three witnesses (or five, if the joint statements be taken separately), whose evidence has been printed by the Bishop, and on whose statements a cross-examination might have been based, all withdrew those statements as hearsay, and corrected or modified them.

Noju's Mabona's statement, as printed in the Bishop's pamphlet, says, "Mr. John fired again, and the bullet entered the head of the son of Mbengana, and he died on the spot." Before the inquiry he, Noju, states that he saw him stagger and rise again, but did not see the wound, and Malona gave similar evidence.

Umpupuma, in his original statement, says, "he (Shepstone) fired again at once, and the bullet went into the head of the son of Mbengana, and his brains were scattered about." This circumstantial account is also modified before the inquiry into "saw him fall, but did not see the wound."

Njuba and Mlamula in their printed statement say, "he (Mr. Shepstone) hit Matonga, the son of Mbengana, in the breast, and Matonga ran and went to die just across the stream." Before the inquiry, Njuba corrects this, says the wound was in the leg, and attributes his statement to hearsay.

Noma Tyina Tyina, the last witness examined, speaks to having seen Matonga fall, and before Mr. Shepstone's man had closed with Matyana's, and drag himself along the ground, until Mr. Shepstone's man overtook him, stabbing and killing, and to having seen the body the following day, and examined the wound, which was in the leg, and, in his opinion, was from a bullet which had broken the leg.

Umtambana says he saw a man fall to the shot which he heard as he came out of the huts, and that the man fell about 20 yards from where they had been sitting. He saw no one else down, all rose up. He was under the impression that this man was Deke, but could not say. He was examined by the Bishop to show that the shot which he saw was the second one (see ante), and the man he saw fall was Matonga, and his evidence might bear that interpretation; but in this case Umtambana's evidence must be added to that against Deke having been left wounded; "there was no one else left, all rose up."

The discrepancy between the statements regarding Matonga is attributed to the fact of their having been two sons of Mbengana both killed, and both struck by bullets; the one struck in the leg and afterwards assegaied, the other in the head. But it also proves the difficulty of ascribing with certainty to any particular source a wound received in the midst of such confusion. And if hearsay or common report is given any weight in Deke's case, it must be given the same here, where five witnesses, who speak by common report of Matonga's wound, all represent it differently from the witness who speaks to have seen it.

There is other evidence given incidentally during the inquiry which bears on the question of how these men came by their wounds, and the opportunities of observation of the witnesses who speak to their fall. It is admitted on both sides

that some thirty men of Matyana's were killed, some of these by the police at the assegais, who were armed with guns. One, the other son of Mbengana, is specially mentioned as having been shot there.

The first rush was a scene of the greatest confusion. *Lagaqa*, on Mr. Shepstone's side, describes Matyana's men as "scrambling over one another when running away;" and *Noyu*, of Matyana's men, similarly describes the confusion: "Several fell over one another." "I could not get away myself on account of the numbers crowding over me."

Matendycke also says, "Many fell in this first rush; difficult to say who were hit."

During this confused rush from the place of meeting and to the assegais, some of Mr. Shepstone's mounted men rode through the crowd. *Hermanus* says: "Myself and two others rode to Mr. Shepstone, the eight others to the assegais. We found Matyana's men already running. We rode through the kraal, and straight for the stream," and describes his firing at a man near the stream.

Gwazizulu, one of Matyana's party, says as he got a little way back he was passed by a man on horseback, Kumbeni (one of Mr. Shepstone's mounted party), who rode through them, and might have killed him easily, but did not. This was before they reached the place where the assegais were left.

On the subsequent events there is little or no dispute. Sondhloot's bold attempt having failed, Mr. Shepstone's armed men fell upon Matyana's unarmed men, and dispersed and pursued them, killing some thirty of them. Ndhloloti and his two companions, the prisoners sent to be confronted with Matyana's witnesses, joined in the pursuit and massacre. Some of Umgabo's men, men of Matyana's own tribe, seem also to have joined; but *Nomatyina tyina* says that, after accompanying Mr. Shepstone's men a short distance, he turned and went home sick and sore at heart at what he had seen. Mr. Shepstone himself mounted hastily, and rode off after them, still intent on catching Matyana, and calling on his men not to kill, but only to follow Matyana. In the pursuit he was badly wounded by a man of Matyana's, who had either concealed an assegai originally, or obtained one during the skirmish; but he allowed this man to escape, and saved him from his followers, who were eager to kill him. That evening and the next day he called in a considerable force from the neighbouring kraals and tribes, anticipating an attack from Matyana; but Matyana fled back to Zululand, where he has since remained; and on the 19th March the Lieutenant-Governor of the Colony issued a Proclamation deposing Matyana from his chieftanship, proclaiming him an outlaw, and breaking up and removing his tribe.

(Signed) G. POMEROY COLLEY, Colonel.

Government House, Maritzburg, September 3, 1875.

Inclosure 6 in No. 25.

Sir,

Bishopstowe, August 26, 1875.

I HAVE the honour to forward, as desired, the remarks which I have to make upon the evidence, oral and written, which has been produced at the recent enquiry, ordered by the Secretary of State for the Colonies, into the circumstances attending the attempted arrest of Matyana by Mr. John Shepstone in the year 1858.

I have, &c.

Colonel Colley, C.B.,
&c. &c. &c.

(Signed) J. W. NATAL.

I desire to explain in the first place the position in which I consider myself to stand in respect of the present enquiry.

Sir B. Pine has said that I have brought "the most serious charges" against Mr. John Shepstone,* and the statement has been repeated since by others. Strictly speaking, however, I have brought no "charges" against him. But I have laid before the Government, here and at home, depositions made by native witnesses respecting an Act said by them to have been committed by Mr. John Shepstone in former days, which appeared to me to be true statements, and I have done so under the following circumstances:—

* Rem. p. 363. [N.B.—By "Rem." reference is made to my "Remarks upon the Official Record of the Trial of Langalibalele."]

The statements in question were made to me while engaged in the defence of the late chief Langalibalele, who was tried on a capital charge, and condemned to be transported for life, by a Court in which the Secretary for Native Affairs was sitting as one of the judges, practically as the judge, and in which Mr. John Shepstone himself acted as Government Prosecutor; and they were made to me when I required an explanation of the fact that the prisoner had pleaded fear as the excuse for an act of disrespect towards a Government native messenger, which would otherwise, if not so excused, have shown a malignant and rebellious purpose. In the discharge of the duty imposed upon me by my sense of the wrong and injustice which was being done to my fellow-man, I brought this matter again and again to the notice of the chief authorities concerned, as set forth in my letter to the Hon. Col. Lloyd, Acting Colonial Secretary, dated July 23, 1874, which forms part of the record* in these proceedings—but without any result, the plea in question being persistently treated as groundless and false, a mere “pretext,” “alleged belief in a mere rumour,” or perhaps as a genuine “belief in an untrue story,” and Sir B. Pine saying “he had heard the excuse offered for the offence of stripping the messengers,” that is, making them take off their coats, lest they should have about them a hidden gun or pistol, “as Mr. John Shepstone had at the arrest of Matyana”; † but he “looked upon it as an aggravation of the insult and crime, that it should be supposed that this Government could be guilty of treachery.”

When, however, at last Langalibalele had been transported to Robben Island, and I was still considering what further steps it might be necessary for me to take on his behalf, Mr. John Shepstone by letter dated 23rd July, 1874, “called upon me to retract unreservedly the aspersions” ‡ I had made upon his character, and declared my statements to be “as untrue as unfounded,” and subsequently through his solicitor he demanded from me “an immediate full and unqualified retraction of the libel falsely and maliciously published” § by me, threatening me with an action at law, and laying his damages at one thousand pounds. This proceeding left me no alternative but to lay the matter formerly before the Lieutenant-Governor, requesting that he would order an enquiry to be made into the truth or falsehood of the allegations in question; and, when he declined to do so, I could only report the whole to the Secretary of State, whose despatches to Sir B. Pine upon the subject, with the replies, form also part of the record in this case, except that the receipt of Sir B. Pine’s reply, dated December 31, 1874, to Lord Carnarvon’s first despatch upon the subject (No. 134 of the 19th November) has apparently not been acknowledged, though another reply ¶ from Sir B. Pine of the same date (December 31, 1874) on other matters has been duly acknowledged.

It is Lord Carnarvon himself, however, who, of his own accord, has ordered this inquiry. I did not request him to do so after learning his decision in the case of Langalibalele, nor, when I left England, and until the order actually reached this Colony, had I any reason to expect that this particular course would be adopted in the matter. I did, indeed, seek Lord Carnarvon’s “protection” under the circumstances, by which I meant that, in view of the threatened action at law, or of any such inquiry, my witnesses should be secured from all unfair interference, and the same facilities given me under the Native Department for procuring the attendance of witnesses as would be possessed by Mr. John Shepstone. But, when I left England in December last to return to Natal, I was informed in Downing Street that Mr. John Shepstone’s statement in his own defence, forwarded to England by Sir B. Pine, would be sent for my consideration so soon as Mr. John Shepstone consented to submit himself to Lord Carnarvon’s judgment, in accordance with the despatch of November 19, 1874, in place of which, however, this inquiry has been instituted, as being “due to Mr. Shepstone,” not in compliance with my request.

I repeat, therefore, that the course which Lord Carnarvon has thought proper to adopt in this case is wholly his own. And I apprehend that this inquiry, though of necessity directed mainly to the question whether Mr. John Shepstone fired at Matyana or not, is not chiefly concerned with the character of the act imputed to him, described by the Secretary for Native Affairs as of a “treacherous murderous” nature, ¶ but involves the far more serious question whether that act, if really com-

* Official Record of the Trial of Langalibalele, p. 35; Sentence on Langalibalele, Rem., p. 342, Judgment of Court of Appeal. Parliamentary Papers (C.—1121), Secretary for Native Affairs, p. 25, § 33.

† Official Record of the Trial of Langalibalele, p. 3.

‡ Rem., p. 360.

§ Rem., p. 373.

¶ Parliamentary Papers, April 1875 (C.—1187), pp. 3 and 4.

¶ Parliamentary Papers, February 1875 (C.—1121), p. 24, § 27.

mitted, was suppressed by Mr. John Shepstone at the time in his official Report, was further suppressed by him when he appeared last year as Government Prosecutor against a prisoner on trial for his life, who pleaded it as a very important part of his defence, but found his plea treated by the Court, through Mr. John Shepstone's silence, as a mere impudent "pretext,"* and has been finally denied by him to the Secretary of State himself, and is still denied, down to the present moment. Such an act as that ascribed to him, if duly reported at the time, might, I am well aware, have been justified by some, or at least excused, on grounds of public policy under the circumstances, though I for my part should utterly dissent from such a view. In that case, however, it would have been unfair and unwarrantable to have reproached Mr. John Shepstone at the present time for an act which had been brought properly under the cognizance of his superiors. But the present inquiry, as I conceive, has chiefly in view the question whether the facts really occurred as Mr. John Shepstone reported at first officially, and has since reaffirmed officially, or not.

I must premise that I have had considerable difficulty in procuring the attendance of witnesses on this occasion. The simple order of Mr. John Shepstone, invested, as he must be, in the native mind, with all the weight and all the terrors of the magisterial office, and with the additional influence derived from the fact of his having only recently filled, during his brother's absence in England, the office of Secretary for Native Affairs, with the highest—almost despotic—authority over all the natives in the Colony, would suffice by the mere lifting up of his finger to bring down to Maritzburg at once any natives whom he desired as witnesses. I, on the contrary, had no such influence; I had no power at all to insist upon the attendance of witnesses; I could only *ask* them to come, and, if they came at my request, they would know that they were coming, as it were, with a rope around their necks. and if they were proved to have borne false witness, calumniating foully so high an official, they had every reason to fear that their punishment would be severe, from which no word of mine could save them, even if in such a case I had wished to do so. As the Administrator of the Government at first "left entirely in my hands the obtaining the witnesses necessary to substantiate the charges made by me,"† I sent to those whose statements I had already submitted to Lord Carnarvon, and who (with one exception, Neamane, one of Mr. John Shepstone's dependants) made no difficulty as to coming. I sent also to Matyana in Zululand, requesting him to send me some additional witnesses of good character, who had been indunas or messengers, or prominently concerned in the matter; and his Excellency at my request sent to ask Cetywayo to send down Matyana himself, "with messengers to accompany him," promising him safe-conduct to and fro; and a similar safe-conduct was sent to the Free State at my request for another important witness, Umgijimi, one of Mr. John Shepstone's indunas on the occasion. Matyana, however, and Umgijimi were both too ill to come; but Cetywayo sent several of Matyana's men, with two messengers of his own, as desired, "to accompany them," bringing also the reply to his Excellency's request with reference to Matyana; and Matyana sent a man to tell some others of his tribe answering to the above description, but still living in this Colony, to go down to Maritzburg and give their evidence. The messenger, however, was stopped in his work by the officer in charge of the location, because he had come from Matyana, and was sent down with a policeman to the Secretary for Native Affairs in Maritzburg; he arrived in Maritzburg on Monday evening, on the day (August 2) on which this inquiry began, and saw the Secretary for Native Affairs on Tuesday; but it was Thursday evening before I had even heard of the circumstances, when the man found me out in town and came to me, saying that he was told by the Secretary for Native Affairs to go back at once, as he had nothing to do with this business. I detained him (Maboyi), however, to give his evidence.

On representing the matter, and further stating that, in consequence of this action, all my other witnesses from Matyana's people in this Colony were deterred from coming, his Excellency at once sent through the Secretary for Native Affairs to summon the men in question, except seven of them who had been already called by Mr. John Shepstone, and were already, though I was not aware of the fact, in his hands at the time in Maritzburg. That these witnesses—Matendeyeka, Faku, Gwazizulu, Maywaza, and three others not examined for want of time—should have been called by Mr. John Shepstone as well as myself, was satisfactory to me as showing that they were witnesses to whom no objection could be made on the score

* Official Record of Trial, p. 35.

† Letter from Major Brackenbury, R.A., June 7, 1875.

of character or position in the tribe, or as having been in any way, directly or indirectly, influenced by myself, so that in their case, at all events, there would be no room for the application of Sir B. Pine's axiom, when in writing to Lord Carnarvon in reference to this matter he said: "The native statements were all *ex parte*, and it is well known that the natives shape their answers and give their statements so as to meet the wishes and views of the party who wants their information." But the result is that, as these men have been in Mr. John Shepstone's hands from the time they reached till they left Maritzburg, I had never even seen them or had any communication with them until they appeared to give their evidence. I was wholly ignorant beforehand of what they would say or what they could say; I knew not whether they would confirm or contradict the story told by my other witnesses; and I knew not on what particular points, if any, they could give special evidence, and was therefore unable to ask the questions which might have elicited such evidence.

I must add that some other important witnesses, directed to be summoned on my behalf through the Secretary for Native Affairs, arrived (for some cause which I cannot explain) too late on the day (August 21) when the evidence was closed, and during the two following days.

Of the twenty native witnesses examined by me sixteen belonged to Matyana's force (ten living in this Colony and six in Zululand), and four belonged to Mr. John Shepstone's force (three living in this Colony and one in the Free State). Besides the above, Cetywayo's two messengers and a Zulu refugee were called by me to explain the meaning of the phrase "wotshona" ("you shall go down"), or "wominza" ("you shall drown") as used by Matyana's regiment of young lads when they came to Mr. John Shepstone, which he regarded as highly disrespectful, and his view was confirmed by the Secretary for Native Affairs. But these three Zulus declared it to be perfectly innocent, being merely a regimental cry, and used habitually by certain regiments when they came into the presence of their King. The two messengers, at all events, with their master's honour in their hands, would hardly be likely to give false testimony on a trivial matter like this, and in the presence of the Representatives of the Governor of Natal.

I shall now make a few remarks on the evidence given by some of these witnesses.

Deke exhibited his leg, which showed the marks of a wound above the knee, where he had been struck, he said, by the first bullet fired by Mr. John Shepstone. He did not see him fire, but he received the wound as Matyana jumped over him; and he concludes that Mr. John Shepstone fired, because he sat before him and no one else had a gun. The marks have been examined separately by two military surgeons, one of whom (Dr. Maunsell) states his opinion that the wound was made by a bullet; the other (Dr. Carlaw) thinks it was made by an assegai. They have been since examined by a Board of two surgeons, one a civilian (Dr. Gordon), the other (Dr. Cotter), a military surgeon, and these two are also of opinion that the wound was "caused by a sharp penetrating instrument, probably an assegai." From this conflict of opinion I can only conclude that after so great a lapse of time the marks left by the wound are not sufficiently distinct to allow of surgical experts speaking with positive certainty about it. But there remains *Deke's* own statement as to the time and place when he was wounded; the evidence of a number of witnesses* who saw Mr. John Shepstone fire at Matyana, that is, in the direction of *Deke*, or who saw *Deke* fall at the time and left him upon the ground; the evidence of the man† who found *Deke* that evening, when he had crept away some distance (about one-and-a-half mile) from the place where he fell, and who dressed his wounds, and helped him (five or six miles) to the hut where he slept. There is also the further fact that this wound of *Deke* was well known to the natives of those parts,‡ and has all along been popularly ascribed to the bullet in question. And it is difficult to see why such a story should have arisen unless it were true; the idea of its being a mere invention contrived to support a charge against Mr. John Shepstone being at once set aside by the fact that nothing was ever heard by white men about the charge in question, and probably nothing would ever have been heard about it but for the plea of Langalibalele; whereas the story of the origin of *Deke's* wound was known to the natives§ years before, from the time when it was said to have happened, and the

* Njuba, Mpupuma, Mabozi, Madhloi, Homoi, Mlamula, Ngwza, Noju, Mabona, Sikombamafosi, Faku, Ndabakaai.

† Ndabakazi.

‡ Nguza, Faku, Ndabakazi, Magwaza.

§ Nguza, Faku, Ndabakazi, Magwaza.

matter was, of course, supposed to be known to and probably approved, or at least condoned, by the Government. In fact, the very terms in which Mr. John Shepstone's gun was referred to by Langalibalele and his people, not first when they had been eaten up and the Chief was brought to trial, so as to have been merely invented for that occasion, but when he was a free man in his kraal, and had no expectation of falling into the hands of the Government:—"They were afraid he might have the same pistol which Mr. John Shepstone had when he arrested Matyana."* "He was afraid we might have a gun or pistol about us, as Mr. John Shepstone had when he arrested Matyana."† "They thought I had a gun hidden away in my possession, as Mr. John Shepstone had at the arrest of Matyana,"‡ sufficiently show that the fact of Mr. John Shepstone having fired with effect, and not merely fired "over the heads" of Matyana's people, or fired "perpendicularly" into the air, was well known among the Amahlubi, of whom some, as the witnesses Ntambama and Mbombo, were actually present as part of his force on the occasion.

But that Deke, who told me his story a year ago as he tells it now, knowing that I should use it for public purposes—an old man of the very tribe which Langalibalele's people had helped to eat up—should put himself voluntarily in danger of the most severe punishment by coining deliberately a malicious lie against the brother of the Secretary for Native Affairs, at a time when he stood almost alone in his testimony, and not supported by the cloud of witnesses who have now confirmed his account, in order to assist my efforts on behalf of Langalibalele, is simply incredible.

In any case, whether Deke was hit by the first bullet or not, the witnesses declare distinctly that they saw Mr. John Shepstone fire at Matyana, and not "perpendicularly" into the air.

Mpupuma stated that Matonga, son of Mbengana, was hit by Mr. John Shepstone's second shot in the head; but on being recalled he said that he had only "heard" this, his informant or himself having probably confounded the two sons of Mbengana,|| who were killed on this occasion, of whom one was shot through the head by the mounted men. The same remark applies to the printed statement of Noju and Mabona, which was also corrected.

Mpupuma also said that Matyana carried his own assegais, whereas others¶ said that they were carried for him. But, on being recalled, he said that he never saw Matyana during the march from the place where they laid down their arms, as he and Matyana went in different regiments.

Maboyi says that Matyana's assegais were carried by Faku and Nomgoza, who "put them down by Matyana, but openly, not hidden." But Faku says that he kept them all the time. Perhaps Nomgoza put down those he carried. *Maboyi* also was sure that Matyana did not say "Kwozakubenini" ("When will it ever be?") the supposed signal for the massacre of Mr. John Shepstone and his men, and he "must have heard it if he did, as he sat very near him." But others** say that they did hear him use the expression, but only with reference to the matter of the murder which they had come to discuss, meaning, "When will this matter come to be talked over, instead of these trifles about the boys saying 'Wotshone,' &c.?" Either *Maboyi* from some cause did not hear the words, or he meant that they were not spoken separately, as a signal for attack on Mr. John Shepstone and his people, but only in connection with the matter in hand.

Ntambama says that, as he came out of the huts behind with his arms, he saw Mr. John Shepstone fire the first shot, and heard the third shot, but did not hear the second shot; and at the time the shot which he saw was fired Matyana's people were all standing up, and he "saw a man fall about 15 yards off, but did not know it was Deke." Now, when the first shot was fired, according to the other witnesses,†† Matyana's people had only half risen, having been startled by the sound of the horses galloping by out of sight, and having, many of them, risen upon their knees to look in the direction where they heard the sound. This would imply a discrepancy between *Ntambama's* story and theirs, were it not plain that, as the

* Official Record of Trial, p. 12.

† Ibid., p. 13.

‡ Ibid., p. 26.

§ *Maboyi*, *Njuba*, *Ndabakazi*, *Homoi*, *Mlamula Nguza*, *Noju*, *Mabona*, *Sikombanafosi*, *Faku*.

|| *Maboyi*, *Noju*.

¶ *Njuba*, *Mlamula*, *Maboyi*, *Faku*, *Noju*, *Mabona*, *Magwaza*.

** *Njuba*, *Ntambama*, *Matendeyeka*.

†† *Deke*, *Matendeyeka*, *Faku*, *Gwazizulu*, *Nguza*.

first two shots were fired (as is admitted) very rapidly one after the other, if he had heard the first shot as he came out of the huts, he must have heard the second also. As he heard only one of these two shots, it is evident that what he thought was the first shot was really the second, at which time Matyana's people had risen to their feet, having all started up when the first shot was fired; and by that second shot, according to my witnesses,* Matonga was wounded in the thigh, and staggered a little way when he fell, and was afterwards assailed by Mr. John Shepstone's men. And so, when recalled, Ntambama stated that he saw Nozityina and Setyata try to seize Matyana, but they failed. "He and they started up at the same moment—he, because he heard the horses [perhaps, because he saw Mr. John Shepstone reach down his hand to take the gun]; they, because they saw that he was running away and leaving them." And this attempt was made, according to the witnesses,† immediately after the first shot and before the second.

Thus the apparent discrepancy, when explained, helps really to confirm the truth of the whole story as told by my witnesses.

Ntambama also, when recalled, estimated the distance from the huts to the place where the horses stood hidden, as about 60 yards, whereas Qinelani estimated it as 500 or 600 yards. I believe that the latter estimate errs in excess as the former does in defect, and that the distance was really about 200 yards. But the matter was of no importance, and Ntambama, as one of Mr. John Shepstone's force and Langalibalele's brother, must have known well enough where the horsemen stood, and, though he made a bad guess at the distance, had not the slightest reason for dishonestly misrepresenting it.

Noju and Mabona's printed statement was (to save time) assumed to have been reaffirmed by them; but each witness was called and repeated the most important portions of the narrative as within his own personal knowledge. On cross-examination, however, Mabona stated that both he and Noju carried off their sticks; whereas the printed statement says, "All then ran off, Noju and Mabona and many others not even stopping to pick up their sticks." The witness explained that he spoke of "others" leaving their sticks behind; and the very next witness (Faku) mentioned incidentally that he had done so, and had borrowed a stick from Noju, thus confirming their words, "For a while they were for returning, borrowing sticks from one another and picking up stones, for their hands were empty." This discrepancy is unimportant as regards the main question, and is probably due to myself or my amanuensis, who took down their words incorrectly; and either they did not notice the error when the statement was translated to them in the Magistrate's office, or, as the document was of some length, it did not occur to them to correct it at the end of the translation.

They said also that the assegai with which Mudemude stabbed Mr. John Shepstone was "a very short assegai, which he had hidden without Matyana's knowledge, as had one or two others; the rest had none." But, on cross-examination, Mabona said that he thought he might have taken it from the heap of assegais. He explained, however, that he spoke each time from mere conjecture—he could not say how he got it—he knew of no short assegais hidden by Matyana's men. Last year they had been asked to give a full account of the matter, and they did so as well as they could, telling all they knew and all they had heard from others; but they had been warned now to speak only what they knew of their own knowledge.

And the same may be said of all the statements on this subject printed in my "Remarks." They were taken down at different times during the year 1874, without any view to such an inquiry as this, but simply to be used in defence of Langalibalele, for which object it was sufficient that they should be substantially true; and they were taken at a time when Mr. John Shepstone's own official Report (which would have to a great extent answered my purpose on that occasion, proving as it does the exercise of deliberate treachery in Matyana's case by an officer acting in the name of the Government) was not accessible to me, and was not even known to exist, and when I myself was in total ignorance of the whole story, and was only feeling my way, as fresh evidence reached me, to the real facts of the affair. They were taken down, of course, with care, and I believe them all to be substantially true; but my only object then was to acquire trustworthy information on all points concerned, and the witnesses were asked to tell me all they could, both what they knew to be true, and what, on the report of others, they believed to be true. Accordingly, two of them are compound statements, in each of which the facts communicated by two witnesses have been blended into one narrative; and these state-

* Noju, Maboyi, Mabona.

† Njuba, Faku, Matendeyeka, Mpupuma.

ments, vouched by me and by themselves to have been made *bonâ fide*, have been deemed by the Secretary of State of sufficient importance to call for the present inquiry. I submit, therefore, that this inquiry is not intended to ascertain whether these printed statements are correct in each particular detail (except, of course, on vital points where the witnesses speak of their own knowledge), but has been instituted in order to learn from the witnesses themselves, when tested by cross-examination, what facts they can in person substantiate, and thus to elicit the real history of the whole transaction.

With such slight discrepancies as these, which are easily accounted for, and with such variations in detail as would naturally arise from their different positions or relations to the facts in question (one filling up the blanks left by another), my witnesses, with one exception, agree unanimously in one clear, straightforward, and consistent story, which has not been impugned on a single point of importance by Mr. John Shepstone's cross-examination. Here are nineteen men, coming from Matyana's old location, from Putini's tribe, from Lugaju's, from Nodada's, from Zululand and the Free State, who cannot possibly have combined to tell the same story in all its details, which, if false, would have been torn to pieces when so many men of different ages and characters were cross-examined by one who was thoroughly acquainted with all the real facts of the case, who had nothing whatever to expect from me as the reward of lying, but had everything to dread from the Government if proved to have brought a false and foul charge against an officer so highly placed and so powerfully protected; and not the least impression has been made upon the strength of their united evidence, the substance of which may be stated as follows:—

Omitting such details as are of no importance for my present purpose, I consider that the following facts have been proved conclusively by the evidence of my witnesses,* or by the evidence produced on this occasion:—

That, after the eating-up of his tribe, Matyana had escaped to Zululand, and was safe under the protection of his uncle Umpande (Panda), by whom he was kindly welcomed.

That he was induced to return to the Colony through hearing some words which had been addressed to his indunas and headmen† by the Secretary for Native Affairs, who, being examined, said that he expected that they would be taken to him, though not sent as a direct message.

That Mr. John Shepstone, who was left behind in the location with a small native force, and with a warrant for Matyana's arrest on a charge of murder, of which, however, he believed him to be innocent, was resolved to effect his capture at all risks.‡

That Mr. John Shepstone induced Matyana to meet him twice;§ but as, out of fear and distrust of the good faith either of Mr. John Shepstone or of the Government, having received also intimations of danger from his friends,|| he came each time with his whole tribe fully armed,¶ he could not effect his arrest, though he meant to do so, even when shaking hands with him, and giving him cattle.**

That a hope was held out to Matyana to the effect that, if he would meet Mr. John Shepstone unarmed, or give himself up, and go with him to Ladysmith or Maritzburg, he should come back in safety, and might, perhaps, get back his cattle and be allowed to settle down again in his old kraals.††

That Matyana and his people were persuaded at last to come to a third meeting unarmed, though he came with very great reluctance, under the urgent advice of one of his headmen, Nogobonyeka, who came to him from Mr. John Shepstone.‡‡

That, while sitting in apparently friendly conversation upon the matter of the murder, Mr. John Shepstone suddenly drew from under a skin at his feet a concealed double-barrelled firearm and fired twice at Matyana, missing him, but wounding one of his men at each shot.§§

* Homoi, Njuba, Mlamula, Matendeyeka.

† Homoi, Njuba, Mlamula.

‡ Report and Minute, and official letters (1858). Parliamentary Papers (C.—1121), p. 24, §§ 31, 32.

§ Minute.

|| Maboyi, Mabona, Gwazizulu, Faku, Matendeyeka.

¶ Parliamentary Papers, February 1875 (C.—1121), p. 24, § 31.

** Njuba, Nozityina.

†† Noju, Mabona, Mpupuma, Njuba, Matendeyeka, Faku (son of Tole), Nozityina, Magwaza, Gwazizulu.

‡‡ Mpupuma, Njuba, Ntambama, Maboyi, Magwaza, Matendeyeka, Nguza, Faku (son of Tole), Mbombo, Gwazizulu.

§§ Njuba, Maboyi, Ndabakazi, Homoi, Mlamula, Nguza, Noju, Mabona, Sikombamafosi, Faku, Mpupuma.

That the first shot was fired as soon as a party of horsemen, who had been placed in ambush, and by a secret order or sign from Mr. John Shepstone had galloped at full speed behind a ridge out of sight towards the place where the arms had been deposited, appeared in sight in the distance, Matyana's people having been startled by the sound of the horses, and having, many of them, half risen upon their knees to look and listen.*

That after the first shot, upon another sign or order from Mr. John Shepstone, two of his men attempted to seize Matyana, who, however, escaped from their hands.†

That immediately Mr. John Shepstone's force rushed down from the huts behind, fully armed, upon the unarmed naked people of Matyana, who had all risen after the first shot, and crying, "They have deceived us, the wretches," ran away,‡ and, though rallied for a moment by a chief induna, who called them to rush to the huts and arm themselves, having no weapons but their sticks and rubbish and stones which they picked up from the ground, they were overpowered and ran away, a third shot being fired, and perhaps fired over their heads to frighten them, as it hit no one.§

That all this was done "according to a prearranged plan," as Mr. John Shepstone states in his "Report," and as is confirmed by the facts and by the witnesses,|| except as regards the act of firing, which is not mentioned by any trustworthy witness as having been agreed upon beforehand, though Ncamane mentions it.

That of Matyana's men thirty were killed and, probably, a number of others wounded;¶ while of Mr. John Shepstone's force, which attacked a very much more numerous body, only two were wounded, besides Mr. John Shepstone himself, who was wounded by an assegai, which his assailant had plucked out of his own arm.**

It is further evident that this affair created such a deep and lasting distrust in the native mind against the Government, that when after sixteen years another native chief, Langalibalele, was summoned to appear before the Supreme Chief, he was afraid to do so, and pleaded his dread of treachery, referring to this very case. And that the fear and distrust were real on the part of himself and his tribe is shown by the fact that thousands of natives with their chief left their homes, and preferred to encounter incredible hardships, rather than trust the word of a Government which they believed had on this occasion broken faith with men of their own race and butchered unarmed men.

I proceed now to consider the evidence given in support of Mr. John Shepstone's account of the affair.

Ncamane refused to come at my request, and would only come if summoned by the authorities: accordingly he was called through the Secretary for Native Affairs. I was fully prepared for his retracting some portions of his original printed statement, for reasons stated in the postscript to my letter to the Secretary of State,†† but to which I shall not refer further at present, because that part of my letter was not read and put on record. Accordingly *Ncamane* altered his printed statement as follows:—

He had said that Matyana's people "came having no longer their arms": he now said that "they all came armed," and added "even those behind in the farthest rows had all of them arms."

He had said nothing about "short assegais" having been "picked up afterwards": he now said that they were picked up in large numbers (*kw'esabeka*, "it was astonishing").

He had said "how the Inkois had told *Ncamane* that he was going to kill [? 'fire at,' *dubula*] Matyana, and that they must hasten instantly and stab at the flash of his gun." He now said that he "knew of no instructions whatever having been given beforehand by Mr. John Shepstone."

On this last point, however, he is contradicted by Mr. John Shepstone's men‡‡ generally, and by Mr. John Shepstone himself, who speaks in his "report" of his

* Mabozi, Magwaza, Matendeyeka, Faku (son of Tole), Gwazizulu, Mbombo, Ndabakazi, Nguza, Mabona, Faku.

† Njuba, Matendeyeka, Faku (son of Tole), Mpupuma.

‡ Mpupuma, Ntambama, Mabozi, Ndabakazi, Matendeyeka, Faku (son of Tole).

§ Mpupuma, Njuba, Mlamula, Faku, Ndabakazi, Ntambama.

|| Ntambama, Mbombo, Mr. Taylor, Neziyina, Halmansi, Qagaqa, Qinelani.

¶ Minute.

** Ndabakazi.

†† Rem., p. 364-8.

‡‡ Neziyina, Qagaqa, Halmansi, Madhloi, Ntambama, Mbombo, Mr. Taylor, Qinelani.

"prearranged plan," and of two signs which he had given to his men, at one of which the horsemen were to ride up at full speed and secure the arms of Matyana's people, and at another Nozityina and Setyata were to spring upon Matyana and seize him; and Ntambama and Halmansi further state that Ncamane was present when these instructions were given.

With respect to the large number of short assegais left behind by Matyana's people and picked up afterwards, he is contradicted by Mr. John Taylor who says that, immediately after the affair, he picked up all the assegais left upon the ground, and they might be "eight or nine altogether," as also by Vamela who says that on their return they picked up none.

With respect to their "all coming armed," or "even those behind in the farthest rows," the facts contradict him, since in that case certainly there would not have been only two of Mr. John Shepstone's force wounded, and thirty of Matyana's killed, besides (we must suppose) many others wounded. But Mr. John Shepstone and Nozityina both stated that they saw no assegais among Matyana's people, nor, therefore, in all probability did Ncamane.

After the above misstatements I dismiss, as unworthy of credit, Ncamane's assertion that Sondhloob had weapons (a fact mentioned by no one else), as also his statement that he said nothing about Deke in his original report, but "Magama wanted him to say as written."

But Ncamane repeated that Mr. John Shepstone said "*Senilungile*, are you now ready?" as in his original statement, upon which followed in that statement "on their saying 'Yes!' Mr. John fired at Matyana." But he now explained the words as meaning "Are you now ready to fight? because Matyana's men had come armed"—though Mr. John Shepstone and Nozityina saw no arms among Matyana's people.

He stated also that he "did not know what Mr. John did, but he heard him say "Bambani abatayati (? umtagati), seize the villains (? villain)," as in the original statement, where he says that the words were uttered between the first and second shots.

Even Ncamane by these admissions confirms to some extent the story told by all my other witnesses. *Nozityina*, Mr. John Shepstone's chief induna on the occasion of the meeting with Matyana, stated that he was afterwards Mr. John Shepstone's induna at the Magistrate's Court in Greytown. Mr. John Shepstone volunteered some information about *Nozityina's* antecedents, and admitted that he had been dismissed for being "too grasping," but he had since taken him back. *Nozityina*, who did not understand Mr. Shepstone's words spoken in English, denied positively that he had ever been found fault with or dismissed, and asserted that he had continued all along with Mr. John Shepstone from the time of the dispersion of Matyana's tribe to the present day. As he now thus denied that he had ever been disgraced, the exact nature of his mal-practices, in connection with the Magistrate's Court at Greytown, was not ascertained. But I understand that he was dismissed nearly two years ago, and, if since restored to favour, has not been replaced in his office as induna of the Magistrate's Court.

Nozityina represents that Matyana's weapons were brought clandestinely to Izituli, and hidden behind his men. Whereas Matyana had plainly said that he would bring his arms, and the witnesses* make no secret of their having brought them and put them down behind.

Nozityina says that Gwazizulu was sent to call Matyana to the final meeting, and, when he had been absent three days, on the fourth day Lupuzi was sent to summon him. But Gwazizulu himself says that, on the same day on which he was sent, he reached Matyana's kraal in the afternoon, and the next day Matyana started to go and meet Mr. John, and met Lupuzi on the way.

Nozityina says that Vamela came to him in the night and told him that Matyana was coming to meet Mr. John Shepstone with full intention to kill him and his men—that Matyana would say to *Nozityina* "*Kwozakubenini*, when will it ever be?" and that would be the signal for the massacre. But Vamela himself said that he came to *Nozityina* in the afternoon, and was taken by him to Mr. John about sundown, and told Mr. John in presence of the indunas that he had heard from three young men of Matyana's that, if an attempt were made to seize Matyana at the meeting, they were all prepared to defend him and to die with him, and that he had never said a word about *Kwozakubenini* as a signal for a massacre, and had never heard the words till Matyana used them. Qagaqa also, and Halmansi, Mr. John

* Mhoyi, Njuba, Mlamula, Noju, Mafona, Deke.

Shepstone's witness, as also Ntambama, who were all present when Vamela gave his information, heard nothing said about *Kwozakubenini*. And not a word is said about any such sign or any intended massacre in Mr. John Shepstone's report written at the time, or in his letter of March 11, 1858, in which he quotes the information just brought by Vamela as to what the tribe would do "should an attempt be made to seize him."

Nozityina says that Matyana's force consisted of four regiments, of which the last two were armed, some with one assegai, others with four, others with short assegais, and that the unarmed men in front stood up until those behind were seated, and so concealed their weapons. He saw no assegais in their hands, but he knew they brought them, because they left many on the ground which were found after the affair, and "because they stabbed us," that is, wounded two men and Mr. John. But Mr. Taylor said, as before quoted, that he picked up all the assegais left on the ground, and "they might be eight or nine." And my witnesses* declare that they marched in seven regiments, all unarmed, which took their stations side by side, with all their heads in front, instead of behind one another, though their order got confused when they were driven in by Mr. John Shepstone's men into a dense, compact body.

Nozityina states that Sondhloon began the affray by shouting "Let us arm at their huts!" and that Mr. John, seeing that he and his men were making for the huts, then gave the order to seize Matyana. But this is directly contradicted by Mr. John Shepstone himself, who says, in his official Report, that, after Matyana had for some time questioned the prisoners "in anything but a proper manner," he, "according to a previously arranged plan, gave the order to seize him;" and in his Minute prepared for this inquiry says, that after hearing the signal for the massacre (*kwozakubenini*) repeated twice by Matyana, "I then gave the signal for some seven mounted men with guns" to ride up and secure the assegais, and "almost immediately after this I made another sign to two men to apprehend Matyana. All his men rose and formed a barrier between their Chief and my party," and after this "Sondhloon cried 'Let us arm at theirs!'"

There are some other misstatements of minor importance in Nozityina's evidence, as, for instance, that Matyana's staff broke with the stress laid upon it as he sprang away with its help, in which case he must surely have fallen instead of springing on; and my witnesses† say that the staff was not broken, but exists safe and sound in Zululand to this day.

But I have said enough to show the very doubtful character of Nozityina's testimony on any points of importance in this inquiry.

Mr. John Taylor, who was a boy of eight or nine at the time, says that he "saw no wounded nor dead on the spot, and he would have seen them if there had been any."

Perhaps Deke had by this time awaked from his swoon, and got away from the place where he fell; and Matonga is stated to have fallen in a donga (gully).

Mr. Taylor says that he picked up all the assegais that lay upon the ground after the affair; they might be eight or nine, he thinks, long and short; among these, no doubt, were Matyana's one or two small assegais, said to have been left behind;‡ of the others, some, if not all, may have been flung by Mr. John Shepstone's men and not recovered; as, for instance, Noju states that he tried to grab two assegais which were thrown at him, but had to leave them on the ground; or, possibly, as Njuba says, two or three short assegais may have been hidden amongst such a mass of people without Matyana's knowledge, though there is no proof that this was the case.

There is nothing in Mr. Taylor's evidence which really conflicts with the statements made by my witnesses.

Gwazana (Magwaza, Gwazimanzi) states that Mr. John Shepstone, "while still sitting, fired up into the air." But, on cross-examination, he admitted that "he did not see him fire, but only heard the report of a gun above him in the air." He added that "one shot was fired—only one," from which it might be inferred that the shot in question was the *third* shot, which probably was really fired into the air or over their heads as Matyana's people were running away, though Mr. Shepstone was not then "sitting."§ However, the witness "did not see him fire."

* Ndabakazi, Magwaza.

† Homoi, Mlamulu, Mpupuma.

‡ Mpupuma, Njuba, Mlamula, Magwaza, Ntambama, Faku (son of Tole).

§ Mpupuma, Njuba, Mlamula, Faku, Ndabakazi, Ntambama.

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He states, also, that "we all left our arms, except the Minyoon regiment, who took their assegais, though no order was given to carry them, and who sat behind the others, and left all their weapons on the place where they sat, in such numbers that he could not count them, the people were so many." This, of course, is Nozityina's story over again, with variations, and is contradicted by the evidence of Mr. Taylor, as well as by the facts of the case, since the Minyoon did not sit behind, and if they had had their arms, they would certainly have used them to some purpose.*

Being asked why the Minyoon did not use their weapons, he said, "they *would* have used them if Matyana had been taken, but as he was not, they just ran away," forgetting that only a few *in front* could know at first that Matyana was not taken, or that he was not killed in the confusion that was evidently going on in front. And, in fact, the witness says, "I heard that Nozityina made two attempts to seize Matyana, but I know nothing about it."

Being asked further why, as many of Matyana's people were killed, the Minyoon did not fight, he said, "we *should* have fought, if Mr. John Shepstone had not been there." And he then went on to say, in reply to further questioning, "we had no order to kill Mr. John Shepstone. We did not at all intend to kill him and his people."

Gwazana's evidence must be placed in the same category with that of Ncamane and Nozityina, as being of a very doubtful, and, in fact, dishonest, character.

Vamela, who had left Matyana and become one of Dr. Kelly's policemen at Ladysmith, and had been sent to keep Mr. John Shepstone informed about Matyana's movements, as he knew the people, states that he went one day to a kraal where three young men who had just come from Matyana told him that Matyana was collecting all his people to meet Mr. John Shepstone at Nomakabela: that Matyana said he would take his arms; he had twice before escaped by having his arms with him; and his men assured him that he should not be caught, as they would kill Mr. John Shepstone and his force if they tried to seize him; "they would all die with him." And this is the warning of an intended massacre on which Nozityina and Mr. John Shepstone himself in his "Minute" lay such great stress; a mere statement of the reason for which the arms were taken each time, which was obvious enough without any such information. And the witness adds that Matyana sent three messengers, and then others, saying, "I am afraid; I must bring my weapons."

But Vamela directly contradicts Nozityina and Mr. John Shepstone himself about any "sign" having been fixed on beforehand for the massacre, which they represent to have been communicated by Vamela to Nozityina, and afterwards to Mr. John Shepstone and his indunas, and about this sign being the utterance by Matyana of the phrase *kwozakubenini*. Vamela says that he heard that expression used by Matyana, and, inasmuch as just afterwards Matyana's men made a rush to the huts, he supposed it was a sign for attack; but he had not heard anything about it before, and of course he had not informed Nozityina and the indunas and Mr. John Shepstone himself that such a sign would be given; and Mr. John Shepstone, in his original Report and in his letter of March 11, 1858, makes no allusion to any such intended massacre and a "sign" to be given for it.

Vamela tells us that "as the horsemen were going towards the assegais Mr. John Shepstone fired up into the air; he fired as we came down with our weapons, could not hear how many times; could see Mr. John all the time in his place; Sondhloon and party had rushed past Mr. John, who was then standing." Probably this witness, like the former, refers to the third shot, which seems to have been "fired up into the air," since no one was hit by it.

He states—"We came armed out of the huts and found the assegais of Matyana's men on the ground where they sat, and took them and stabbed with them. All of Mr. John's force picked up assegais on the ground." And on cross-examination he said, "We had our own assegais, but we picked up others as well, as we thought we should like to stab them with their own weapons." Nozityina and Mr. John Shepstone himself say nothing about a number of assegais left by Matyana's men on the ground being picked up by the armed men of Mr. John Shepstone's force as they went out in pursuit; and the statement is incredible, since, if Matyana's men had had these assegais, they would certainly have stabbed with them. Perhaps the three prisoners, Nohloloti, &c., or others who were sitting with Mr. John Shepstone unarmed, to beguile Matyana with an appearance of

* Ndabakasi, Magwaza.

security, while the rest went for their arms or were concealed in the huts ready armed, may have armed themselves with assegais which had been flung by their friends and lay upon the ground, and this may have supplied the basis for Vamela's story. At any rate, he says, "They came leaving their arms; we did not see any arms."

He states that when Mr. John Shepstone, on hearing the cry (from the regiment of young lads in front) "Wotshona lapa, you shall go down here," asked who would "go down," "they gave no reply, but sat down in a semi-circle."* In point of fact, Matyana explained that they did not mean anything by it; it was only their "isiga" (regimental cry), which they used always when they came to him as their Chief, and now used as a token of gladness and respect in coming to Mr. John Shepstone, "whose people they were and not his own any longer." But the witness shows that, being thus rebuked, they behaved properly and "gave no reply."

There is nothing, however, in Vamela's statement which conflicts with those of my witnesses except that about the picking up of assegais, considered above.

Halmansi (Hermanus) was chief policeman of Dr. Kelly at Ladysmith, and was sent to be present at the final meeting. On cross-examination, he stated as follows:—"Sigatiya's wife came and told us that her husband was killed by Matyana's direct orders; the woman told Vamela, who told me and Jantje, and I went and told Dr. Kelly. We were sent to confront Matyana, and hear what he had to say about the matter of the murder." Being asked "Were you not sent because Matyana had said that you had deceived Dr. Kelly?" the witness gave an uncertain answer; but afterwards said, in answer to questioning, "We were sent to hear what was talked of between Mr. John and Matyana, and to be with Mr. John;" and then "we were sent to help to seize as well as listen, as Matyana was on the alert;" and then "we were not sent at first to help Mr. John, or to seize Matyana, because Matyana came armed [on former occasions], but only to listen;" and, finally, "this last time we were told to help to seize him first, and listen afterwards."

Now, Njuba and Mlamula state that Sigatiya's wife was persuaded by these very policemen, Halmansi and Jantje, and two others, Nsimbini and Bejana, to charge the murder upon Matyana, which she had not done originally, and that, when the second (Izituli) meeting took place, "Mr. John said, 'Well, Matyana, the letters have come, but these letters say that the policemen from Ladysmith must be fetched, because it was they who deceived Dr. Kelly as to the man having been killed by you.' And thereupon he said to Matyana, 'You had better go home again to-day, and when the policemen have come, I will call you.'" Matyana, therefore, and his people *believed* that these policemen had deceived Dr. Kelly, and that a promise was given that they should be confronted with Matyana at this meeting. The Secretary for Native Affairs was called, and stated that he could not say whether this was the case, or whether they were merely sent to act as policemen. But Mr. John Shepstone himself stated officially after the first meeting: "I beg leave further to state that my opinion, drawn from the evidence of the many witnesses produced, is, that Matyana is innocent of the murder";† and he still held this view, according to the Secretary for Native Affairs, when he attempted to arrest Matyana at the final meeting. If Matyana was innocent, Sigatiya's wife must have charged him falsely; and if the policemen had persuaded her to accuse Matyana, or had supported her charge with Dr. Kelly, they must have "deceived" Dr. Kelly in this matter. However this may be, there is no reason to doubt that Njuba and Mlamula spoke the truth when they said that at Izituli a promise was given that these policemen, as well as the three prisoners, Ndhloloti, &c., who were detained as "Queen's evidence" against Matyana—in a word, all concerned in the affair of the murder—should be brought to Nomakabela, and there confronted with Matyana, as an inducement for him to come, in the hope that the matter would then and there be settled. It would seem, however, from Halmansi's evidence, that their presence on this occasion was also part of the trick to deceive Matyana—they were to "help to seize him first, and to listen afterwards."

Halmansi gives the same account of Vamela's words as he gives himself—the same also as Mr. John Shepstone gives in his letter of March 11, 1858, though not in his "Minute." "Mr. John sent Vamela to hear from his friends among Matyana's people whether Matyana was coming armed, as at the two previous

* Njuba, Mlamula, Mpupuma, Deke, Maboyi, Faku (Tole), Matendeyeka, Magwaza, Gwazizulu, Faku, Ndabakazi, Mfunzi, Nkisimane, Nkosana.

† Parliamentary Papers (C.—1121), February 1875, p. 24, §§ 31, 32.

meetings. Vamela returned and said, he is coming armed as before; he attributes his safety at the two former meetings to the fact of his being armed, else he would have been seized. Matyana's force said to him 'Go; there's no chance of your being taken by one little white man—you'll be too strong for him.' In other words, Vamela said nothing about an intended massacre and a sign to be given for it by Matyana, but merely reported that Matyana was coming armed as before, and his people would not allow him to be seized.

Halmansi says: "Next day Matyana appeared with his force. Mr. John then took counsel with his men, saying: 'Matyana is coming again armed. I think it will be best for the horsemen to be hid, as he will be afraid to come if he sees a number of men,' and the others were to remain in the huts, and Mr. John would remain with Nozityina, Qagaqa, and one or two others, so as not to alarm him;" from which it appears that, so far from having any apprehension of a massacre, or, as he says in his "Minute," "having made up his mind to face our almost certain fate, as it was too late to withdraw at this stage," Mr. John Shepstone was afraid that Matyana would be alarmed by the number of his force and would not come, and employed another trick to entice him to come on.

Halmansi says: "Mbombo was with us all the while, and never went near Mr. John's horses;" and, on cross-examination, he said: "Nkumbeni was holding Mr. John's horse all the time." Being asked "Was not Nkumbeni in front with Mr. John part of the time?" he replied, "Nkumbeni told him that he had taken Mr. John's horse to him: it was not with our horses; we could not see." But in his evidence in chief, he says: "After a long time, while Mr. John was talking with Matyana, Nkumbeni came and said that Mr. John saw that they would rescue Matyana as soon as he was taken, we were to go to secure the assegais." In other words, Nkumbeni was not "holding Mr. John's horse all the time." After this contradiction in terms, it is reasonable that Mbombo spoke truly when he said that he held Mr. John's horse till Nkumbeni came for it, and sent him (Mbombo) to tell the horsemen to ride for the arms—more especially as, according to the official letter inclosed, signed J. T. Truter, Justice of the Peace of the district of Harri-smith, the Chief Umgijimi, now living in the Free State, who was one of Mr. John Shepstone's indunas on this occasion in command of the horsemen, "having been long sick, and on that account unable to bear the long journey, had sent his brother Moyeni and the induna Mbombo to appear on his behalf," which is enough to show the respectability of Mbombo.

Halmansi further states that "not one of Putini's people were present." But in this he is contradicted by Putini's son, Madhloi, who says that he stayed behind after the rest of Putini's force had gone home, and by Mbombo and Ntambama. I may add that, in my original pamphlet, "Defence of Langalibalele," a copy of which was forwarded by Lord Carnarvon for Sir B. Pine's consideration, and received the comments of the Secretary for Native Affairs,* a statement is given by Umbalo, late Acting Chief of Putini's tribe (App. Statements, p. 37), in which he says: "Umbalo, too, went home with the force which returned; but his brother, Madhloi, remained. When the force which had remained behind returned home, Madhloi came and told his brother Umbalo as follows." Soon after Umbalo's death, early in March 1874, four of Putini's sons and two grandsons came down to inquire about him, one of whom was Madhloi, who told me at once his story, the same in substance as that which his brother had told me.

Halmansi also said, in reply to Mr. John Shepstone, "I saw no assegais, being with the horses; but in taking Liswana to the kraal, I went over the spot where they sat, and saw Mr. John's stepson collecting assegais—a number of them;" and cross-examined he said, "I saw on the field assegais, long and short, and sticks and other things; the long assegais were most numerous; don't know how many there were, but there were many." Mr. Taylor says, "they might be eight or nine, long and short, altogether."

Halmansi says that, having crossed a sprint, he found six of Matyana's young men armed with assegais. "I rode through them; they had one each; they did not attempt to stab me; I knocked one of them down with the butt end of my gun, and he fell into the mud. I was riding at full speed, overtook them as they were running away. I did not take any of them prisoners." He says also, that a little further on he found two head-ringed men, and fired at them; they had only "sticks," and were also "running away." It seems hardly credible that either six young men, under such circumstances, each armed with an assegai, should

* Parliamentary Papers, February 1875 (C.—1121), p. 4, &c.

have run away from one man on horseback, even though armed with a gun, without attempting to stab him, or that he should not have taken prisoner, at all events, the one whom he "knocked down," as he took three to the huts, and he knew of two others who were left in charge (he says) of Mrs. John Shepstone and her two young children, the only persons there, and did no harm to them whatever, and did not try to run away.

On other points, Halmansi's evidence is not at variance with that given by my witnesses; but "he could say nothing about what passed between Mr. John and Matyana at the meeting, as he was with the horsemen."

Qagaqa, a man of Mozityina's, appears to have graduated at the same school as Mozityina himself, for he closed his evidence with a deliberate and circumstantial falsehood of a most barefaced and unmistakeable character. The Commissioner having asked him where he was sitting during the meeting, he replied "I sat near Mr. John and Mrs. John and her two children, Mary and John; the boy was next to Mr. John, and then Mozityina." John and Mary Taylor being the two young children of the late Mrs. John Shepstone by her former husband, the boy eight or nine years old, and the girl a year or two older. As Mr. John Taylor, in his evidence, had given no intimation of having been present at the interview with Matyana, though he had picked up some assegais on the field when the affair was over, the Commissioner, at my request, asked the question whether the children were present all the time. Before Qagaqa could reply, Mr. John Shepstone explained (in English) that "the witness was mistaken; the children were in the hut, and were not present at the time." In order, however, to test the credibility of the witness, the Commissioner, at my request, asked him if he had seen them "with his own eyes;" to which he replied, "I saw them with my own eyes; I sat next to Mary, next to her was Mrs. John, then Mr. John, then John, and then Mozityina," and, that there might be no mistake, he marked their places, as they sat, with his finger on the ground before him. The Commissioner asked again, "Did they sit there all the time?" And the witness answered, "Yes, they sat there all the time, and I saw them go away to the huts when the fighting began."

After this specimen of his untruthfulness, it is hardly necessary to discuss the evidence of this witness, but I may remark upon it as follows:—

Qagaqa says that Vamela came "after sundown; when we came to Mr. John it was getting dark," and reported that Matyana was determined not to be taken by a little white man, but would kill Mr. John and his men, omitting (like Mozityina and Mr. John Shepstone in his "Minute") to mention "if they tried to seize him." But he "did not hear Vamela say anything about *kwozakubenini*," as the signal for the massacre, though he heard Matyana use the expression, and "at the same moment Sondhloon jumped up and cried out 'Hiya! let us arm at their huts, and catch the little white man, and his wife as well!'"

He shows, like Halmansi, that, so far from apprehending a massacre, and "having made up his mind to face our almost certain fate," Mr. John Shepstone tried to lull Matyana's fears and suspicions and induce him to come. "Only a few were to sit with Mr. John, in order not to frighten Matyana. Others were to sit in the huts armed and ready to rush out."

He repeats Nozityina's falsehood about Matyana's men in front standing up till those behind, who were armed, had seated themselves. "We saw no arms in the front ranks, they were all behind; and this we found afterwards, for they were left on the ground." "When Nozityina and Setyata tried to seize Matyana, we saw that there were plenty behind. All who were armed were behind, a large number, not those in front. We saw no arms in their hands, but found them after they had risen, on the ground." "They were left, not by those rushing to the huts, but by those who had weapons and were sitting behind Matyana, and close together." And yet it appears that those in front "must also have had weapons." "He was wounded by one of the men who were rushing to the huts, so they must have had weapons. He did not know if they had any more; he saw none but that one; they were going to the huts to get weapons."

Qagaqa repeats also Vamela's falsehood about the assegais of Matyana's people being left behind as they sat, and picked up in great numbers by Mr. John Shepstone's men as they chased them at first, and not as they returned. "We picked them up as we went in pursuit in very great numbers. Even the prisoners (Ndhloloti, &c.) took up assegais. I had three of my own, and took up another." He "saw no arms left on the ground as he returned;" he "supposes that they were all picked up by the force when going."

Ncamane and Nozityina speak of the assegais being found *afterwards*, but these witnesses were produced at an early stage of the inquiry, before Mr. Taylor had stated that he found only eight or nine. Mr. John Shepstone's later witnesses, Vamela and Qagaqa, place the picking up of the assegais left by Matyana's men on the ground at the *beginning* of the pursuit.

Qagaqa also states that Mr. John Shepstone "fired up into the air. I heard the gun, and saw it fired into the air." "I did not see Mr. John fire at first, but I heard one shot, and saw the gun pointed upwards." "Matyana's people were clean away from the spot when Mr. John fired into the air. He fired once. I saw it." "Immediately after the firing Mr. John's horse was brought; he was quite alone, all had run away." He appears to be referring to the *third* shot, which was probably fired above their heads, since it hit no one.*

Qinelani, one of Mr. Shepstone's horsemen, declares that no one left the party during the whole time from daybreak, when they were stationed in ambush behind the ridge at the back of the kraal, 500 or 600 yards off, till they were ordered to rise and seize the assegais, that is, till 3 or 4 P.M.,† and that Mbombo was with them the whole time and never left them; and "Mr. John's horse was held by Ratya near the kraal; he could not see it, but heard afterwards that it was so held. It was Ratya's work to attend to Mr. John's horse. Mbombo may have tended it at other times, but to-day Ratya, being chief boy, held it because Matyana was coming with evil intentions." To this I oppose the direct testimony of Mbombo himself, confirmed by that of Ntambama. And I note that Qinelani affirms that Moyeni was present with the horses as well as Mbombo, whereas Moyeni himself stated that he was sent away before the affair by his brother Umgijimi, "who said that there was going to be fighting, and he did not wish both to die together."

Qinelani also states that Madhloi, Putini's son, was not present at Nomakabela, but is contradicted by Madhloi himself, Ntambama, and Mbomo, besides the testimony of his brother Umbalo, late acting Chief of Putini's tribe, already quoted.

Qinelani states that he heard the story of Deke being wounded by a bullet for the first time last year. But the evidence shows that it was well known to other witnesses‡ at the time when it happened, seventeen years ago.

He tells us also more fully than Nozityina that, when once Deke was living in Nozityina's kraal, "he said he could not say how he was hurt—he woke up in the night, before people had gone to sleep, at a spruit some distance off;" whereupon the people said, "You are a liar, for then we should have seen you when we were returning;" and Deke said, "Well, I don't know;" and the witness added, "Deke must have been mistaken in saying that he fell at the stream." Very possibly Deke was speaking of the stream to which he had dragged himself, and at which he was found by Ndabakazi in an exhausted state, and had his wounds tended, and was helped on to a kraal for the night, and the people were speaking of some other spruit. It is very likely also that Deke "said he could not say how he was hurt." He did not see Mr. John Shepstone fire, he did not see the gun; he only knew when and where he was wounded; and, sitting among Mr. John Shepstone's people, in the kraal of his chief induna, he would be careful not to charge against their Chief an act which was now past and done with, which he could not prove, and which appeared to be condoned, at all events, if not approved, by the Government. The notion of his having "hurt himself by falling on the stump of a tree," which was started on this occasion by Mr. John Shepstone's people, is simply absurd in presence of the scar left by the wound.

Qinelani gave at first a true account of Vamela's words, agreeing with that of Vamela himself, Halmansi, Qagaqa, and of Mr. John Shepstone in his letter of March 11, 1858, but contradicting that of Nozityina and of Mr. John Shepstone in his Minute. "Vamela said, 'Matyana is coming,' but they said he will not be caught by a little white man; there would be fighting rather than that he should be taken. These were all Vamela's words. Vamela did not say that they would attack Mr. John and his party." But then, being asked if he had heard anything about "kwozakubenini," he said, "Matyana would say 'kwozakubenini' to Mozityina while they were talking, as a signal to attack the kraal,"—thus contradicting his former statement, and plainly showing that the question had brought to his recollection a bit of his lesson, which he could not have forgotten or omitted to mention at first, in stating "all Vamela's words," if Vamela had really said anything

* Mpupuma, Faku, Mlamula, Njuba, Ndabakazi, Ntambama.

† "Report" and "Minute."

‡ Nguza, Faku, Ndabakazi, Magwaza.

about the phrase having been fixed upon beforehand as the signal to be given by Matyana for an attack on the kraal.

Yamela, an induna of the office of the Secretary for Native Affairs, "remembers seeing and talking with Deke last year. Deke talked about his wound. He said that, when the sound of horses was heard, Matyana jumped up quickly, and jumped on him, and trod on him; he attempted to rise, but fell, and found he had the wound in his knee. We asked him how he was wounded. He said, 'He didn't know; he only found that he was wounded when he tried to get up.' We said to him, 'You say that you are hit with a gun.' Deke replied, 'I did not say that I was hit with a gun: I did not say that I was hit by Mr. John.' Deke added that he thought the wound was made by a gun, but he did not feel it at the time."

This agrees with Qinelani's account of Deke's words and with what he says himself in his written statement, in which he says nothing about seeing the gun fired or Mr. John Shepstone firing it, but says only "I was startled to find Matyana suddenly climbing over me, and, as I was rising, [the bullet was already in me," "the bullet of the fire-arm which was fired, as he believes, by Mr. John." And so in his oral evidence he says "Matyana stepped once and then he jumped upon me, just as I felt the bullet in my knee," and he knew that Mr. John shot him, "because I sat in front of him, and no one else had a gun."

Yamela further says "Deke said that Matyana broke his staff, but that he was not wounded by that—he thought it must be a gun, though he did not see it." The suggestion that Deke's wound may have been caused by the splintered end of the upper piece of the broken staff, is apparently another version of the attempt to account for it by his "falling on the stump of a tree." Whether Deke said that Matyana broke his staff or not, which rests only on *Yamela's* statement, the staff, (as said before) could hardly have been broken by the stress of Matyana's weight without his falling, and my witnesses* say that it is at this moment in Zululand safe and whole, and never was broken.

These are all the witnesses produced in support of Mr. John Shepstone's story. I have myself called four of his men, and I should have called more of them if I had known them. But *Ncamane* refused to come at my request to give evidence at this inquiry. *Madhloi* was a feeble old man, living at the extreme north of the colony, and not easily accessible. *Mbombo* was never seen by me till he came down from the Free State towards the end of the inquiry, having been sent down by *Umgijimi*, of whom I had heard, and whom I had asked to come, as one of Mr. John Shepstone's indunas on the occasion. *Ntambama* was within my reach, but—whether wisely or not—I determined to have no communication with him until he had given his evidence. But I have now ascertained from these three the names of fifty-four men who were present as part of Mr. John Shepstone's force, of whom fourteen are dead and six out of the Colony, leaving thirty-four still living in the Colony—besides *Umbago* and his men, and some of *Umsomi's* men, reckoned together at above twenty more, a few of whom, however, took no part in the fight. Of these, five only have been called by Mr. John Shepstone, whose character as witnesses may be judged from the following summary of the preceding remarks.

Nozityina lied in saying that he had never been found fault with or disgraced for malpractices in connexion with the Magistrate's Court at Greytown—in stating that *Vamela* reported an intended massacre and the sign to be given for it by Matyana—in describing the arrangement of Matyana's force, with the two armed regiments behind, some with one assegai, some with four, others with short assegais—in saying that *Sondhloon* began the affray by crying "Let us arm at their huts!"

Vamela lied in stating that, on coming armed out of the huts, they found the assegais of Matyana's men on the ground where they had been sitting, and took them, and stabbed with them, "as we thought we should like to stab them with their own assegais."

Halmansi lied in saying that "Mbombo never went near Mr. John's horses, *Nkumbeni* was holding Mr. John's horse all the time," whereas he had already stated that *Nkumbeni* came to the horsemen with a message from Mr. John; as also in saying that he saw left behind on the field a large number of assegais, whereas Mr. Taylor says they "might be eight or nine."

Qagaga lied in saying that *Sondhloon* began the affray; that Matyana's armed men were all behind, and left their weapons on the ground, which were picked up in great numbers by Mr. John Shepstone's men; and especially in his circumstantial

* Homoi, Mlamula, Mpupuma.

falsehood about the presence of John and Mary Taylor at the meeting, and the precise order in which they sat all the while with Mr. and Mrs. John Shepstone, Nozityina, and himself, until he saw them go away with Mrs. John to the huts when the fighting began.

Qinelani quoted Vamela's words at the first correctly—"these were all Vamela's words"—without any mention of the "sign" for a massacre, and stated expressly "Vamela did not say that they would attack Mr. John and his party;" and then, on being further questioned, he contradicted himself, saying, "Matyana was to say *kwozakubenini* to Nozityina, as a signal to attack the kraal."

So much for the evidence of Mr. John Shepstone's witnesses belonging to his own force.

He also produced *Gwazana*, Matyana's man, who lied in saying that the *Iminyovu* Regiment took their assegais, sat behind the others, and left all their weapons on the place where they sat, "in such numbers that he could not count them, the people were so many;" that "they would have used them if Matyana had been taken, but, as he was not, they just ran away;" that "they would have fought, when they were being killed, if Mr. John had not been there."

Yamela's evidence is of no importance.

Mr. John Taylor's is of a very trustworthy character, and he proves that only eight or nine assegais were left upon the ground, which may have all belonged to Mr. John Shepstone's force, except Matyana's, which were openly carried for him, and of which one or (?) two were left behind.*

I have now examined, sufficiently for my present purpose, the oral evidence which has been produced on this occasion. I turn next to the documents which form also part of the record, namely, two statements made by Mr. John Shepstone himself—one (A) dated March 17, 1858, "written the day after the event,"† reporting the events of the day previous (March 15) "to his immediate superior," "for the information of his Excellency the Lieutenant-Governor;" the other (B) dated June 16, 1875,‡ and written with special reference to this inquiry; and also letters written at the time (1858) from the Secretary for Native Affairs (February 22, March 3); from Dr. Kelly, resident magistrate of Ladysmith (March 8); and from Mr. John Shepstone (March 11).

The statement of March 17, 1858, is, of course, the authoritative official record, made at the time, of what took place at the meeting with Matyana. Accordingly, the Secretary for Native Affairs, in his Minute, forwarded by Sir B. Pine to the Secretary of State, appeals to it as showing beyond all dispute that Mr. John Shepstone "did not fire at Matyana, or, in fact, at any one."§ And, doubtless, so important a Report, written immediately after the occurrence in question by the officer who was alone concerned in it, and under such a serious responsibility, ought to have been a complete statement of all the main facts of the case, and, in such particulars as were within the writer's cognisance, an absolutely true account of what had happened.

The Minute of June 16, 1875, has been prepared deliberately, with the aid, it may be presumed, of the former, to revive, if necessary, the recollection of facts which had occurred seventeen years previously, and also with the knowledge that some of the statements in that former Report had been impugned as untrue and misleading. If the former document derives a special importance from the fact of its having been written when the matter was fresh, and every incident had just occurred before the writer's eyes and under his direction, the latter is equally important, from its containing his carefully-considered reply to the accusation made against him, of having been guilty, as the Secretary for Native Affairs describes it, of "treacherous murderous conduct"|| in his final interview with Matyana.

It is, nevertheless, my duty to point out that, besides containing other misstatements, which I pass over, these two Reports are on some vital points at variance with the truth, as shown by the evidence and with each other:—

1. "I must here state that, having determined to execute the warrant handed me by the Magistrate for the arrest of Matyana himself, on a charge of wilful murder, at all risks, and having a day or two previous received authentic informa-

* Magwaza, Mpupuma, Njuba, Mlamula, Ntambama, Faku, son of Tole.

† Parliamentary Paper, February 1875 (C.—1,121), p. 25, § 32.

‡ Ibid., p. 27.

§ Ibid., p. 25, § 32.

|| Ibid., p. 24, § 27.

tion to the effect that at a large meeting held by Matyana it was decided that at this interview myself and party were to be put to death, and they were then to leave, with their Chief, in a body for the Zulu country (a signal was agreed upon to be made by the Chief at the massacre, and was actually twice repeated at the meeting, but, fortunately for us, not acted upon), I had therefore to prepare, not only for the arrest of Matyana, but for the safety of myself and party—it was too late to withdraw at this stage—so I made up my mind to face our almost certain fate, we numbering one to their ten or more.” (B).

Nothing is said in the original Report about this “authentic information,” the intended massacre, and the “sign” for it to be given by Matyana, though such facts could hardly have been omitted in that Report if they had any real existence. It seems, also, incredible that Mr. John Shepstone should have “made up his mind to face almost certain” death, not only for himself and all his men, but for his wife and her two young children, on the ground that “it was too late to withdraw at this stage,” when at any time since “the day or two previous,” when the information in question reached him, he might have put off the meeting, or, at all events, have sent his wife and her children to a place of safety.

But the evidence shows that the whole story is a pure fiction. Nozityina, indeed, repeats it with much emphasis, giving the informant’s name, Vamela. But Vamela himself states that he gave no such “information;” that all he said was that Matyana was coming with his arms as before, and that, if an attempt was made to seize him, his people were prepared to fight in his defence and die with him. He said not a word about any such “sign” for a massacre, and he never heard of the phrase in question (*kwoakuberini*) until he heard it used by Matyana. And the evidence of Mr. John Shepstone’s own men, Halmansi and Qagaqa, confirms the statement of Vamela; while, so far from apprehending such an attack, Mr. John Shepstone concealed most of his men in the huts, armed, lest Matyana should be afraid to come, as appears from the evidence of Nozityina himself, as well as from that of Halmansi and Qagaqa.

The expression in question was explained by several witnesses* to be merely a sign of impatience, “When will it ever be?” “When will this matter of the murder come to be talked about?”

2. “They approached in the most insolent manner, using expressions of great contempt, for which I at once took them to task (A).

“The majority of Matyana’s men called out in an insolent tone ‘wo minza,’ ‘wo minza,’ ‘wo tshona lapa,’ meaning ‘you will bite the dust,’ ‘you will bite the dust,’ ‘you will die here.’ We all became seated, and I asked what the conduct just stated meant; it, however, confirmed what I was already in possession of (B).”

The evidence shows that the cry in question, which means literally, not “you shall bite the dust,” “you shall die here,” but “you shall sink,” “you shall go down here.” The only instance given of their “insolent manner” and “expressions of great contempt,” was perfectly innocent, and, so far from being disrespectful, is regularly used by more than one of Cetywayo’s regiments when they come into the presence of their King. It is, in fact, the *isaga*, or distinguishing cry of, at least three Zulu regiments living upon large rivers and called by their names, expressing merely a jubilant boast of their own prowess, “here’s a deep stream in which you will be drowned;” while others say *walamba*, “you were hungry,” “we have eaten all your cattle,” or *wafa*, “you died.”†

Of Matyana’s seven regiments present on this occasion, two had this *isaga*, and each of the others had its own peculiar utterance. But, instead of the “majority” of his men having used it on their approach, it was only uttered by the front regiment, consisting of young lads, without arms, as the ordinary compliment in approaching their Chief, that is, in this case, Mr. John Shepstone himself, and when checked, they immediately subsided into silence.‡

3. “At the moment my men attempted to lay hold of him, short assegais were raised on all sides to rescue him, and one of my men narrowly escaped being stabbed. Matyana at that instant sprang clear over the heads of those sitting behind him; my men gave chase, some of them without arms: his ran and fought alternately, covering his escape, and it soon became a general skirmish, my 30

* Njuba, Ntambama, Matendeyeka.

† Mfunzi, Nkisimane, Nkosana, Njuba, Mlamula, Mpupuma, Deke, Maboyi, Matendeyeka, Faku (Tole), Faku, Magwaza, Gwazizulu, Ndabakazi.

‡ Faku.

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 against his 300; one of my men was severely wounded through his lungs, and another slightly so in his head. I am sorry to add that, notwithstanding all my efforts to prevent bloodshed, several of his men lost their lives, among whom is Tole, his chief adviser in the late disturbances. After running about fifty yards they all turned and gave the shout of defiance, and said "let us go up to the huts and arm with their assegais." My men were determined to prevent this, but had to fight hard, during which time several of his men were killed (A).

"Some conversation took place, when the signal (*kwozakubenini*, translated 'when will it be?') was, I have already stated, twice repeated. I then gave my signal for some seven mounted men with guns to ride from a spot in rear of my camp, and out of sight, direct to the mass of assegais alluded to, so as to prevent the owners re-obtaining possession of them and attempting a rescue, should we succeed in arresting their Chief. Almost immediately after this I made another sign to two men to apprehend Matyana. He was, however, on the alert, and being very slight and active, vaulted over some six or seven deep of his people, assisted by a stout stick (shield staff). All his men rose and formed a barrier between their Chief and my party. Sondhloon being on my left, and only a few yards from my camp, said 'Are you running from your own people (that is, from Umgabo and others of Matyana's tribe, who formed part of Mr. John Shepstone's force)?* Let us arm with theirs.' A simultaneous rush was made by mine for their weapons, which, they being nearest, secured, Sondhloon losing his life in the attempt." (B).

It was Tole who "advised" his Chief to go as summoned, and to go without arms, and who thus paid the penalty of his too-fond reliance on the good faith of an official—call him "special constable," or by any other title—acting in the name of the English Government. But Mr. John Shepstone further says:—

"In conclusion I may add that, of the whole of my party present at this last meeting, I was the only (*sic*) one that was armed, the rest not even having (some of them) their usual walking-sticks. I state this last, as I am charged with deliberately drawing a Chief, with a force of some 300 men (armed, as many of them were, with short assegais concealed about their persons, Matyana having no less than three) into an ambuscade" (B).

Matyana had no "short assegais concealed about his person;" but he had three small ones, which were carried openly for him. But the above audacious statement—"of the whole of my party present at this last meeting I was the only one that was armed"—is made by Mr. John Shepstone, when his own witnesses say that most of his men were hidden, ready-armed, in the huts, lest Matyana should, seeing their number, be afraid to come; while others crept away from the front, where they sat unarmed at first—no doubt, also, to beguile Matyana—to get their weapons in the huts, and all rushed out at the proper moment, and poured down armed upon the unarmed people of Matyana! Thus Nozityina says: "We, the six named, and three more"—the three prisoners—"were sitting with Mr. John when the others went to take their arms; we alone were with him, the others, the armed force, were in the huts."

It is not said how many "short assegais" were raised, but they "were raised on all sides." And yet the sole result of this action, by desperate men defending their Chief, was this—"One of my men narrowly escaped being stabbed." And even when his men gave chase, and "it soon became a general skirmish, my 30 (? 60) against his 300," only one of Mr. John Shepstone's men was severely wounded and another slightly, while of Matyana's men "about 30 (B)" were killed, besides (it may be supposed) a corresponding number wounded. Mr. John Shepstone says, "So few of my men being hurt is to be accounted for by their having shields, and the others not." But the nine who sat with Mr. John Shepstone had no shields, and no assegais either, according to Nozityina, except what they picked up on the field.

"Short assegais were raised on all sides to rescue him." But Nozityina says that he saw no assegais in the hands of any of Matyana's men; he only knew that they had assegais, because they left them behind, and because "they stabbed us," that is, wounded two of Mr. John Shepstone's men, as well as himself—with assegais probably picked up from the ground as they were thrown by Mr. John Shepstone's men, or plucked out of their own bodies, or wrested from the enemy, or snatched from the heap. And Mr. John Shepstone himself stated during the inquiry—and, when on the following day I drew the Commissioner's attention to the admission in question—he repeated the statement, that he saw no assegais at all

* Njuba, Mlamula, Mpupuma, Gwazizulu.

in their hands. Other witnesses of his state that Matyana's assegais were all behind, and not in front, and were left behind upon the ground when they fled. What truth, then, can there be in the assertion "at the moment my men attempted to lay hold of him, short assegais were raised on all sides to rescue him?"

(B) says nothing about these "short assegais" being "raised on all sides," but merely says: "All his men rose and formed a barrier between their Chief and my party."

4. "I fired over their heads, thinking it would frighten them, but of no avail." (A.)

"Seeing the whole force turn on Sondhloon's order, I felt that our only chance of escape from being overwhelmed by numbers was to strike a panic, and with this thought took my gun from the ground at my feet, where I had placed it in case of need, and, pointing it perpendicularly, discharged both barrels, which by no possibility would have hurt any of the mass of people by whom I was surrounded unless the gun had burst. The discharge of my gun, together with the riding past of the mounted men, who were believed to be white men riding to cut off their retreat, completed the panic." (B.)

It is obvious to notice that, whereas (A) says that the gun was fired "thinking it would frighten them, but of no avail," (B) says, on the contrary, "the discharge of my gun, together with the riding past of the mounted men . . . completed the panic;" and also that, whereas (A) speaks, apparently, of a single shot fired "over their heads," (B) speaks of both barrels fired "perpendicularly" into the air. Now, according to several witnesses there was a third shot, which perhaps was fired "over their heads," as it hit no one. "A gun was fired a third time and missed, and then we all ran away, they stabbing us much." And it is to be noted that, whereas not one of Mr. John Shepstone's own witnesses saw him fire *both barrels perpendicularly*, there is one (*Qagaga*), a very untruthful witness, who states that he saw him *once* fire upwards, and another (*Gwazana*) who says that he did not see him fire, but heard *one* shot—"one shot, only one"—in the air above him.

There is also a third document written by Mr. John Shepstone, and giving, I presume, some account of this affair, which, according to the letter addressed to me by the Acting Colonial Secretary (Colonel Lloyd), forms part of the record in this inquiry, must have been forwarded by Sir B. Pine to Lord Carnarvon. On my request to be allowed to see this document, in order to compare it with the two others, the Commissioner informed me that he had no copy of it, and Mr. John Shepstone said that he had only his notes, and it was ruled that these could not properly be required to be submitted to my inspection. Being, however, in the possession of the Secretary of State, his Lordship will be able to compare its statements with those of the Report and Minute which I have here been considering.

The official letters from the Secretary for Native Affairs, Dr. Kelly, and Mr. John Shepstone himself, which were put in by Mr. John Shepstone, who said, "he had brought all he could find," are unfortunately defective, as an important letter of his own, dated February 16, 1858, giving an account of the first meeting (at Dilizela), which was quoted last year in his Minute for the Secretary of State by the Secretary for Native Affairs, cannot now be found; as also another letter from Mr. John Shepstone, dated February 24, which is referred to in that of March 3, from the Secretary for Native Affairs, and in such terms as would seem to imply that it contained a sketch of the manner in which he intended to attempt the arrest of Matyana. "His Excellency authorizes this (the arrest of Matyana) under [the impression conveyed by your letter that you consider yourself able to undertake it without the employment of any force beyond that which a few of the tribe may furnish, in addition to the persons you already have with you.]"*

From the extracts, however, which are given by the Secretary for Native Affairs in his Minute aforesaid, it appears that Mr. John Shepstone, at the time of that first meeting at Dilizela, believed Matyana to be innocent of the murder laid to his charge since he wrote in that letter, "I beg leave further to state that my opinion, drawn from the evidence of the many witnesses produced, is, that Matyana is innocent of the murder." And the Secretary for Native Affairs adds: "Mr. John Shepstone, therefore, attempted Matyana's arrest under the instruction of his superiors, and in the belief that inquiry would prove him to be innocent," which shows that at the final meeting he still held the same view as to Matyana's innocence.

* Parliamentary Papers, February 1875 (C.—1121), p. 24, § 31.

But Matyana himself heard nothing of this; and, being in dread of some false charge being proved against him to the satisfaction of the Court (exactly what happened in the case of Langalibalele), having also been warned, when some time seven years previously, he had killed his uncle Vela and his two sons,* which affair was settled by his paying a fine of 500 head of cattle, that if ever he killed a man wilfully again, he would be tried, and, if found guilty, would be hung, he was naturally unwilling to be seized, more especially as he had escaped to Zululand, where he was safe under the protection of the King his uncle, but was brought back into the Colony through some words of the Secretary for Native Affairs reported to him by his people.† He, therefore, came always armed for his own protection, not for the purpose of attacking Mr. John Shepstone, against whom he had no ill-feeling, as he had against Dr. Kelly, “the tiger of Ladysmith, who had so severely bitten him.”‡ And so at Dilizela,§ though Matyana and his men “did not any of them lay down their arms during the interview, which must have lasted some hours,”|| they did no harm to Mr. John Shepstone and his three attendants, who came only armed with their horsewhips. At Izutili he did “lay down his arms,”¶ but the weapons were put down within reach behind him;*** still, as before, no harm was done to Mr. John Shepstone and his men; nor was any intended, it is clear, when he was coming armed to Noomakabela, unless a treacherous attempt was made to seize him. But, that the suspicions entertained by Matyana and his men of the white man’s treachery, as shown by their always coming armed and in large numbers, were perfectly just, is plain, from the fact that even at Delizela, where Mr. John Shepstone shook hands with him at coming and going,†† and gave him cattle for food in a friendly manner, he says himself, in this letter of February 16, “I should have apprehended him, had it not been for the reasons I have given—namely, that he was attended by upwards of 300 armed men, was himself armed, and (they) did not any of them lay down their arms during the interview. But, should the Government still see it necessary, I can seize him at once, but will require an armed force to do so, but believe that with time I may do so without bloodshed, or even succeed in getting him to stand his trial at Ladysmith.”‡‡ Whether, and to what extent, the letter of March 3, from the Secretary for Native Affairs, in the name of the Government, sanctioned the employment of treachery in this matter, depends, of course, on the terms of the letter from Mr. John Shepstone, to which it refers, that of February 24, which cannot be found.

But Dr. Kelly’s letter of March 8 betrays the fact that, while Mr. John Shepstone believed Matyana to be innocent, Dr. Kelly acted as if he believed in his guilt. A meeting, it appears from this letter, had been arranged by Mr. John Shepstone between Dr. Kelly and Matyana, to take place at Nookakabela on March 4, “hoping that by means of a quiet interview between Matyana and myself,” says Dr. Kelly, “his arrest at some other meeting might be more easily effected;” in other words, the friendly “quietness” of this interview was merely a blind to deceive Matyana, and induce him to lay aside his suspicions, and come unarmed for “some other meeting.” Matyana replied at first that he would meet Dr. Kelly as proposed, if he would bring the three prisoners, Nohloloti, &c., with him to confront Matyana’s witnesses, and if Mr. John Shepstone would assure him that no force would be employed against himself or his people, to which Mr. John Shepstone agreed. When the day came, however, Matyana’s fears and suspicions prevailed, and he sent his induna to say that “the Klip River Tiger had bitten him so severely that he could not come to see him;” and very probably he was right in his apprehensions, and may even have had a hint from a friend in Mr. John Shepstone’s confidence of some treachery ready even then to be practised, if occasion offered; for the extracts just quoted from Mr. John Shepstone’s and Dr. Kelly’s letters, as well as the actual facts at the final meeting, are enough to show that the promise “that no force would be employed” was worth very little. An examination now took place in his absence, after which Dr. Kelly writes, “I beg to inform you that, as the three prisoners, Nohloloti, Nobala, and Mhlangala, do not appear to be principals in the murder, and have freely volunteered their evidence in the open and straightforward manner they have done, I felt it to be my duty to promise to detain them in the capacity of Queen’s evidence only.” Thus, at the time when

* Noju, Mabona.

† Homoi, Njuba, Mlamula, Matendeyeka.

‡ Dr. Kelly’s letter, March 8.

§ Matendeyeka.

|| Parliamentary Papers, February 1875 (C.—1121) p. 24, § 3.

¶ Minute of Mr. J. Shepstone.

*** Maboyi.

†† Njuba, Nozityina.

‡‡ Parliamentary Papers, February 1875 (C.—1121), p. 24, § 31.

Mr. John Shepstone believed Matyana to be innocent, Dr. Kelly treats as "Queen's evidence" against him these three men, whom Matyana himself had sent in as criminals concerned in the murder, and who certainly were concerned in it, though they laid the blame on Matyana. And these very prisoners* figure on the scene at Nomakabela, whither they were brought on the pretence of being confronted with Matyana; they sat and accused him of the murder of which Mr. John Shepstone still believed him to be innocent, and, though at first unarmed, they got weapons at last, and rushed with the rest to do their bloody work upon Matyana's unarmed people.†

Mr. John Shepstone's letter, dated March 11, is chiefly remarkable for its containing an account of Vamela's report: "From intelligence just received from one of his own tribe, he intends refusing to appear. This man states that he has with him a large armed force which, should he come, will accompany him. Amongst these are 20 to 30 men armed with guns, the rest bearing only assegais and shields. Should an attempt be made to seize him, he has declared his intention of taking the lives of the whole party, together with my own, and then making his escape to the Zulu country, boasting that he can kill them first, and then 'escape before the news can even reach Government.' He has already dispatched messengers to Panda begging protection for himself and followers. Since Dr. Kelly's return, his men have again sworn either to die with him or to kill us all."

It is obvious that this statement does not imply that Matyana would make an unprovoked attack on Mr. John Shepstone's men and kill them, but only says that should an attempt be made to seize him, Matyana's men would defend him to the uttermost; and not a word is here said about the "sign" for the massacre (*kwoza-kubenini*.) The intended massacre and the signal for it to be given by Matyana, which was "actually twice repeated at the meeting, but, fortunately for us, not acted upon," as stated in Mr. John Shepstone's "Minute," are evidently a later invention. But the date of this letter is March 11; the information had "just" been received, that is, it had been received three or four days before the final meeting (March 15), instead of only "a day or two previous." There was, therefore, ample time to have put off the meeting, or at least to have sent the lady and her young children away, if he had really dreaded such a massacre.

I have thus, to the best of my ability, discharged my duty to the Secretary of State in respect of this matter. I do not suppose that Mr. John Shepstone meant to *kill* Matyana when he fired at him; he probably only meant to wound him, so that his two men might effect his capture more easily. And I doubt not he deeply regretted the loss of life which his ill-advised attempt occasioned. But I leave it to higher authority to say whether, on the one hand, the statements which I have made are of "a most libellous and malicious nature," "which are as untrue as unfounded," as Mr. John Shepstone has declared, asserting that he throughout acted in good faith towards Matyana and his people (B), or whether, on the other hand, these acts of Mr. John Shepstone, concealed so long and still denied by him, in the face of the whole native population of this Colony and of all the adjoining countries as Zulu-Land and Basuto-Land, where the story of the treachery practised against Matyana is well known, have not brought a stain upon the English name which requires to be removed before the natives of these parts will learn to believe in the good faith and truth and justice of the English Government.

(Signed) J. W. NATAL.

Bishopstowe, August 26, 1875.

Inclosure 7 in No. 25.

Statement.

THE Lord Bishop of Natal charges me with deliberate treachery in the attempt I made to arrest Matyana in March 1858, and to give colour, point, and weight to the charge, he adds the accusation that I not only enticed him to a friendly conference, at which I tried to arrest him, but that I actually fired twice at him during that conference, as he sat before me, with the intention of killing him, one of my shots striking "Deke" in the knee or leg, the other "Umtonga" on the head, and causing the death of the latter. He made these charges last year.

* Matendeyeku, Gwazizulu, Ndabakazi.

† Matendeyeka, Qaqaqa.

In answer to a remark made by the Secretary for Native Affairs, expressing his deep regret that the Bishop had thought it right to circulate this story without having taken the precaution to verify it, or of asking explanation respecting it from me, his Lordship replies:—"It will be seen that I have taken the precaution to verify the story, being satisfied, however, in my own mind, as to the substantial truth of the native story. I had no wish to communicate personally with Mr. John Shepstone on the subject, and was under no necessity to do so." He then goes on to say that he mentioned it twice to the Secretary for Native Affairs, first in his private house, and more fully ten days afterwards in his office, in the presence of the Attorney-General, and that the Secretary for Native Affairs, being my brother, the Bishop had no doubt did communicate with me at the time on the subject, as he fully expected and wished him to do. I append a letter from the Secretary for Native Affairs addressed to me, dated July 26, 1874, which will show that, as the Bishop did not commission him in any way, he did not think it right to become a means of conveying private conversation from one to the other.

So that because the Lord Bishop of Natal chose to believe the *ex parte* "native story," and had no wish, and felt he was under no necessity, to communicate with me personally to learn my story, and because he took it for granted that, stating the "facts" as he calls them, to the Secretary for Native Affairs, and the two Magistrates, Hawkins and Bird, would be sufficient and fair warning to me; he thought himself at liberty to transmit secretly through his relative, Mr. Bunyan, to the Secretary of State, charges which have blighted my reputation as a public officer and a citizen with the public of England before I could have an opportunity of saying a word in my defence.

The Colonial regulations require that all communications from persons in a Colony with the Secretary of State shall go through the Governor. Common justice and fair play require this too, but in my case the Bishop disregarded both one and the other, and so secured the advantage, which he seems to have aimed at, of striking me down before I was aware of his attack.

I suffer also from the facilities which his possessing a mission printing press affords him of circulating, as he has done, privately, among his trusted friends in Natal, the Cape Colony, and England, pamphlets containing damaging and unwarrantable comments upon my conduct; and it has only been by accident, and latterly from the love of justice which distinguishes Her Majesty's Government, that I have at length had the opportunity of seeing some at least of these, I must be excused for calling malignant, productions.

I wish at the outset to say of my own conduct, in reference to the treachery charged against me, that I occupied the position for the time of a special constable. I had no permanent appointment in the Government service. A Magistrate's warrant to apprehend Matyana had been addressed to me, and I had been ordered to execute it. I believed the man to be innocent, but my duty was to bring him before the Magistrate, to convince him as he had done me. I had no discretion, and I determined to do my duty, although at great risk to myself. It would have been childish, and disloyal too to the Government, if I had told Matyana that I intended to arrest him on the first opportunity. What criminal is so warned beforehand by the officer commissioned to apprehend him; or what criminal would be arrested if so warned? I gave him no pledge or promise of any kind that I would not, and when I thought the opportunity would occur I planned an attempt, and tried to put it into execution, and failed. This attempt would, I knew, place me in extreme personal danger. I provided against this as best I could with the means at my disposal—30 against 300. I was wounded, and loss of life occurred, which no one more than I lamented. But that I fired at Matyana, or at any one else, throughout the whole of the proceedings, or even thought of doing so, I utterly deny. I fired both barrels of a small gun (24 bore) into the air, when I feared that my small force would be overwhelmed after the attempt to seize had failed; indeed, my firing had nothing whatever to do with that attempt. I neither hurt nor tried to hurt any one; but, on the contrary, did my best, even after I had myself been wounded, to check the fighting that took place after the attempt to arrest Matyana had failed.

It is the alleged fact of my having attempted to shoot Matyana, while speaking to him, that makes the Bishop's statement so damaging and my conduct appear so black; no one acquainted with the difficulties attending the carrying out of a warrant of arrest against a man charged with murder, and that man a savage, will for a moment feel that I was bound to tell him that, since he had disobeyed

summonses, I was now armed with a warrant for his apprehension, and that, therefore, he must be upon his guard.

I shall now proceed to compare the evidence, which last year satisfied the Bishop of his right to do what he has done against me, with that of the same persons given then, and it will be found that, with one exception, in no case do the two versions agree, and in most there are wide and fundamental differences.

Last year Mahloi stated that he formed one of my party; was an eyewitness to all that occurred at the final meeting with Matyana. This is the exception alluded to; but the evidence of Noamela, Qagaqa, Hermanus, and Quidana, shows he was not; nor have I the slightest recollection of the name or the individual, though Mbombo and Ntambama, the Bishop's witnesses, declare to the contrary; the evidence of these two last before the Commission is a mass of contradiction, and cannot be accepted as bearing on the case.

Deke, 1st, some years since, while supposing he would never be called upon to give evidence in this affair, informed Nozityina, Qagaqa, and Quidana, with whom he lived, that on the day in question he found himself, after dark, by the stream below my camp, some 200 yards distant, stiff and wounded in leg and side, but how he became so he had no idea.

2nd. Last year, at Bishopstowe, declared on oath that the wound in his leg was "caused by the bullet of the firearm which was fired, as he believes, by Mr. John."

3rd. And about the same time, in Maritzburg, he, Deke, informed Yamela, a witness called by me before the Commission, that he found himself wounded after Matyana jumped over him, that he did not say I shot him, nor did he see me do so. A reference to Bishop's Blue Book, pages 374 and 375, will confirm the above.

4th. In his evidence before Commission he declares he saw me aim and fire at Matyana, was wounded in the leg by this discharge, there fell and swooned, recovering about sunset, and tottered away.

5th. Dabakazi, an additional witness of the Bishop's, says he found Deke, before sunset, about a mile and a half from the place of meeting, sitting by a small stream, where he bound his leg, and assisted him on his way, leaving that place about sunset.

6th. The Bishop having put in the certificate of a medical man, stating that the wound in Deke's leg was caused by a bullet, I requested the Commissioner to be good enough to order independent examination. The result was a certificate from Dr. Carlaw, to the effect that the wound had been caused by a cutting instrument, such as an assegai; this being the opposite of that put in by the Bishop, my further suggestion that a Board should be appointed was complied with, and the result is a confident opinion of three to one in favour of its being an assegai wound. I wish to draw attention to this, because Deke's evidence on the nature of his wound are the main grounds upon which the Bishop's charges are founded.

Neamane gives a wholly different account before the Commission to that said to have been made by him last year. He denies seeing me shoot; admits that assegais were carried; that part of the statement said to have been made by him at Bishopstowe is correct, and part not; that no one was killed by a bullet; that I did not say I wished to shoot Matyana—my orders being not to kill. This witness alludes to pressure being used at Bishopstowe to get him to say what was untrue as follows:—"Even at Bishopstowe I told the Bishop I could not say anything about Deke, and said, 'You, as a great Chief, would surely not wish me to say what is not the fact.' Matyana pressed me also to say so, and said, 'You should say so.' I replied, 'No; even although he is taking Langalibalele's cause, I cannot say so.'"

Noju and Mabona last year stated on oath, "that there was a skin spread on the ground before Mr. John, and some say that a fire-arm was hidden under it;" and before the Commission now say that they saw me fire at Matyana; but, on being cross-examined, Mabona says, "What I said last year was hearsay, but I am now telling what I saw." Noju saw Deke on the ground, but not his wound; and Mabona the son of Mbengana, but no wound.

Mpupuma, in his printed statement on oath, says the son of Mbengana was shot in the head, and his brains scattered on the ground; and in his evidence before the Commission supposes that he was struck on the side of the head, but saw neither the wound or his dead body; and adds that Deke was sitting when he was struck.

Njuba at Bishopstowe (printed statement) says Mtonga, son of Mbengana,

was shot in the breast, ran away, and died; and to the Commission, that he only heard that Mtonga and Deke were shot, that he saw me fire both shots.

Mlamula had made a conjoint statement with Njuba, of which I was not aware at the time, or I should have cross-examined him; he states he saw me fire.

With this ends those on which the Bishop's charge is based; they are corroborated, as far as the firing and noncarrying of assegais is concerned, by seven of the additional witnesses called by the Bishop, viz., Ntambama, Maboyi, Dabakazi, Homoi, Njuza, Setrombamafusi, and Faku; and contradicted relative to the firing by Gwagana, Noamela, Qagaqa, Nozitshina, Ncamane, Gwazizulu, Magwaga, Faku Ra Fole, and Matmaeleka. The last four do not admit that assegais were carried to place of meeting, though the first five do, to which I must add the evidence of Mr. John Taylor; and that I did not fire as stated is fully borne out by the fact that not one of all the witnesses saw either the wound of Deke or Mtonga, son of Mbengana, at the place of meeting, nor was the latter seen after, dead or alive; and, in the confusion that followed the attempt to arrest, is it probable that such particular notice would be taken as is stated by several of the Bishop's witnesses?

"Enticement:" the only message sent with a promise of safe conduct was through Gwazizulu, when Matyana was to meet Dr. Kelly at my camp—which a letter from Dr. Kelly, addressed to the Secretary for Native Affairs (copy of which I have put in), will confirm.

The attitude and bearing of Matyana and his tribe up to the time of the attempt to arrest him was that of the greatest distrust of me; assegais were carried each time, as well as to the final meeting, which is fully proved.

But I claim to appeal to the probabilities of the case when the events happened upon which the charge is based. I held no permanent position in the Government service. I had been employed temporarily by the Governor of the Colony to command the native portion of the force which acted against Matyana. I had nothing to do with the politics of the matter, nor had I any authority beyond that conveyed by instructions, which were from time to time given me. I occupied the position of a special constable, to whom a Magistrate's warrant, for the apprehension of Matyana on a charge of murder, had been addressed, and which I was ordered to execute. I had had an interview with the Chief in the midst of his armed warriors; I attended but by two or three unarmed followers. The result of that interview was to impress me with the belief that the Chief was not guilty, and that explanation to the Magistrate would settle the matter, and I did all I could to bring this about. I was comparatively young. I was anxious to discharge the duty assigned to me, so as to merit approbation and possibly reward from my employers; and I may fairly ask how this wish could be furthered by my inveigling a man to meet me for the purpose of shooting him on the mere authority of a warrant of arrest?

My belief in his innocence was fortunately placed on record before the event on which this odious charge is based occurred, and can it be believed, with this conviction in my mind, I could have brought myself to be guilty of such murderous treachery. What could I have gained, and what would I not have lost by such conduct?

Then, again, as to prudential considerations. I had with me thirty men in the open country, my wife, and two young children, and had to deal with a whole tribe; can it be thought possible that I would recklessly expose my own life and the lives of those who were dear to me, to almost certain destruction, for the purpose of carrying out a murderous and treacherous design, without authority, provocation, or object.

There is one more remark which I may be permitted to make on the probabilities of the case. If I had had any idea of shooting Matyana, it would have been much easier for me to have done so with the pistol in my belt than with a gun, which I had to take from its place of concealment under a skin. I had been accustomed to the use of a gun, and was not a bad shot, and if I had fired at Matyana, as described, it is not at all likely that he would have escaped.

I now close my remarks on a subject upon which I cannot but feel that, whatever may be the decision, the Bishop has, by the covert and perseveringly covert mode of his attack upon me, permanently injured my reputation in the world's estimation.

I thank Colonel Colley for the patience and impartiality which he has shown during a painful and tedious inquiry, and I rely upon his experience and knowledge

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of human nature to take into account the peculiar circumstances of my position at the time, and to view my conduct in a reasonable and practical light.

(Signed) J. W. SHEPSTONE.

Pietermaritzburg, August 27, 1875.

P.S.—I append copy of statement sent into the Commission of all the circumstances as they occurred; also Proclamation outlawing Matyana.

(Signed) J. W. S.

Inclosure 8 in No. 25.

Royal Mail Steamer "Kafir," Bluff Channel,
July 26, 1874.

Sir,

I HAVE read the Bishop of Natal's letter to you, of the 23rd instant, on the subject of certain statements made by him in a printed pamphlet of your conduct in Matyana's affair in 1858.

It is quite true that the Bishop mentioned to me, on two occasions, his version of the "main facts of the story of Matyana," and I believe that on one of these the Attorney-General was present,

His Lordship says that he did so in order that the matter might be brought to your notice at once, in the most satisfactory and friendly manner, and he goes on to say that he does not doubt that I apprized you at the time of what he had told me.

You are aware that I did not tell you. I had several reasons for my silence. In the first place, you are my brother, and the Bishop was, and had been to me, for more than twenty years, as a brother also. I told him, however, that I had never heard the version he gave of the story; that if it were true, I must have heard it, and it would have made too strong an impression on my mind to be forgotten. I could not trust to my memory to say what the actual facts were, after the lapse of fifteen years; but I felt convinced that the Bishop had been misinformed, and I determined, before mentioning the matter to you, to seek for explanation from official records; the result was what I expected.

Then again, both these conversations were of a private character, I received no intimation from the Bishop that he wished them to be otherwise, nor had I the slightest idea that he intended to take any action, or print and circulate any statement, for which these conversations could be cited or referred to as affording any authority whatever.

They are stated to have occurred on the 18th and 27th of January last, and this is no doubt correct; but I did not attach the same importance to them that the Bishop did, nor could I, from my point of view, have made any use of those conversations if I had; I therefore made no note of them.

I had understood that Mr. Hawkins's conversations on the subject, with the Bishop and you, were equally casual and accidental occurrences; and I am surprised to find that they were of such a nature as to entitle the Bishop to allude to them as proof of his having apprized you of the existence of the statements in question.

I have, &c.

(Signed) T. SHEPSTONE.

J. W. Shepstone, Esq.,
&c. &c.

Inclosure 9 in No. 25.

Statement of what took place during my stay on the borders of Matyana's Location in the year 1858, for the purpose of arresting him.

I WAS first entrusted with a warrant for the arrest of the Chief Matyana on a charge of wilful murder; I soon after received a message from Matyana asking to be permitted to return to his kraals, but replied that he must first obey the Magistrate's summons, adding, that if he wished to see me, he could name any place and day when I would meet him. He fixed upon the kraal "Dilizela," some four or five miles from my camp, in a deep valley, and difficult of approach. I went, accompanied by three natives, with no weapon but our riding-whips. Matyana appeared, followed by a force of about three hundred men, all fully armed. My party off saddled and

we all seated ourselves and conversed on what had occurred, Matyana declaring that he was innocent of the murder of "Sigadiye," and naming several of his people, then present, as witnesses to prove it. I advised his going to Ladysmith with such evidence and make good his case. He pleaded fear—we separated—and, after a few days, another meeting took place, but nearer my camp; to this several of my men accompanied me, but unarmed, while Matyana, with the same force, was as fully armed as before. I again urged his making a voluntary surrender of his person to his Magistrate, but without avail; I then offered to accompany him to Maritzburg, where he might see the Governor, and promised on behalf of the Government that he should return unharmed and rejoin his people, but without success. We parted, and some days after it was arranged that Matyana should meet his magistrate at my camp; the day was fixed, the Magistrate arrived, but Matyana sent a message to say that the wound inflicted by his magistrate had not yet healed, and that he could not come, but would willingly have another interview with me; to this I assented, provided he did not come armed as on the previous occasions; he appeared with a large force, fully three hundred, at about 10 A.M., and halted about a mile from my camp; he sent a message to say he had come, but *armed*, as he was still afraid; I replied that if he wished to fight, I was ready, and would meet him on an open flat in sight; his answer was that he did not wish to fight the Government; this was, I believe, the last message between us, so matters remained until about 3 P.M., when he sent to say he was coming, and would leave his arms; I must here state, that having determined to execute the warrant handed me by the Magistrate for the arrest of Matyana himself, on a charge of wilful murder, at all risks, and having a day or two previous received authentic information, to the effect that at a large meeting held by Matyana, it was decided that at this interview myself and party were to be put to death, and they were then to leave with their Chief in a body for the Zulu country. A signal was agreed upon, to be made by the Chief, for the massacre, and was actually twice repeated at the meeting, but, fortunately for us, not acted upon. I had, therefore, to prepare, not only for the arrest of Matyana, but for the safety of myself and party. It was too late to withdraw at this stage, so I made up my mind to face our almost certain fate, we numbering one to their ten or more. Matyana approached with his whole force, leaving the bulk of their assegais some 500 yards distant, though he professed to leave all. On their coming up to where I sat, with about twenty of my party, the majority of Matyana's men called out in an insolent tone, "loo minza," "loo minza," "wo tshona lapa," meaning "you will bite the dust," "you will bite the dust," "you will die here." We all became seated, and I asked what the conduct just stated meant. It, however, confirmed what I was already in possession of. Some conversation took place, when the signal "Kwoze ku be nim," translated, "When will it be," was, as I have already stated, twice repeated. I then gave my signal for some seven mounted men with guns to ride from a spot in rear of my camp and out of sight direct to the mass of assegais alluded to, so as to prevent the owners re-obtaining possession of them and attempt a rescue, should we succeed in arresting their Chief. Almost immediately after this I made another sign to two men to apprehend Matyana; he was, however, on the alert, and being very slight and active, vaulted over some six or seven deep of his people, assisted by a stout stick (shield staff). All his men rose and formed a barrier between their Chief and my party; Sondhloon being on my left, and only a few yards from my camp, said, "Are you running from your own people? let us arm with theirs." A simultaneous rush was made by mine for their weapons, which they, being nearest, secured, Sondhloon losing his life in the attempt. Seeing the whole force turn on Sondhloon's order, I felt that our only chance of escape from being overwhelmed by numbers was to strike a panic, and with this thought took my gun from the ground at my feet, where I had placed it in case of need, and pointing it perpendicularly, discharged both barrels, which by no possibility could have hurt any of the mass of people by whom I was surrounded, unless the gun had burst. The discharge of my gun, together with the riding past of the mounted men, who were believed to be white men riding to cut off their retreat, completed the panic, and a general rush into the thorn valley below my camp was the result, I and my men following. I had not gone 200 yards before coming upon a dead body of one of Matyana's; I crossed a gully and found parties of both sides fighting. I asked my men why they were not in search of the Chief instead of fighting with the people; they replied, that they were only acting in self-defence, as they were kept back from following the

Chief. I went from one party to another, threatening mine with punishment if they did not obey my orders, viz., to apprehend the Chief only. While doing this I was dangerously wounded in the side by an assegai of one of Matyana's men, and whose life would have been taken by two of mine, who came up at the time, had I not directed them not to. I may add that, during the interview, I was armed with a brace of pistols and the gun stated. After being wounded I took two of Matyana's men under my personal protection, they saying that they feared my men, who were exasperated at hearing that I had been attacked. I returned to camp and found the dead body of Sondhloon at the door of one of the huts of my men. About thirty of Matyana's were killed, two of mine and myself wounded. So few of my men being hurt is to be accounted for by their having shields and the others not. In conclusion, I may add that, of the whole of my party present at this last meeting, I was the only one that was armed, the rest not even having (some of them) their usual walking-sticks. I state this last as I am charged with deliberately drawing a Chief with a force of some 300 men (armed, as many of them were, with short assegais concealed about their persons, Matyana having no less than three) into an ambuscade. I must add that I throughout acted in good faith, both towards Matyana and his people. I was placed there for a certain purpose, and risked the lives of my whole party in attempting to carry it out.

(Signed) J. W. SHEPSTONE.

Greytown, June 16, 1875.

Inclosure 10 in No. 25.

Proclamation.

By his Excellency John Scott, Esquire, Lieutenant-Governor and Commander-in-chief in and over the Colony of Natal, and Vice-Admiral of the same.

WHEREAS the Chief Matyana, being a minor at the time of the establishment of the British Government in this Colony, was, upon the death of his grandfather Job, allowed by special permission to assume the Chieftainship of the tribe, under the distinct declaration and injunction that he was so allowed only on condition that he ruled the said tribe in the name and as the Lieutenant of the British Government :

And whereas Matyana, after he had assumed the Chieftainship of the tribe as aforesaid, did kill his uncle Uvela and his two sons :

And whereas the Lieutenant-Governor for the time being, taking into his consideration various circumstances which were then and there urged in his favour, decided upon viewing this offence as a tribal one, and punishing it accordingly by a fine of 500 head of cattle, at the same time proclaiming that, in future, he "who intentionally kills another, whether for witchcraft or otherwise, shall die himself:"

And whereas the Chief Matyana has lately refused to obey repeated summonses from the Resident Magistrate, Klip River, to appear before him to answer a charge of wilful murder, committed by some of his people on the person of Sikadiya, and alleged to be by his consent and direction :

And whereas the people of the tribe were called upon to separate themselves from these acts of their Chief by arresting the perpetrators of the murder, and enforcing the appearance of the said Matyana before the duly constituted authority of the county :

And whereas, instead of so doing, the majority of them aided and abetted him in his persevering disobedience by arming themselves as in war time, and surrounding his person to guard and defend him :

And whereas it became necessary, by an armed force, to seize the cattle of the majority of the tribe so acting, in the hope that such seizure might influence them to return to a sense of their duty, and seeing that immediately after this measure was concluded the Lieutenant-Governor directed the Secretary for Native Affairs to proceed to the location of this tribe and inform them that he was prepared to extend his merciful consideration to the tribe, should they, even then, testify their obedience by delivering up the persons charged with the murder ; but that, in the event of continued neglect of this their duty, the Lieutenant-Governor would, at harvest time, disperse the tribe and break up the location :

And whereas a recent attempt to carry out the warrant of the Resident Magistrate for the apprehension of the said Matyana was resisted by force of arms, the white officer and others charged with this duty severely wounded, with the further result of the loss of several lives :

Now, therefore, I do hereby proclaim and make known that—

1st. I have deposed Matyana from the Chieftainship of the Abatembu tribe, and he is hereby deposed accordingly.

2nd. I do hereby proclaim the said Matyana to be an outlaw, and that any person who may be found sheltering, protecting, or otherwise assisting or abetting the said Matyana, will render himself liable to punishment, and will be punished accordingly.

3rd. I do hereby declare that the tribe heretofore acknowledging Matyana as their Chief shall no longer be recognized as a distinct tribe; and further, that the natives of the said tribe shall not be permitted to remain on the land hitherto occupied by them.

And I do hereby direct that this proclamation be made known to all Chiefs, heads of kraals, and other natives in this Colony, by the respective Resident Magistrates of counties and divisions.

God save the Queen.

Given under my hand and the public seal of the Colony, at Pietermaritzburg, this 19th day of March, 1858.

(Signed) J. SCOTT.

By his Excellency's command,

(Signed) THEO. SHEPSTONE, *Secretary for Native Affairs.*

Inclosure 11 in No. 25.

Sir, *Office of Secretary for Native Affairs, February 22, 1858.*

I AM directed by the Lieutenant-Governor to acknowledge the receipt of your letter of the 16th February, 1858, reporting the circumstances of an interview with Matyana, and to inform you that his Excellency approves of your conduct on that occasion.

The immediate object of the Government, in reference to the murder case, is to institute such a full and complete investigation into the circumstances as shall enable the Magistrate to decide who are the parties it is most proper to bring to trial in connection with it; and the Lieutenant-Governor requests that you will consult with the Resident Magistrate as to the best means of accomplishing this end, avoiding any course, however, which may appear calculated to require the use of force.

I have, &c.

(Signed) T. SHEPSTONE, *Secretary for Native Affairs.*

John Shepstone, Esq.,
Job's Berg.

Inclosure 12 in No. 25.

Sir, *Office of Secretary for Native Affairs, March 3, 1858.*

WITH reference to your letter to Dr. Kelly of the 24th ultimo, and the statement of Inkonyana complaining of the treatment he had received at the hand of Matyana, I am directed by the Lieutenant-Governor to authorize you to carry into effect the warrant for the apprehension of Matyana issued by the Resident Magistrate of Klip River, and in your possession.

His Excellency authorizes this under the impression conveyed by your letter that you consider yourself able to undertake it without the employment of any force beyond that which a few of the tribe may furnish in addition to the persons you already have with you.

You will therefore understand that you are on no account to raise any force from the neighbouring tribes, but confine yourself to the use of such means as are already in your possession.

I have, &c.

(Signed) T. SHEPSTONE, *Secretary for Native Affairs.*

J. W. Shepstone, Esq.,
Job's Berg.

Inclosure 13 in No. 25.

Sir, *Resident Magistrate's Office, Ladysmith, March 8, 1858.*

I HAVE the honour to report, for the information of his Excellency the Lieutenant-Governor, that Mr. John Shepstone having given notice to the Chief Matyana that I would be ready to meet him and all his witnesses at the kraal where he, Mr. J. Shepstone, is now residing, hoping that by means of a quiet interview between Matyana and myself his arrest at some other meeting might be more easily effected, that Chief replied that he would come to meet me at any time I would appoint, provided I brought the three prisoners Nhloloti, Nobala, and Mhlangala with me to confront his witnesses, and if Mr. J. Shepstone would assure him that I would employ no force either against himself or people. Mr. J. Shepstone having promised that the interview should take place as requested, I accordingly appointed Saturday last, the 4th instant, for the purpose; and some hours after my arrival at the place of meeting, an induna of the Chiefs, accompanied by Mpaku, Sikunyana, Fihlo, Mankayana, Mpokwana *alias* Kwengee, and others, appeared before me and said, "Matyana told us to say, that the Klip River Tiger had bitten him so severely he could not come to see him."

Seeing that the induna was accompanied by five of the parties accused of murder, I caused the examination to be proceeded with, a copy of which I have now the honour to inclose.

Notwithstanding the absence of Matyana (who I did not expect would fulfil his promise to meet me), I am happy at the result of it, as I am now aware of the name of the parties who will be required to be put on their trial or summoned as witnesses in the event of a successful issue of the operations now being instituted for the apprehension of the Chief.

I beg to inform you that as the three prisoners Nhloloti, Nobala, and Klanguala do not appear to be principals in the murder, and have freely volunteered their evidence in the open and straightforward manner they have done, I felt it to be my duty to promise to detain them here in the capacity of Queen's evidence only.

I have, &c.

(Signed) THOMAS J. KELLY, *Resident Magistrate.*

The Hon. the Secretary for Native Affairs,
Natal.

 Inclosure 14 in No. 25.

Sir, *Job's Berg, March 11, 1858.*

I BEG leave to report, for the information of his Excellency the Lieutenant Governor, that in accordance with a message I received from Matyana, I wrote to Dr. Kelly, who agreed to meet him here, and investigate the case before him, bringing with him the three prisoners from Ladysmith.

On Dr. Kelly's arrival, another message arrived from Matyana, refusing to meet him on any terms; urging the plea of fear, and saying that his leg was also too sore to meet Dr. Kelly, but that it would be well enough if he had to meet me alone. After Dr. Kelly's investigating the case, before Mpako and others, he returned to Ladysmith, when I sent to tell Matyana that the magistrate had left, and he must therefore come at once. It is now five days since I sent to him, and I have received no answer, but from intelligence just received from one of his own tribe, he intends refusing to appear. This man states that he has with him a large armed force, which, should he come, will accompany him. Amongst these there are 20 to 30 men armed with guns, the rest bearing only assegais and shields. Should an attempt be made to seize him, he has declared his intention of taking the lives of the whole party, together with my own, and then making his escape to the Zulu country, boasting that he "can kill them first, and then escape before the news can even reach Government." He has already despatched messengers to Panda, begging protection for himself and followers.

Since Dr. Kelly's return, his men have again been sworn either to die with him or to kill us all.

During the whole of yesterday large armed parties have been joining him from all quarters. The whole of his regular army has been collected, and questioned whether they intend adhering to him or not. The oldest only have demurred.

He told them he "had determined never again to appear before any white chief

after this one meeting," when "he would then come strongly armed," as he "knows well enough that the Government are trying to catch him," and that he has resolved to do something to revenge himself "for having been unjustly punished."

Should an opportunity offer, his cousin, Mgabo, will be put to death, for having told you that a "force was being collected, who were to travel with folded shields, and join him." This man is daily with me, and expresses a resolution of remaining true to Government. Matyana's men traverse the country in their war dresses, and those suspected even work armed in their gardens for fear of him. In consequence of these disturbances, Dabanculu's entire tribe sleep away from their huts; it is also well known that it is only in consequence of my being here which keeps him from killing the men of all the kraals about this for remaining faithful to Government. I hear further, that he is in daily communication with the Boers in this vicinity, who advise him "not to meet me" unless armed, for should "I receive orders to seize him, I would do so, even if I were certain that my own death would result from it."

I am prepared to seize him should he come here unarmed, but, in consideration of the lives of those under me (having only thirty men, and six of which alone have guns), I could not attempt it should his men come armed, as the odds would be too great, and must end in inevitable defeat.

In conclusion, I beg leave to request that his Excellency will take into his gracious consideration the position I am at present placed in, and send me further instructions at his earliest convenience.

I have, &c.
(Signed) J. W. SHEPSTONE.

The Hon. the Secretary for Native Affairs,
Pietermaritzburg.

Inclosure 15 in No. 25.

I CERTIFY that I have carefully examined a cicatrix on the outer and back part of the right thigh of Deke, a man of Matyana's tribe, and I am of opinion that it is the result of a bullet-wound which passed through the fleshy part of the thigh, at its outer and back part, about six inches above the right knee; also that the missile most probably entered from the right front.

(Signed) S. E. MAUNSELL, *Surgeon.*

Pietermaritzburg, September 29, 1874.

Inclosure 16 in No. 25.

IN compliance with Memorandum of this date, I have the honour to report, for the information of his Excellency the Administrator, that I have carefully examined Deke, a Kafir, and find that he has two scars on the outer and posterior aspect of the lower third of the right thigh, and evidently of long standing.

The anterior scar is a thin line one inch and three-eighths long, nearly perpendicular, with a small depressed patch in the centre.

The posterior scar is much smaller—a slightly curved line three-quarters of an inch long, and one inch and three-eighths from the anterior.

Judging from the appearance of the cicatrices, I am of opinion the wound has been inflicted by an assegai.

The weapon has entered the anterior scar, causing a wound one inch and a-half long across the limb, and superficial.

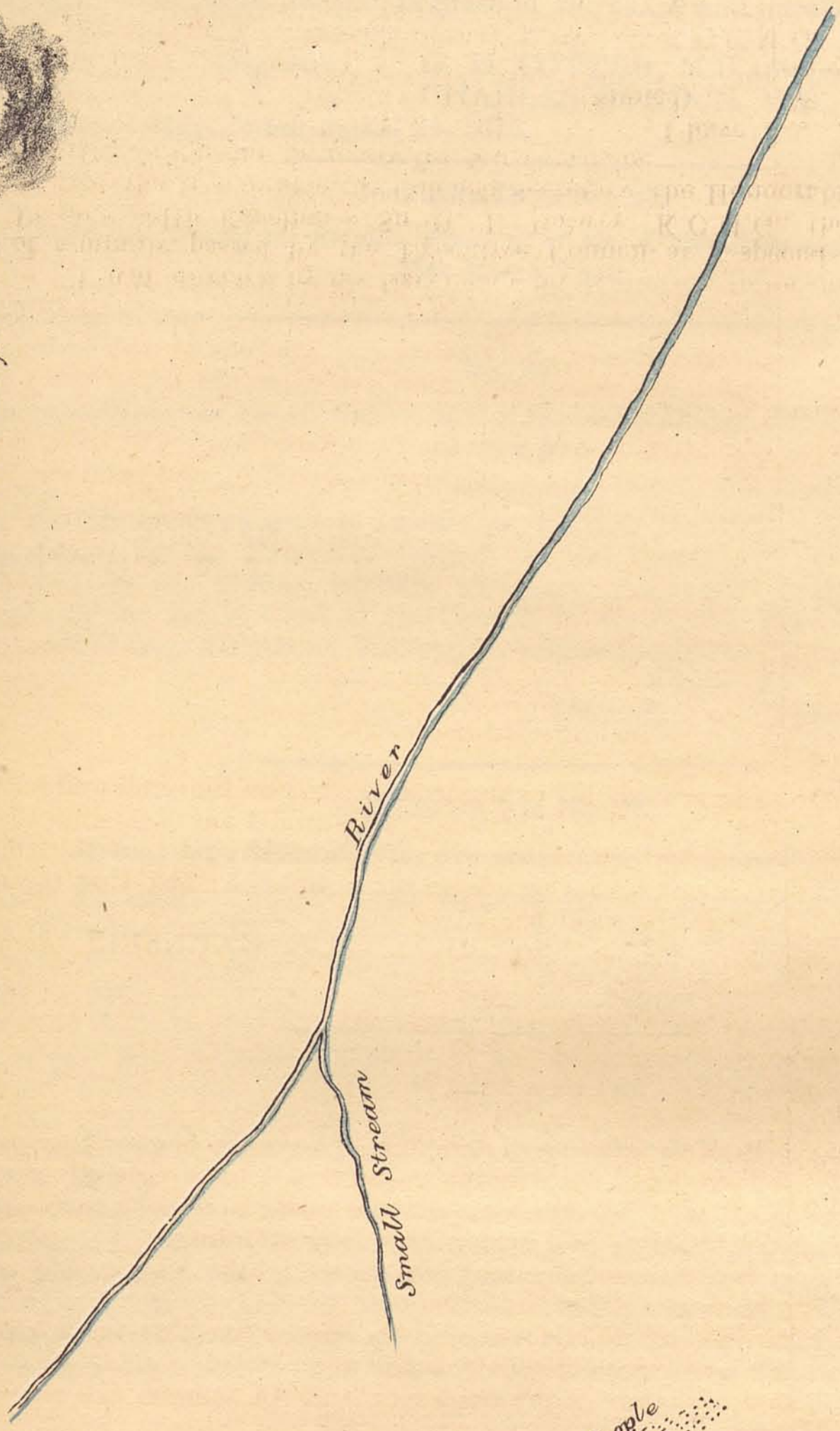
(Signed) JNO. CARLAW,
Surgeon-Major, 13th S. M. O.

Station Hospital, Fort Nopin, August 14, 1875.

Inclosure 17 in No. 25.

PURSUANT to an order from his Excellency the Administrator, dated Government House, Maritzburg, August 23, 1875, the Board met to examine and report upon the nature and probable cause of wound in the thigh of a Kafir named "Deke," said to have been received in the year 1858.

The Hill i Lenge up
which Matyana ran



R O U G H S K E T C H

Showing the relative positions of the parties of M^r JOHN SHEPSTONE
AND

MATYANA on the 16th March 1858.

Weapons of Matyana's
People

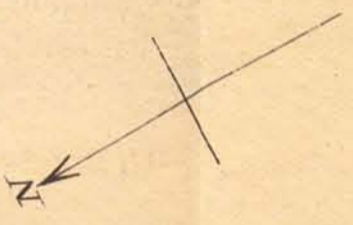


About 500 yards

Matyana's People
MATYANA

M^r John Shepstone's
People
M^r J.S.

Kraal Nomakabela where
M^r J. Shepstone, was living



Slight Hill or Ridge

Armed Horsemen in ambush
ready to seize the weapons
of Matyana's people at an
arranged signal.

Opinion of the Board.

The Board having carefully examined the scars or cicatrices of the wounds in the right thigh, are of opinion that they have been caused by a sharp penetrating instrument, probably an assegai, because of the shape and parallel direction of the scars.

(Signed) G. H. COTTER, M.D., *Surgeon.*

CHARLES GORDON, M.D., *District Surgeon.*

Pietermaritzburg, Natal, August 24, 1875.

Inclosure 18 in No. 25.

Rough Sketch showing the Relative Positions of Mr. J. Shepstone and Matyana on the 16th March, 1858.

No. 26.

Lieutenant-Governor Sir H. Bulwer, K.C.M.G., to the Earl of Carnarvon.—(Received October 20.)

My Lord,

Government House, Natal, September 16, 1875.

I HAVE much pleasure in forwarding, for your Lordship's information, copy of a minute passed by the Executive Council on the occasion of Sir Garnet Wolseley's departure from the Colony, together with copy of a letter covering the minute, and addressed by the Acting Clerk of the Council to Sir Garnet Wolseley, and copy of a letter received from Sir Garnet Wolseley in acknowledgment of the minute.

I have, &c.

(Signed) HENRY BULWER.

Inclosure 1 in No. 26.

Extract from Minutes of the Executive Council of September 2, 1875.

THE Executive Council avails itself of the circumstance of Major-General Sir Garnet Wolseley, G.C.M.G., K.C.B., having been senior military officer commanding the troops, as well as Administrator of the Government, to enter on the minutes in connection with his departure from Natal, this expression of their high sense of the favour done them by Her Majesty by bringing them into acquaintance—through his being at their head for several months—with one so distinguished as his Excellency.

The Council desires to express its great admiration for Sir G. Wolseley's ability, straightforwardness, energy, and justice in his government, and for his untiring exertions for administrative amendment, and for the material advancement of the Colony and all its classes.

The Council desires also to express personally their thanks to Sir G. Wolseley for his continued kindness, politeness, and attention in public and private life.

As several members of Sir G. Wolseley's staff have been during his administration connected with this Council, it gladly avails itself of that circumstance to state here the pleasure which that connection has given it, and its high sense of their energetic and disinterested services in many ways for the benefit of the Colony.

Inclosure 2 in No. 26.

Sir,

Government House, Pietermaritzburg, September 2, 1875.

I AM directed by his Excellency Sir H. Bulwer to forward you the inclosed copy of a minute passed by the Executive Council at a special meeting held this day. Present:—His Excellency Sir H. E. Bulwer, K.C.M.G., the Honourable the Chief Justice, the Honourable the Colonial Secretary, the Honourable the Colonial Treasurer, the Honourable the Secretary for Native Affairs.

I have, &c.

(Signed) W. H. BEAUMONT,
Clerk of the Executive Council.

His Excellency Major-General Sir G. J. Wolseley, G.C.M.G., K.C.B.,

&c.

&c.

&c.

Inclosure 3 in No. 26.

Sir, Durban, September 3, 1875.

I HAVE the honour to acknowledge the receipt of a copy of a minute of your Excellency's Executive Council, referring to my recent tenure of office in Natal, couched in terms most gratifying to me.

I should feel much obliged if your Excellency would be good enough to convey to the members of that Council my deep sense of the great compliment they have paid me, as I would wish to assure them of the pleasure I have always experienced in transacting business with such zealous public officers.

I am glad to have this opportunity afforded me for placing on record my high appreciation of the valuable assistance I have always experienced at their hands.

I have, &c.

(Signed) G. J. WOLSELEY, Major-General.

His Excellency Sir Henry Bulwer, K.C.M.G.,
&c. &c. &c.

No. 27.

The Earl of Carnarvon to Lieutenant-Governor Sir H. Bulwer, K.C.M.G.

Sir, Downing Street, October 20, 1875.

I HAVE had under my consideration Sir G. Wolseley's despatch of the 15th July, forwarding a copy of a Report by Major W. F. Butler, C.B., upon the subject of European immigration in Natal.

2. Major Butler's Report opens with a rapid and lucid historical sketch of the past systems of immigration and of land grants as connected therewith. The failure of these systems Major Butler attributes principally to two causes: (1) the inadequacy of the public revenue to promote white immigration on any effective scale; and (2) the limited amount, and, what is a more serious evil, the remoteness of the land at the disposal of the Government. Of the 12,000,000 acres constituting the estimated area of the Colony, 8,000,000, he states, are held in private ownership, including 1,000,000 in the hands of a single Company. The remaining unalienated Crown lands are situated in remote parts of the Colony, and are consequently unsuited for the location of newly-arrived settlers. The greater portion of the country between Port Durban and Maritzburg, representing about 500 square miles, and commanding the only two markets in the Colony, belongs to private parties, and is, at present, he adds, in a state of almost complete wilderness. The difficulties of transport are considerable. The rivers are useless for the purpose, and the roads during the dry winter season are barely passable for the ordinary waggon traffic, and during the wet summer season are frequently wholly impassable. The three new railways, however, which I have recently sanctioned will, when made, probably to some extent ameliorate this state of things.

3. The remedial measures proposed by Major Butler are, as regards private estates, twofold: (1) A Squatting Law, empowering the Governor to locate settlers on certain portions of the uncultivated private lands; and (2) a land or absentee tax, coupled with the remission of quit-rent to those proprietors who voluntarily grant to incoming settlers leases upon the fixed Government rates. These leases, Major Butler suggests, should be made to small farmers (the class of immigrants he seems chiefly anxious to introduce at the public expense), and on the following conditions:—The size of the farms to be 200 or 300 acres; the duration of the lease twenty-five years; the rent per acre to be nil for the first five years (the tenant, however, being bound to erect in that period a homestead and farm buildings), and 1s. a year for the remaining twenty years. At the end of the term the tenant to have the option of purchasing the farm at a price to be fixed by the Government.

4. As regards Crown lands, Major Butler proposes that each settler should receive a free grant of 300 acres, on condition of his occupying and within two years building a homestead on the land.

5. For the further promotion of immigration from this country, he proposes that, besides providing for the present plan of granting assisted passages to the nominees of resident Colonists, which he thinks should be strictly adhered to, 15,000*l.* should be annually placed on the Estimates for the sole purpose of defraying the passages of 200 approved families, and the cost of placing them on their farms. He recommends that

the European immigration should receive the undivided attention of the head of the Immigration Department, who should have a seat in the Executive and Legislative Councils, and act as Crown Land Commissioner; and that to his assistant should be relegated the superintendence of the Indian and African immigration. Lastly, he suggests that the salary and allowances attached to the Emigration Agency in London should be increased from 300*l.* to about 800*l.* per annum, in order to secure the services of a competent agent.

6. The expediency of adopting Major Butler's proposals and the provision of the necessary means for carrying them into effect, are questions which must, of course, be duly brought under the consideration of the Colonial Government and Legislature, but I think it may be desirable to call your attention to some particular considerations in this large and difficult question.

7. The very exceptional circumstances of Natal, the position of its small and scattered white population in the midst of a vast number of natives, and the necessity of developing its resources, render it a matter of great importance to the Colony that all possible modes of attracting immigrants from Europe should be fostered and encouraged.

8. It is clear from Major Butler's report that the Crown lands in Natal still unalienated are, for the most part, not at present suitable for the location of immigrants on account of their "remoteness and discontinuity."

9. It therefore only remains to consider the first of Major Butler's proposals, viz., the leasing to small farmers of certain portions of large private estates upon a term of years, with right of pre-emption to the tenant at the expiration of the lease.

10. To effect this object it would be necessary, as stated in the Report, to adopt measures involving a certain amount of interference with private property, and on that account open to grave objection were it not that, as Major Butler says, "exceptional evils can only be met by exceptional remedies."

11. From various circumstances, which are fully detailed in the Report, it has come about that all the best and most available lands in Natal have passed into the hands of a few individuals and companies, who have failed to settle European immigrants upon them, and now either lease them to Kafirs or hold them on the chance of an improvement in their value through the development of means of communication and the progress of settlement and cultivation in their vicinity. Every vast estate thus stretched unprofitably over the country is not merely removed from the class of the lands obtainable by *bona fide* settlers wishing to invest their fortunes and industry in the Colony, but is interposed as a barrier between one settler and another, and constitutes an obstacle to all beneficial improvement.

12. Moreover, this accumulation of the land in the hands of a small number of proprietors is an actual source of danger to the whole community, inasmuch as, whilst the natives in the Colony are growing enormously in numbers, no introduction of white settlers in any appreciable proportion does or can take place.

13. I am disposed, therefore, to think that the great urgency of advancing the settlement of the country, coupled with the very advantageous terms on which the properties which have remained so long undeveloped were acquired, would justify the consideration of measures to which, under ordinary circumstances, just exception would be taken, more especially as those measures must tend to increase the security of the property and its direct profit to the owner. And it is obvious that the owners of lands situated near the railways about to be constructed can least of all claim to be entitled to profit by these costly public works without making their land available for productive occupation. I am confirmed in this view by the not unfavourable reception which I understand has been accorded in the Colony to the general principle of this proposal. I have, indeed, been told that, in one instance at least, a large proprietor has offered a very considerable block of land for making trial of this experiment.

14. I shall be obliged, therefore, by your considering the whole question, and informing me of your opinion upon Major Butler's suggestion, or upon any modification of it, under which the proprietors of land unoccupied, or occupied only by Kafirs, may be required to grant leases on reasonable terms to European settlers, and I shall be glad to receive a Report from you on the details of such a scheme.

I have, &c.

(Signed) CARNARVON.

No. 28.

The Earl of Carnarvon to Governor Sir H. Barkly, G.C.M.G., K.C.B.

Sir, *Downing Street, October 22, 1875.*

I HAVE to acknowledge the receipt of your despatch of the 4th ultimo,* forwarding your proclamation defining the limits of the location on the mainland to which Langelibalele and his son have been removed, together with a copy of the regulations to restrict the Chief and his son to the location as defined.

I have, &c.
(Signed) CARNARVON.

No. 29.

The Earl of Carnarvon to Lieutenant-Governor Sir H. Bulwer, K.C.M.G.

Sir, *Downing Street, October 29, 1875.*

I HAVE to acknowledge the receipt of your despatch of the 16th of September,† forwarding a Minute passed by the Executive Council of Natal on the occasion of Sir Garnet Wolseley's departure from the Colony upon the expiration of his administration of the Government.

I am desirous of taking this opportunity of placing on record my sense of the readiness with which Sir Garnet Wolseley undertook the service I required of him, the very remarkable zeal and ability with which he carried it out, the important measures he has proposed, and the valuable reports and recommendations which he has contributed, which will render his short tenure of office of lasting benefit to the Colony.

I have, &c.
(Signed) CARNARVON.

No. 30.

The Earl of Carnarvon to Lieutenant-Governor Sir H. Bulwer, K.C.M.G.

Sir, *Downing Street, October 30, 1875.*

I HAVE received your despatch of the 7th September,‡ and I have read with interest the report which you inclose from Bishop Schreuder of the circumstances attending his visit to King Cetywayo to deliver the presentation copy of Mr. Shepstone's Report upon the King's coronation in 1873.

I have, &c.
(Signed) CARNARVON.

No. 31.

The Aborigines Protection Society to Colonial Office.

*Canada Buildings, King Street, Westminster,
November 4, 1875.*

My Lord,

ON behalf of the Aborigines Protection Society we beg respectfully to address your Lordship with reference to several questions of native policy in the Colony of Natal.

In common with the great majority of Her Majesty's subjects, we hailed with satisfaction the measures which, at the close of last year, your Lordship announced it to be your intention to adopt with regard both to Langelibalele's and Putini's tribes, and to the government of the natives generally. We did not for one moment suppose that questions which were surrounded by so many difficulties could all at once be satisfactorily adjusted; but, nevertheless, it appeared to us that if the principles laid down in your Lordship's despatches dated December 3rd, 1874, were acted upon, every step taken in the future could not fail to be an advance in the right direction. Your

* No. 22.

† No. 26.

‡ No. 23.

Lordship, while regretting that it was impossible to reinstate the Amahlubi tribe in the position they occupied before the disturbances, remarked that "not only should the terms of the Amnesty of the 2nd May last be scrupulously observed, but, as far as possible, means should be provided by which the members of the tribe might be enabled to re-establish themselves in settled occupations." The observations which your Lordship addressed to the Lieutenant-Governor concerning Putini's tribe were still stronger. Not only was his Excellency directed to restore the tribe to their location, but he was required as far as possible to make restitution for the losses they had sustained; and we suppose that the large sum realised by the sale of their confiscated horses and cattle would have been immediately available for the relief of the sufferers. Lastly, your Lordship sketched an outline of measures having for their object the gradual supersession of the barbarous native code by English law, and you declared that the object of the Government should be "to shape the policy of the Colony in native affairs with a view of raising the natives out of their tribal organization into the condition of private and independent owners of property, and thus ultimately detaching them from their dependence upon their hereditary Chief, and teaching them to look to the white magistrates alone for the declaration of their rights and their protection against wrong."

With regard to the two first questions, *i.e.*, those relating to the tribes whose treatment awakened so much painful sympathy in this country a year ago, we regret to learn that no effectual steps have been taken to carry out your Lordship's instructions. The local authorities have certainly not helped the impoverished members of Langalibalele's tribe to "re-establish themselves in settled occupations," while they have not given the encouragement which might have been expected to efforts which others have made to help these poor people to obtain work and to buy land for themselves. Your Lordship's instructions respecting Putini's tribe were also very explicit, but the result in this case also has been extremely disappointing. It is true that, after Sir Garnet Wolseley's visit, blankets were distributed among the married men and women and the old people, and that a thousand Kafir picks have just been given to the tribe. We also understand that in a number of instances where Putini's tribe have been able to point out some of their cattle in the herds of neighbouring black men, they have been allowed to take possession of them. But on the other hand, the authorities have not yet returned to the tribe any of the thousands of cattle which were carried off during the Langalibalele panic, while we are assured that the sum of 1,000*l.* would cover all that has been spent in gifts of money, food, blankets, &c., since your Lordship's humane despatch was received in the Colony. The tribe being without either cattle or ploughs, it follows that there has been an increase of cattle-stealing in the district, and thus an alarming feeling of irritation between the natives and the colonists is kept alive. We are anxious to direct your Lordship's attention to the barbarity of the sentences passed even upon children for offences committed under the circumstances we have described. We therefore subjoin, for your Lordship's information, several cases which are reported in the Natal journals:—

"COMBINED COURT, ESCOURT.

"(Before John Bird, Esq., R.M., and Peter Paterson, Esq., R.M., as Judges.)

"On the 11th, 12th, and 13th August, 1875.

"Regina *v.* Mushirva, aged about 16, goat-stealing, 2 years' hard labour, private whipping, 12 lashes in September, 12 in August 1876, and 12 in August 1877, and all property confiscated.

"Regina *v.* Unyogazana, Ujana and Umshinwayo, ages about 10 to 11 years, goat stealing, 1 year's hard labour, private whipping, 12 strokes with birch 1st September next, and another 12th August, 1876. All property confiscated.

"Regina *v.* Ujana, aged about 10 years, receiving goat knowing it to be stolen, 3 months' imprisonment, private whipping, 12 strokes with the birch 10th November next. All property confiscated.

"(All from the Mooi River district.)

"Regina *v.* Ukabayana, aged about 12 years, sheep-stealing, Escourt district, 2 years' hard labour, private whipping, 12 strokes with birch 1st September next, 12 in August 1876. All property confiscated.

"Regina *v.* Uraglyance, adult, and Ingabe, adult, cattle-stabbing, Vecht Laager district, 3 years' hard labour, private whipping, 18 lashes 1st September next, 18 in August 1876, 18 in August 1877. All property confiscated. Ingabe discharged.

“Regina v. Umkoryamyaabla, adult, cattle-stealing, Tugela district, 3 years’ hard labour, private whipping, 25 lashes 1st September next, 25 in September 1876. All property confiscated, save 3*l.* to go to Ugemiza.

“Regina v. Umuhliwus, adult, cattle-stealing, Newcastle district, 2 years’ hard labour, private whipping, 12 lashes 1st September next, and 12 in August 1876.”

4. We feel that comment upon the above is wholly unnecessary; but we desire to state in addition that the gaol at Escourt is reported to be a disgrace to a civilized country; that fifty prisoners are said to have lately been crowded into a space which affords accommodation for only ten; and that some of these unfortunate persons were detained in this miserable place for a period of six months before they were brought to trial.

5. Your Lordship, in a passage which we have already quoted, declared that one of the objects of the new policy would be to raise the natives out of their tribal organization into the condition of private and independent owners of property. We are unable to see how this desirable consummation will be hastened by the provisions of the native administration Bill; that measure is apparently intended to destroy the authority of the Chiefs; but, on the other hand, it does not assist the Kafirs to obtain land, or to acquire individual rights of citizenship. So far as we are able to judge, it is a measure calculated to perpetuate the anomalies of native law, and to multiply the dangers of the double government which has hitherto existed. Moreover, the native department which has been greatly discredited by recent events will, under this Bill, be made more powerful than ever. Indeed, it provides for the exercise of the most important political and judicial functions by the same individuals, and thus we may expect to see repeated the scandal of Langalibalele’s trial, where the accuser of the Chief was also his judge.

6. We also venture respectfully to urge that the codification of native laws is essential to the equitable administration of justice; and that, so long as that law is maintained, the higher courts to which the duty of enforcing it may be entrusted, should be absolutely independent of the executive; and further, that such functions would be most satisfactorily discharged by the Supreme Court of the Colony.

We observe that, in a reply made by Sir Garnet Wolseley to a Memorial of native Christians, his Excellency said, that “all natives who wish to be relieved from the operation of native law may be so released by taking advantage of the provisions of the Law No. 28, 1865, enacted ten years ago for the special purpose of enabling persons desirous of doing so to abandon the customs and usages of barbarism, and adopt the usages of civilized men.” We are sure that his Excellency fully believed that the natives might readily take advantage of the above Law; but we have ascertained that the Law is so loaded with technicalities, and the process by which natives are required to purge themselves of their brutal barbarism before they can acquire the rights of British subjects is made so complex, that practically it has been a dead letter ever since it was passed. We sincerely hope that your Lordship will consider the expediency of framing a new law which from its simplicity and directness would be likely to fulfil its professed object.

7. We gladly acknowledge that the abolition of the 5*l.* marriage-tax will prove a boon to the natives, but we would ask your Lordship whether the relief afforded by that measure is not more than neutralized by the doubling of the native hut-tax. A fact has come to our knowledge with which possibly your Lordship may not be acquainted. It is that in some parts of the Colony the natives who reside on white men’s lands are two or three times more numerous than those who occupy locations. These Kafirs pay to the farmers rent varying from 1*l.* to 2*l.* per hut. We should be glad to know whether the hut-tax is to be doubled in such cases. No doubt, in the neighbourhood of the towns and of the plantations, the Kafirs will be able to pay the increased tax; but we fear that an attempt to enforce it in the remoter districts of the Colony, whether in the interior or on the coast, will be attended with great hardship and considerable danger.

8. There is little doubt that the natives would cheerfully acquire lands by purchase. All the information we have received on this subject justifies us in affirming that they are eager for the opportunity of earning money for such a purpose. We sincerely hope that the Government will assist them to attain an object which in our judgment would afford substantial security for the future peace of the Colony. But we submit that before they buy land, certain questions ought to be settled. For example: Will their rights be protected by the ordinary Courts of Law? What is to be the law of inheritance? Will they be liable to be ordered out to work in the roads, or (as was

the case last winter), to get in the crops for the planters? Will the double hut-tax be levied on such natives? We repeat our conviction that the Kafirs would gladly enter the market as purchasers of land if the necessary facilities were afforded to them; and we are equally satisfied that if, in accordance with your Lordship's own wise injunction, they are assisted to raise themselves to a higher state of civilization than they have yet reached, the result will amply repay the efforts made on their behalf.

9. In conclusion, we beg to apologise to your Lordship for the length of this communication, but we must plead as our excuse the gravity of the subject, as well as the patient bearing which you have so kindly given us on previous occasions.

We have, &c.

(Signed) C. WINGFIELD, *Vice-President.*
F. W. CHESSON, *Secretary.*

No. 32.

Colonial Office to Major-General Sir G. Wolseley, G.C.M.G., K.C.B.

Sir, *Downing Street, November 5, 1875.*

I AM directed by the Earl of Carnarvon to transmit to you a copy of a despatch* which his Lordship has addressed to the Lieutenant-Governor of Natal in answer to one received from him by the last mail, forwarding a Minute passed by the Executive Council on the occasion of your departure from the Colony.

I am, &c.

(Signed) W. R. MALCOLM.

No. 33.

Lieutenant-Governor Sir H. Bulwer, K.C.M.G., to the Earl of Carnarvon.—(Received November 8.)

My Lord, *Government House, Natal, September 29, 1875.*

I HAVE the honour to report to your Lordship, that under the provisions of the new Law "to increase the number of members in the Legislative Council of Natal," I have nominated and appointed the following gentlemen to be members of the Council:—

(1.) The Rev. W. O. Newnham, M.A., of Upper Hilton, County of Pietermaritzburg.

(2.) James Walker, Esq., J.P., of Kunnata Glynn, High Flats.

(3.) Peter Cormack Sutherland, Esq., M.D., L.R.C.S.E., J.P., of Gardenscliffe, County of Pietermaritzburg.

(4.) John Millar, Esq., of Durban.

(5.) Captain Walter Lloyd, J.P., of Deepdene, Richmond, Division of Upper Umstomanzi.

(6.) William Hartley, Esq., J.P., of Durban.

(7.) A. S. Windham, Esq., of Beverley Cottage, Umgeni, Inanda Division.

(8.) Charles Manning, Esq., J.P., of the Grange, Inanda Division.

2. The selection of these gentlemen was made by Sir Garnet Wolseley before my arrival, and their formal nomination and appointment only awaited the Queen's allowance of the law.

3. The field for selection is, I believe, not a large one; but the selections made are such as there is reason to believe will command the confidence of the general public and assist the objects for which the constitutional change was introduced.

I have, &c.

(Signed) HENRY BULWER.

No. 34.

Lieutenant-Governor Sir H. Bulwer, K.C.M.G., to the Earl of Carnarvon.—(Received November 8.)

My Lord,

Government House, Natal, September 30, 1875.

I HAVE the honour to inform your Lordship that the members of the Legislative Council met this day in pursuance of a Proclamation issued by me on the 3rd instant.

I have the honour to forward copies of the Speech with which I opened the Council.

I have, &c.

(Signed) HENRY BULWER.

 Inclosure in No. 34.

Speech of his Excellency Sir Henry Ernest Bulwer, K.C.M.G., on opening the Fourth Session of the Seventh Legislative Council, at noon, on Thursday, the 30th September, 1875.

Mr. Speaker and Gentlemen of the Legislative Council,

THE Bill which was passed by you last Session for increasing the number of Members of this Council, and which was reserved for the signification of the Queen's pleasure, has received Her Majesty's assent, and no time has been lost in calling you together to complete the legislation of the year, and to consider measures, some of which are of more than ordinary importance. There is now added to your body a number of gentlemen who, by their position and character, fitly representing the general interests of the Colony, and worthily commanding the confidence of the community, will bring additional experience to your counsels and strength to your deliberations, and in the conduct of the Government of this Colony at a period of its existence when a policy alike vigorous and prudent is imperatively needed. I look with confidence to your advice and assistance in all measures which may conduce to the security, good order, and progress of the Colony, and to the welfare and advancement of all classes and races which inhabit it.

The distinguished officer who has recently left your shores, and who was specially appointed by the Queen to administer this Government, visited during his tenure of office nearly every district of the country, and diligently and carefully inquired into its condition and requirements. From his labours, from the measures he has prepared, and from the recommendations which, upon experience and after due consideration, he has been enabled to make, I anticipate results of much advantage to the Colony.

A proposal, as you are aware, has been made by Her Majesty's Government for the holding of a conference of delegates from the several Colonies and States of South Africa, with a view to the discussion of native policy and of other questions of common interest, and in the hope that much benefit and important practical results will accrue from the opportunity such a conference will afford of an interchange of opinion and experience. I am confident that you will recognize in this proposal a proof of the solicitude felt by Her Majesty and her Government for the welfare of Her Majesty's subjects in this part of her dominions, and that you will receive it in the spirit in which it has been offered. Despatches on the subject will be laid before you.

In compliance with the desire expressed by you last session, my predecessor placed himself in correspondence with the President of the Orange Free State on the subject of the establishment of telegraphic communication between this Colony and the Free State, and of its extension through that State to the Cape Colony. The correspondence will be laid before you.

The Ocean Postal Contract with the Union Steam-Ship Company will expire in the course of next year. Papers relating to the future arrangements for postal communication between this Colony and Great Britain will also be laid before you.

A Statement of the Revenue and Expenditure of the Colony during the year 1874, together with the Auditor's Report on the Public Accounts, will be presented to you.

The Estimates for the year 1876 will be submitted for your consideration. With the object of securing greater simplification, considerable alterations have been made in their classification and arrangement, in accordance with the recommendations of a Committee specially appointed for the purpose. Supplementary Estimates for the years 1874 and 1875 will also be submitted to you.

The native policy in this Colony, and the administration of justice under the Native

Law, have, as you are aware, of late engaged the serious attention of Her Majesty's Government. Her Majesty's Government are of opinion that considerable modifications and changes are required in the administration of native affairs, and that the object of these changes should be the improvement of the native races, by bringing them more closely under the humanizing influences of civilized law and civilized life, and by the promotion of education and the greater encouragement of useful and industrial pursuits, so that as subjects of the British Crown, and participators of the benefits of citizenship, they may rise to a proper conception of the privileges which that citizenship confers, and of the obligations which it imposes. In furtherance of this object, a Bill will be submitted to you for making better provision for the administration of justice among the native population. This measure will confer upon the Government powers that, rightly used and directed, will, I believe, advance the cause which, as Colonists belonging to an imperial race, and charged with an imperial mission of civilization, and truth, and justice in this position of South Africa, we all have equally at heart.

The necessity for improving the means of transport and locomotion has long been recognized. Without such improvement the proper development of the industries and resources of the country is impossible, and whilst the position of this Colony, with large and flourishing territories behind it seeking for their products an exit to the sea, has hitherto afforded opportunities by which our commerce has been increased, and the enterprise of our merchants encouraged, yet the difficulties of transport have been and are most serious; and in view of the growth and rapid development of the interior States, and of the enterprise and activity visible on all sides of us, it is plain that if this Colony would hold its own among the neighbouring countries, if it would attain the position to which its situation and natural resources entitle it, no time is to be lost in taking measures to overcome those difficulties by inaugurating the construction of a system of railways.

The necessity of railway communication has, indeed, as I have observed, been long recognised by the community and the Legislature, and various schemes have been proposed at different times, which, however, have fallen through from one cause or another. The last of these schemes was embodied in laws passed by this Council in 1874. You are aware that Her Majesty's Government were unable to advise the Queen's allowance of those laws. But whilst Her Majesty's Government were compelled in the interest of the Colony to come to this decision, they were fully impressed with the importance to the Colony of railway communication, and with the urgent necessity for its early introduction; and in order that no further time might be lost, a scheme was considered and has been prepared at home, with great care and regard to the interests of the Colony, for the construction of a first and important instalment of the railways proposed in 1874. This scheme has been so framed, arranged, and advanced, that should it meet with your approval and acceptance, there need be no delay in commencing this important undertaking. The measures embodying this scheme, which include a provisional contract entered into with the well-known contractors, Messrs. Wythes and Jackson, and a proposal for raising by loan a sum of money necessary for carrying on the works, will be submitted to you without delay.

Of importance only second to the establishment of railway communication, are the completion of the works now being carried on for the improvement of the port and harbour of Natal, and the extension of wharfage accommodation. Upon these matters I will communicate more fully with you by message.

It was the opinion of my predecessor, who gave a careful consideration to this as to all the interests of the Colony, that the efficiency of the Public Works' Department required a larger staff than at present exists, and further provision has accordingly been made in the Estimates for 1876. An officer possessing special qualifications for the superintendence of the numerous and important works in course of construction, or about to be undertaken, has been selected to fill the post of Colonial Engineer.

To meet the additional expenditure that will be entailed by the raising of a loan for railway purposes, and by other increased services of the coming year, the revenue of the Colony must be strengthened. A Bill to impose a special tax upon immovable property will be laid before you. Under this Bill it is proposed to levy a rate sufficient to discharge a moiety of the interest payable on the railway loan during each year. The Bill is similar in its provisions to one passed for similar purposes in 1864. For the payment of the other moiety of interest, and to provide for the other expenditure referred to, various measures will be submitted to you.

A Bill to enable the Government to levy wharfage dues imposes a scale of charges similar to those in force in ports of the Cape Colony. In view of the present and future cost of increased harbour accommodation, this is an impost which you will perhaps

consider may now be fairly charged. Bills for levying certain stamp duties and auction dues, and charges in connection with the steam-tug, provide for the renewal or extension of former enactments. A Bill to levy a tax upon natives squatting upon Crown lands will bring a material accession to the revenue, but its more direct purpose is to discourage the practice of squatting, and I have reason to hope it will prove efficacious.

It is just that the native race should bear a share of the increased taxation involved in the active development, for the benefit alike of all classes of the community, of the resources of the Colony. It is therefore proposed to double the hut-tax, at the same time remitting the marriage fees, a tax which has been regarded as objectionable on many accounts.

A Bill connected with the registration of deeds provides a scale of fees necessary to cover the cost of carrying out certain improvements in the system of registration. The Report of the Committee appointed by my predecessor to inquire into this subject will be laid before you.

A Bill for fixing the price of Crown lands deals with a subject of recognized importance to the prosperity of the Colony.

A Bill for levying a tax on dogs, is an attempt to deal with a serious evil, which has been the cause of much complaint in country districts.

The Bill for the prevention of scab in sheep, which will be laid before you, is framed upon the model of laws which have proved in the highest degree beneficial to the sheep-owners of the Australian Colonies. It will be for you to consider whether all the provisions contained in the Bill can be put in force in Natal with the same advantage as in those Colonies.

A mixed Military and Civil Commission was appointed by my predecessor to inquire into and report upon "the nature and strength of the police force required for the Colony; the measures necessary for the more certain detection and repression of crime; and the general defensive organization of the country." The Report of this Commission has been forwarded for the information and consideration of Her Majesty's Government, and I will bring the subject before your notice at the proper time, requesting your consideration of such measures as it may be deemed advisable for this Government to adopt in furtherance of the recommendations of the Commission.

The question of immigration has also engaged the anxious attention of my predecessor. An able Report on the subject by Major Butler, C.B., late Acting Protector of Immigrants, will be presented to you, and I will take an opportunity of communicating more fully with you upon this important question.

The Law for authorizing a further loan of 50,000*l.* for the introduction of Indian immigrants has been sanctioned, and steps have been taken to carry out the objects of the loan.

Arrangements have also been made to procure labour from the countries adjoining Delagoa Bay, and communication has been entered into with the Portuguese authorities at Lorenzo Marques, who have shown every desire to meet the wishes of this Government.

A Bill to make better provision for the medical wants of the indentured Indian labourers on estates will be submitted to you.

A Report by a Committee appointed to inquire into the working of the various public Departments of the Colony will be laid before you. This Report is now under the consideration of the Government, with a view of carrying into effect such of the recommendations made by the Committee as it may be found advisable to adopt.

The measures to which I have referred, and such others as may be submitted to you, I now commend with confidence to your careful consideration.

No. 35.

The Earl of Carnarvon to Lieutenant-Governor Sir H. Bulwer, K.C.M.G.

Sir,

Downing Street, November 12, 1875.

I HAVE the honour to acknowledge the receipt of your despatch of the 29th September,* and I have to convey to you my approval of the appointments which you have made under the new Law to the Legislative Council of Natal.

I have, &c.

(Signed) CARNARVON.

No. 36

The Earl of Carnarvon to Lieutenant-Governor Sir H. Bulwer, K.C.M.G.

Sir, *Downing Street, November 13, 1875.*
 I HAVE to acknowledge the receipt of your despatch of the 30th September,* forwarding copies of the Speech with which you opened the Session of the Legislative Council of Natal.

I have, &c.
 (Signed) CARNARVON.

No. 37.

Lieutenant-Governor Sir H. Bulwer, K.C.M.G., to the Earl of Carnarvon.—(Received December 2.)

My Lord, *Government House, Natal, October 8, 1875.*
 I HAVE the honour to acknowledge the receipt of your Lordship's despatch marked Confidential of the 27th July,† respecting the Putuli and Amahlubi tribes; and with reference to the inquiry which your Lordship makes as to the course proposed to be adopted here towards the latter tribe, I find that information on the subject has been furnished by Sir Garnet Wolseley in his despatch of the 13th August,‡ in which he reports the steps that had been taken to carry out the instructions given by your Lordship regarding this tribe in your despatch of the 4th December last.

I have, &c.
 (Signed) HENRY BULWER.

No. 38.

Lieutenant-Governor Sir H. Bulwer, K.C.M.G., to the Earl of Carnarvon.—(Received December 2.)

My Lord, *Government House, Natal, October 21, 1875.*
 IN my despatch of the 30th September last,* I forwarded copy of the speech with which I opened the present session of the Legislative Council, and I now have the honour to transmit, for your Lordship's information, copy of the address of the Legislative Council in reply to that speech, together with my acknowledgment of the address.

The concluding portion of the address expresses the desire of the Legislative Council that the assurance of their loyalty and attachment to Her Majesty's person and Government should be conveyed to the Queen, and I promised to bring their desire under your Lordship's notice.

I have, &c.
 (Signed) HENRY BULWER.

Inclosure 1 in No. 38.

Reply of the Legislative Council to the Lieutenant-Governor's opening Speech.

To his Excellency Sir Henry Ernest Bulwer, Knight Commander of the most distinguished Order of St. Michael and St. George, Lieutenant-Governor of the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native Population.

May it please your Excellency :

WE, the Speaker and Members of the Legislative Council of the Colony of Natal, in Council assembled, respectfully acknowledge the speech with which your Excellency has been pleased to open the session.

2. We join with your Excellency in hoping that results of great advantage may be anticipated from the labours of the distinguished officer who recently administered

* No. 34.

† No. 40 of C. 1342-1 of 1875.

‡ No. 13.

the Government of the Colony. We do not doubt that the insight into the true state of affairs, and the information obtained by his personal inquiries and observations during an extended progress through the country, will enable him to submit to Her Majesty's Government most valuable recommendations in regard to the best means of securing that peace and progress which is essential to the welfare of the Colony.

3. We are glad to hear of the proposed Conference of Delegates from the several Colonies and States of South Africa, and we hope with your Excellency that much benefit and important practical results will accrue from the opportunity such a Conference will afford of an interchange of opinion and experience. Any despatches upon the subject which may be laid before us will receive our earnest and careful consideration.

4. The subject of railways has long engaged the attention of the colonists of Natal. The scheme for "the construction of a first instalment of the railways proposed in 1874," claims, and will receive, our earnest and immediate attention. The necessity for the early completion of a trunk line between the port and the Drakensberg is so great and urgent, that no effort should be spared to ensure "the commencement of this important undertaking."

5. In common with Her Majesty's Government, we recognize the need of a change in the administration of native affairs, and we beg to assure your Excellency that we will give our earnest support to any measures calculated to raise the natives in the scale of civilization and usefulness.

6. The questions of an Internal Police and General Defensive Organization are of such vital importance, especially in view of the suggested changes in native policy, that we feel it to be impossible to over-rate the value of a solution of these questions, and of the early provision of adequate and efficient protection to life and property throughout the Colony. We, therefore, await with anxiety the further communications on this subject promised by your Excellency. Meanwhile we look for that early augmentation of Her Majesty's troops in the Colony, that the Colony has been led to expect as the immediate sequence of the increased power placed in the hands of the Crown.

7. We are glad to see prominence given to the subject of immigration, believing that an increase of European population will tend greatly to the prosperity of the Colony; and it is with much satisfaction we note your Excellency's promise to communicate more fully with us on this important matter.

8. The various other questions enumerated in your Excellency's address shall receive the attention due to their importance. And we pray that the Almighty Ruler of Mankind may direct us in the grave duties which now devolve upon us.

Finally, we trust that your Excellency will be pleased to convey to our Gracious Queen the assurance of our loyalty and attachment to her Person and Government.

(Signed) WALTER MAC FARLANE, *Speaker.*

Legislative Council, Natal, October 4, 1875.

Inclosure 2 in No. 38.

Lieutenant-Governor Bulwer to Legislative Council.

Mr. Speaker and Gentlemen of the Honourable the Legislative Council:

I THANK you for the address which you have presented to me. I am obliged to you for the promise you are good enough to give me that the measures submitted to you shall have your due attention and consideration.

I shall bring to the notice of the Secretary of State, for submission to the Queen, the assurance of your loyalty and attachment to her Person and Government.

(Signed) HENRY BULWER, *Lieutenant-Governor.*

Government House, Natal, October 7, 1875.

No. 39.

Colonial Office to the Aborigines Protection Society.

Sir, *Downing Street, December 6, 1875.*

I AM directed by the Earl of Carnarvon to acknowledge the receipt of the letter of the 4th ultimo,* signed, on behalf of the Aborigines Protection Society, by the Vice-

* No. 21.

President of the Society and yourself, relating to certain questions of native policy in Natal.

2. The Society complain, in the first place, that the terms of Lord Carnarvon's despatch of 3rd December, 1874, have not been carried out with respect to the Amahlubi.

As to this, I am to state that it appears from despatches received from Sir Garnet Wolseley that, upon his arrival in Natal, he took steps at once to make a careful inquiry into the condition of the members of the tribe both within and without the Colony, and there is a general consent among the reports he received from Natal, the Orange Free State, and Basuto Land, that no serious present destitution existed among the tribe, that there was no impediment to their return to the Colony, that the permission given to return was circulated within and without the Colony, and that the members of the tribe in the Orange Free State and Basuto Land were sufficiently satisfied with their condition, and, in very many cases, content to remain where they were.

3. The Society next complain that Lord Carnarvon's instructions with respect to the Amangwe or Putili's tribe have not been obeyed.

The state of the case Lord Carnarvon understands to be this:—

Careful inquiry has been made, and it appears that the property of which the tribe were deprived amounts in value to about 12,000*l.* On this, Sir Garnet Wolseley recommended that, having regard to the interests of the tribe itself, restitution should be made in a particular form and at certain intervals; and, in accordance with his views, 3,000*l.* will have been spent on this account by the end of this year, 3,000*l.* will be placed upon the Estimates for 1876, and it is intended that the remainder should be spent in the years 1877-78.

4. The Society also refer to several cases of cattle-stealing, in which the offenders were sentenced to hard labour and whipping. Lord Carnarvon is glad that his attention has been called to these cases, which require explanation. At the same time, as the bare fact alone is stated, and as nothing is known of the antecedents of the offenders, Lord Carnarvon clearly is not in a position at this moment to express a definitive opinion, but he will at once call for a report upon them from the Lieutenant-Governor.

5. The state of the prison at Estcourt has already engaged Lord Carnarvon's attention. It is, in his opinion, so injurious to health and so discreditable in itself, that it has been most strongly commented on by his Lordship in a despatch addressed to Sir Henry Bulwer in August last.

6. With respect to the objections urged by the Society to the Native Administration Bill, I am to observe that the Society do not seem correctly to apprehend the scope and intention of the Law. It is intended by it that all the ordinary cases of crime committed by natives shall be tried by the European Courts; and that while it is necessary to except some classes of offences, and to keep alive, so long as tribal organization lasts, those usages which are known as Native Law, the administration of this Law shall be guarded by placing at the head of it a Court composed of men of high standing, though not necessarily or exclusively the Native Department, acting in accordance with the usages and practice of civilized nations (Clause XI); and further by securing that in every case a hearing may be had either by a white magistrate or by the Court itself. By this means Lord Carnarvon hopes that the administration of native law, so long as it lasts, may be conducted in a worthy manner. Among other beneficial results the codification of the law, for which the Society are anxious, may be brought about; and Lord Carnarvon hopes that those painful and unsatisfactory incidents which were open to such grave objection on the recent trial of the Chief Langalibalele will never recur. Should any similar case unhappily arise, the trial will be conducted by an established Court, acting under the guidance of well-known rules and precedents.

7. The Society state that the Law No. 28 of 1865, for relieving persons from the operation of native law, is so loaded with technicalities, and that the process under it is so complex, that it is a dead letter, and they urge that a more simple system may be devised. The process, as Lord Carnarvon understands it, is for a native to present a petition to the Governor, praying for exemption, and stating certain particulars with respect to the petitioner's condition; this petition is considered by the Governor in Council, and is granted or refused, as the case may be. This process does not appear to his Lordship, all things considered, to be other than simple; but if a simpler method can be devised, which would be equally effectual, in providing the necessary safeguards, his Lordship would be glad to receive any suggestion with regard to it.

8. With reference to the observations of the Society upon the proposed doubling of the native hut-tax, Lord Carnarvon desires me to point out that concurrently with this increase of taxation a relief has been given in the repeal of the "marriage licence duty,"

a change, in Lord Carnarvon's opinion, which will be as beneficial morally as it will be advantageous to the native in respect of taxation. Nor must it be forgotten, amongst several other considerations, that important public works are being undertaken in the Colony, and a heavy expenditure is being incurred for the public good; and, as observed by Sir H. Bulwer, in his recent speech to the Legislative Council, "It is just that the native race should bear a share of the increased taxation involved in the active development, for the benefit alike of all classes of the community, of the resources of the Colony." His Lordship is not aware whether any considerations arise out of the circumstance that certain natives pay rent for their holdings which should lead to any modification of the equal incidence of the tax, but he will consult the Lieutenant-Governor upon the point.

9. With reference to the questions put in paragraph 8 of the letter, I am to state that whatever rights the Kafirs may have will undoubtedly be protected in the Law Courts. A simple answer cannot, however, be given as to the law of inheritance in every case of a Kafir's holding. Lord Carnarvon is extremely desirous that the natives should acquire land individually and be able to transmit its possession as they please. He is in hopes that this may be in time accomplished, and he is anxious to assist towards this result in every possible way; and the Society may be assured that his Lordship will not countenance any unjust impediments or oppressive exactions, should any such be proposed at any time or by any persons.

10. I am, in conclusion, to observe that, while Lord Carnarvon is aware that the Society acknowledge his desire to raise the Kafirs out of their present savage condition into a state of civilization and independence, he does not think that they allow sufficient credit to the Natal Government for its desire to act in the same direction, nor do they, perhaps, feel as keenly as those who are charged with carrying out the policy on the spot the great and very numerous difficulties to be overcome, the delicate and arduous tasks to be performed, and the necessity of extreme and constant caution in performing them.

With every desire to carry out the changes indicated in Lord Carnarvon's despatches, time is needed for giving effect to them, and they cannot be hurried on without great risk to the Colony, and without even danger of sacrificing the true interests of the natives, and of defeating the very objects which he and, he is confident, the Society have in view. Sir Garnet Wolseley's mission has added fresh information which it is necessary to consider in conjunction with that which has been previously received; and Sir Henry Bulwer has only just assumed the Government of the Colony; but his Lordship thinks he may fairly claim to be trusted as heretofore to keep steadily in view the amelioration of the Kafir race, and to press forward the needful reforms as quickly as prudence will permit.

I am, &c.
(Signed) W. R. MALCOLM.

No. 40.

The Earl of Carnarvon to Lieutenant-Governor Sir H. Bulwer, K.C.M.G.

Sir,

Downing Street, December 6, 1875.

I TRANSMIT to you a copy of a letter from the Aborigines Protection Society,* in which they make certain statements relating to the course taken by the Natal Government with respect to the natives.

I also annex a copy of the answer which has been returned to the Society's letter.†

I shall be glad to be glad to be furnished with any remarks which you may have to make on the subject of this correspondence, more especially with regard to the sentences for cattle-stealing inflicted upon native children, and to the incidence of hut-tax, to which I have referred therein.

I have, &c.
(Signed) CARNARVON.

No. 41.

The Earl of Carnarvon to Lieutenant-Governor Sir H. Bulwer, K.C.M.G.

Sir,

Downing Street, December 14, 1875.

I HAVE to acknowledge the receipt of your despatch of the 21st October,* forwarding a copy of the Address from the Legislative Council of Natal in reply to the speech with which you opened the Session.

You will acquaint the Council that I have submitted to the Queen the expression of their loyalty and attachment to her person and Government, and that Her Majesty was pleased to receive the same very graciously.

I have, &c.
(Signed) CARNARVON.

No. 42.

The Earl of Carnarvon to Lieutenant-Governor Sir H. Bulwer, K.C.M.G.

Sir,

Downing Street, December 15, 1875.

I HAVE the honour to acknowledge the receipt of your despatch of the 13th of September last,† transmitting the Report of the inquiry held by Colonel Colley, C.B., into the charges preferred by the Bishop of Natal against Mr. J. W. Shepstone, with reference to the conduct imputed to him in his attempt to effect the arrest of Matyana in 1858.

2. In suggesting that the legal proceedings instituted by Mr. J. W. Shepstone against the Bishop of Natal should be withdrawn, and that the controversy which had unhappily arisen should be submitted to the investigation and judgment of one or more officers of high standing and impartiality, I was influenced by the desire to allay, as far as possible, the bitterness which had been engendered by recent events, and which was likely, during the progress of an action at law, not only to become intensified and more widely spread, but which it had even been represented to me, however little inclined I personally was to share the apprehension, might revive an amount of popular excitement calculated to imperil the prospect of a just and dispassionate verdict.

3. Both parties accepted this proposal in a spirit of moderation and fairness which I fully appreciate, and it is satisfactory to learn that at the inquiry they were afforded the fullest opportunity of tendering all the evidence, and of adducing all the arguments with which they desired to support their respective cases.

4. I have examined the report of the proceedings with every attention, and I desire to express my sense of the able and conscientious manner in which Colonel Colley has acquitted himself of an arduous and delicate task.

5. Notwithstanding the exceptional difficulties and obstacles in the way of eliminating the true facts of the case, owing, in a great measure, to the lapse of time which has occurred since the events in question took place, the evidence as a whole was such as to produce a conviction on the mind of Colonel Colley that the charge brought against Mr. J. W. Shepstone of having attempted to shoot Matyana could not be sustained.

6. It is scarcely necessary for me to say that it would be wholly out of my power, or that of anyone, to attempt to analyse and weigh the evidence, the demeanour of witnesses, and the casual circumstances upon which Colonel Colley's decision was based; but I am bound emphatically to say that I have no hesitation in accepting it as a sound and just conclusion. On the other hand, I must, even after the elapse of so many years, record my disapprobation of the artifices by which it is admitted that Matyana was entrapped into the meeting with a view to his forcible arrest. Such under-hand manœuvres are opposed to the morality of a civilized administration; they lower English rule in the eyes of the natives; and they even defeat their own object, as is abundantly illustrated by the present case.

7. Mr. J. W. Shepstone, however, was a subordinate officer, and if his mode of executing the warrant was approved by the superior authorities in the Colony, the blame which may attach to the transaction must be borne by them at least in equal proportion.

8. The anxiety displayed by Colonel Colley to arrive at a just decision, the

* No. 38.

† No. 25.

earnestness and skill with which he has sifted the facts, so far as they could be brought before him, and the firmness with which he has drawn his conclusions in a matter in which there was so much to warp the judgment and obscure the truth, are deserving of the highest praise. It is, I think, unnecessary, therefore, to pursue my observations further on the case. I only desire, in conclusion, to express my earnest hope that his report will be received by all parties to this controversy in the spirit which is to be desired, and be accepted as a final settlement of a dispute which cannot be prolonged without serious prejudice to public interests, and without a renewal of those resentments which, for the good of the community—English as well as native—had best be put to rest.

I have, &c.
 (Signed) CARNARVON.

APPENDIX.

No. 1.

Lieutenant-Governor Sir Benj. C. Pine, K.C.M.G., to the Earl of Carnarvon.—(Received October 2.)

My Lord,

Government House, Natal, August 17, 1874.

I HAVE the honour to inform your Lordship that late last evening, the 16th instant, being Sunday, Colonel Lloyd, the Acting Colonial Secretary, received a letter, dated the 8th instant, from the Bishop of Natal, addressed to your Lordship, which was handed to me this morning, on the subject of Mr. John Shepstone's conduct with respect to the Chief Matyana, and making most serious charges against that officer.

2. In the usual course, I have sent the Bishop's letter to Mr. Shepstone for his remarks.

3. I cannot, therefore, send the document by this mail, which leaves this afternoon, but will send it by the next.

4. I think it right to give your Lordship this information at once.

I have, &c.

(Signed) BENJ. C. C. PINE.

No. 2.

Colonial Office to T. Shepstone, Esq.

Sir,

Downing Street, October 6, 1874.

I AM directed by the Earl of Carnarvon to transmit to you a copy of a despatch* from the Lieutenant-Governor of Natal on the subject of a letter which had been received from the Bishop preferring certain charges against Mr. J. Shepstone with reference to the Chief Matyana.

Lord Carnarvon will, of course, await the promised Report, and presumes that, in the meantime, you do not desire to add anything to the statement on this subject made by you in your Minute on the Langalibalele affair, which was inclosed in Sir B. Pine's despatch No. 136 of the 16th of July.

I am, &c.

(Signed) W. R. MALCOLM.

No. 3.

Lieutenant-Governor Sir Benj. C. Pine, K.C.M.G., to the Earl of Carnarvon.—(Received November 2.)

My Lord,

Government House, Natal, September 23, 1874.

WITH reference to my despatch of the 17th ultimo,* I have the honour to transmit to your Lordship a letter addressed to you by Bishop Colenso, on the subject of Mr. John Shepstone's conduct with respect to the Chief Matyana, together with Mr. Shepstone's observations on that letter.

2. Mr. John Shepstone's observations are so full and complete that it seems quite unnecessary for me to trouble your Lordship with any remarks of my own on the subject of the case itself.

3. I have only to state to your Lordship my reasons for declining to institute the inquiry which the Bishop demanded. These were, firstly, that the proceedings occurred fifteen years ago, and were fully investigated and approved of by my predecessor, Sir John Scott, and were further approved of by the Secretary of State. My second reason for declining to cause an inquiry is even more important, viz., that the subject is, as the Bishop knows, about to be investigated by a regular judicial tribunal, the Supreme Court, before which Mr. Shepstone has brought an action against the Bishop for libel in connection with this case. Before that Tribunal the evidence of natives will not be taken *ex parte*, as the Bishop seems to be taking his evidence, but in open Court. Under these circumstances, it seems to me that it would have been very improper for me to institute an inquiry which could not in any case have been satisfactorily done.

4. With reference to the Bishop's statement as to the transportation of Langalibalele, I have to refer your Lordship to my despatch No. 142 of 3rd August last, and to the Attorney-General's opinion inclosed therein.

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5. I think it further right to inform your Lordship that my hesitation or further delay on my part in carrying out the sentence of the Court would have seriously endangered the peace of the Colony. Our own natives were becoming restless and uneasy at the apparent indecision of the Government, and, moreover, the King of the Zulus, Cetywayo, who had evidently been led to believe that this Government was wavering and timid in this matter, has sent no less than six Embassies demanding that Langalibalele should be given up to him, the last Embassy composed of no less than eighty men, the largest one ever sent to this Government. I thought it right to detain this last Embassy till the Chief was actually out of the harbour, and then I dismissed them with a temperate but firm message to their King, expressing my surprise at his repeating an application so often refused, and I informed him that Langalibalele was on the high seas. This proceeding has stopped any further agitation from the Zulu country in the matter, and quieted the minds of our own natives, and confirmed the authority of the Government.

I have, &c.
(Signed) BENJ. C. C. PINE.

Inclosure 1 in No. 3.

My Lord,

Natal, August 6, 1874.

I HAVE the honour to submit for your Lordship's consideration the inclosed copy of a correspondence which has passed between his Excellency the Lieutenant-Governor of Natal and myself on the subject of the treatment of a native Chief, Matyana, formerly resident in this colony, but now, and for many years past, in Zululand, by Mr. John Shepstone, Resident Magistrate of the Umvoti County, in this colony, and at present acting as Secretary for Native Affairs in the absence of his brother, the Hon. Theophilus Shepstone, Esq., C.M.G., who left the colony by the last mail for England.

2. Your Lordship will perceive that the Lieutenant-Governor has refused to grant the inquiry I have asked for, on the ground that I "have thought proper to make the most serious charges against an important and long-tried Officer of this Government—charges, too, relating to a matter which occurred sixteen years ago,"—and have declined to retract those charges, when, "in his Excellency's opinion, very properly called upon" to do so.

3. I beg to state that I have felt it to be my duty to represent, on behalf of the prisoner Langalibalele, sentenced to transportation for life, and other members of his tribe condemned to penal servitude for different terms of years, that the act charged against them of "stripping" certain native messengers sent by the supreme Chief—that is, making them take off their coats—was not, as it has been perseveringly represented, an act of insolent defiance, implying a malignant spirit of rebellion on the part of the tribe, but "a measure of precaution caused by fear," in consequence of an act of deliberate treachery practised towards Matyana by Mr. John Shepstone on a former occasion within the knowledge of the tribe. And inasmuch as, throughout the proceedings against the said prisoner, the point in question had been systematically suppressed or evaded,—the Court below, and then the Council, each including the Secretary for Native Affairs, and presided over by his Excellency, having either neglected or distinctly refused to examine into the grounds of the fear in question,—I have finally laid before his Excellency, not mere "charges" unsupported by evidence, but the depositions of four eye-witnesses of the affair in question, two of Mr. John Shepstone's own force, and two of Matyana's, exhibiting plainly the grounds of that fear, and have offered to bring those witnesses, and, if need be, many others, to be examined and cross-examined by any persons whom his Excellency might be pleased to appoint for that purpose.

4. If the facts stated by these witnesses are true, it is plain that the Officer in question, no white man having been present to witness his proceeding, must have deceived the Government of that time by a false report, and must, moreover, have kept silence, while prosecuting on behalf of the Government a prisoner on trial for his life, when a word from his mouth would have cleared him at once from this very serious part of the charge against him. And I venture to submit that the fact that the acts in question have been hushed up and hidden for sixteen years is no reason why they should not be brought to light when required for the prisoner's defence.

5. More especially, since the power and prestige of the English name in this colony depend mainly, under God, not on the exercise of physical force, but on the maintenance of strict justice, truth, and righteousness, in our dealings with the vast native population by which we are surrounded, is the rectification of such acts, though after so long an interval of time, rendered absolutely necessary, if the natives have learned to distrust the good faith of the Local Government through the acts of an official, who not only fills a very important and influential post as a Resident Magistrate, but is at this moment the chief adviser of the Government in all matters affecting the natives, is practically, under his Excellency, sole judge in appeals from the decisions of all the other Magistrates in cases between natives, and is thus, in fact, under native law as here administered, subject only to his Excellency and, of course, to the Secretary of State, the arbiter of the fates of 350,000 of Her Majesty's subjects in this colony. It need hardly be said that, if the facts stated by these witnesses are true, however strongly denied by Mr. John Shepstone himself, it is impossible that the most injurious effect should not be produced on the native mind throughout the colony, when they see him placed prominently forward in the high position which he now occupies, and rewarded thus, as it seems to them, for his past actions, as if they were thoroughly sanctioned and approved—if not expressly planned and ordered—by the Government itself.

6. As a British subject, I feel bound also to represent to your Lordship that the Lieutenant-Governor of this colony, in disregard of the provisions of the Imperial Act, 32 Vic., cap. x., which enacts that transportation of prisoners from one colony to another shall only take place under the

sanction of an Order of Her Majesty in Council, has transported the late Chief, Langalibalele, for life, and his son, Malambule, for five years to Robben Island, in the Colony of the Cape of Good Hope.

I have, &c.
(Signed) J. W. NATAL.

The Right Honourable the Earl of Carnarvon,
Her Majesty's Secretary of State for the Colonies.

August 15, 1874.

Since the above was written, I have received Deke's testimony, which I also inclose to your Lordship, duly attested by the Resident Magistrate, as is also that of Mabona, one of Matyana's Indunas, the other (Noju) having been prevented by illness from going into the Magistrate's office with his companion.

The statement of Madhloi has not been attested, because, at the time when I received it, I had no idea that the facts in question would be persistently denied, as they have been and still are, by Mr. John Shepstone, and I allowed him to return to his home (150 miles) without first taking him before the Magistrate.

Ncamane's has not been attested, because he has been intimidated. When it became known to Mr. John Shepstone, through my letter to his Excellency, that Ncamane had made such a statement, he was visited by Ratya, a policeman, who strictly warned him not to say anything that might hurt Mr. John; and, when he had come and confirmed to me that statement in person, he was turned out of doors late at night with his family by Adam, the native, living on land belonging to the Secretary for Native Affairs, under whose surveillance he was placed, and was subsequently sent for by Mr. John Shepstone himself, and being then alone with him and his Indunas, became so frightened that he said the Tronk had injured his memory, and begged that he might not be sent back thither, and that his statement made to me might be cancelled and counted as false. I have not the least doubt, however, that Ncamane, if properly protected, will adhere to the statement in question as inclosed. But, according to native law as here administered, the liberty and property of every kind, including the women and children, of every native in the Colony, are entirely at the mercy of the Supreme Chief, and practically at that of Mr. John Shepstone himself at this moment; and it is easy to see what power this gives for the suppression of the truth in such a case as this, if it has really been suppressed in the past, as the evidence here forwarded would seem to imply. The Zulu messengers, who came down with the Indunas of Matyana, were asked by Mr. John Shepstone how any of Matyana's men dared to appear in this Colony, and whether they did not know that they were as wild animals, who might be killed wherever they were met with; and, though he subsequently changed his tone towards those Indunas, it was not till after the correspondence, of which the following is a copy, had passed between Mr. John Shepstone, by direction of his Excellency, and myself.

My Lord,

Office of Secretary for Native Affairs, Natal, August 9, 1874.

I am directed by the Lieutenant-Governor to inform your Lordship that he learns with extreme surprise from your letter of 23rd ultimo, that you have been in communication with an outlawed Chief named Matyana, in consequence of which that Chief has sent two Indunas of his tribe to you.

The Lieutenant-Governor has been informed by me that, when these Indunas were ordered to appear at my office, your Lordship prevented them from obeying the order.

The Lieutenant-Governor thinks there must be some mistake in the matter, and cannot believe that your Lordship would directly or indirectly use your influence to prevent any natives in this Colony, and more especially the men alluded to, from obeying the order of the Government.

The messenger conveying this letter to you is directed again to summon these Indunas to come in and appear before me without delay.

The Lieutenant-Governor need hardly assure your Lordship that he will be always ready to procure the attendance of these Indunas, or of any other persons in this Colony, in any strictly judicial prosecution in which you may consider their presence necessary.

I have, &c.
(Signed) J. W. SHEPSTONE,
Acting Secretary for Native Affairs.

The Right Reverend
The Lord Bishop of Natal.

Sir,

Bishopstowe, August 10, 1874.

I have the honour to request that you will inform his Excellency that he is under a misapprehension as to each of the three points referred to in your letter of yesterday's date, having been misinformed in the last instance, as you say, by yourself.

It is incorrect to say that I have been in communication with Matyana, and wholly untrue that that Chief has sent two Indunas of his tribe to me, or that I have in any way, directly or indirectly, prevented the Indunas in question from appearing at your Office when summoned.

I cannot but express my surprise that you should have been directed by his Excellency to state that he has "learned" the two former points "with extreme surprise from my letter of 23rd ultimo," inasmuch as in that letter I clearly set forth the circumstances under which these Indunas came to me, and the person by whom they were sent.

In point of fact, as I have said, I have not been in communication with Matyana, but with the Rev. Mr. Robertson and Cetywayo, with whom I had a perfect right to communicate, and who had a

perfect right to communicate with Matyana. But I am not aware of any law or custom, or any principle of loyalty, which debars an Englishman from communicating, on a legitimate subject and in a legitimate manner, with any member or members of an outlawed tribe living in a foreign country, more especially with one who has resided quietly in Zululand, as a subject of Cetywayo, ever since the "matter which occurred," as his Excellency said "sixteen years ago."

I have, &c.
(Signed) J. W. NATAL.

J. W. Shepstone, Esq.,
Acting Secretary for Native Affairs.

This day (August 15) I have received a letter from Mr. John Shepstone's solicitor, demanding from me "an immediate full and unqualified retraction of the libel falsely and maliciously published" by me about him in respect of this matter, or "the immediate payment of the sum of 1,000*l.* sterling as and for damages sustained by him in consequence," and threatening me with legal proceedings for the recovery of the same.

I have, of course, taken the steps necessary for defending myself in respect of any such action during my temporary absence from the Colony on a short visit to England. But, independently of this, I trust that your Lordship may think it right to order an inquiry to be made into the facts in question, under such arrangements as shall ensure that the witnesses shall not be intimidated. I have the names of sixty or seventy eye-witnesses living within the Colony, which were given to me by Matyana's Indunas, who said also that there were many others who would be sent, if needed, from Zululand. But, not to speak of the expense which would have to be incurred by myself as an individual on public grounds, and the obvious impropriety of my calling a number of such witnesses to give evidence in opposition to the Government, I am most unwilling to send for them unless they are properly protected from undue influences. I was informed this day by Mr. Advocate J. B. Moodie that a native came to him two days ago in much distress, saying that he was threatened by Mr. Shepstone's man to be sent to gaol "because he had communicated with the Bishop and given him information," and that he (Mr. Moodie) went to Mr. John Shepstone and strongly remonstrated, and, as he believes, thereby prevented the threat from being carried out. I am aware also of two other cases in which eye-witnesses of Matyana's affair have been prevented from coming to me by persuasion or threatening on the part of Indunas or others.

(Signed) J. W. NATAL.

Inclosure 2 in No. 3.

Observations on Letter of the Lord Bishop of Natal to the Right Honourable the Secretary of State for the Colonies.

I beg to tender my thanks to His Excellency for giving me an opportunity of making any remarks I may consider necessary with reference to the above stated document and annexures.

Fifteen years have elapsed since the events stated took place, and I may be excused for expressing surprise at his Lordship feeling as he implies compelled at this stage to make secret inquiry into my conduct on that occasion, since he was in the colony at the time, and must have been thoroughly acquainted with the facts as they actually occurred.

I am therefore, to some extent, placed on my defence, though the whole matter was fully reported upon at the time by Lieutenant-Governor, now Sir John Scott. Since the date I first entered the Government service of this Colony in 1846, I have been entrusted with varied and similar missions to the one in question, affecting natives, and my acts upon these occasions have always met with the approval of my superiors. In support and in vindication of myself on this occasion, I annex the following documents bearing upon what happened.

I may now add a few explanatory remarks as follows:—I was in possession of the Magistrate's warrant for the arrest of Matyana on a charge of murder, and for this sole purpose was I then stationed on the borders of his location.

I first held out every inducement to obtain his voluntary surrender to his own magistrate, and failing in this, determined on executing the warrant on the first feasible opportunity, which, I may say, never offered itself, but on the day on which I am charged with having treacherously inveigled him, I decided at all risks on executing the warrant, though in the face of superior odds, ten to one, all well armed; of my small party men and boys, thirty all told, I was the only one who had weapons about me, those of the men being in the huts of my camp, a short distance off, for which a rush was made, on Souhloon, uncle to Matyana, giving an order to his men to arm with our weapons, but they were fortunately secured by mine (the owners) in time to defend themselves. I had a brace of pistols on my person and a double gun at my feet, both barrels of which I discharged into the air (to create a panic), the gun raised at an angle, rendering it impossible to touch any one of the mass of people then before me. This was immediately after I had given orders to two of my men to apprehend Matyana. When I found the whole force, I should say over 300, the majority armed with short assegais, turning upon us, I did not fire again. The statements of Noju and Mabona, made privately before his Lordship, that I took my gun and deliberately fired both barrels at Matyana, who was within five yards of me, killing and wounding men on either side of him, is simply preposterous. Ncamane's so-called statement, annexed by the Bishop, was never made by him as he states in his evidence of the 8th inst., hereunto attached. I annex the statement made by this

man, taken subsequently before a perfect Kafir scholar, and beg that the two be compared. That part, however, of his statement giving me credit for saying "Catch the sorcerers," or words to that effect, was not said by me, but by a man named Nvarnela. See native statements 2nd and 3rd—annexed—I never spoke.

I regret that I am unable to annex one from Deke who is at present absent, by which I would show that there must either be perjury, defective interpretation, or a wilful distortion of facts, by those who took the statements at Bishopstowe, Deke having since given to other natives quite a different version of what happened.

Were it not that I must close this for transmission by mail, I could supply copious evidence, though I do not consider anything, beyond the documents then written, necessary to exculpate me from all blame.

I was subsequently, while preventing my men, as far as I could, from causing unnecessary bloodshed, severely wounded in the side by an assegai from one of Matyana's men, and gave special orders not to kill this man as mine were bent on doing.

Matyana lost about thirty men, killed, I, none. This is to be accounted for by my party having their shields. Matyana had already met me twice before by invitation, my object being to induce him to submit himself as he was bound to do to his Magistrate; on these two occasions, in defiance of the law of the land, he met me, accompanied by large numbers of his people, fully armed, and on each declined to follow my advice. I still remained in the location at the head of an armed force of special constables, in all about thirty, as stated, watching events, when I was informed that a meeting had been arranged between the Magistrate and Matyana, to take place at my camp; the Magistrate came, but Matyana did not; he sent a message declining to meet his Magistrate, adding that he would meet me, upon which the Magistrate went home disgusted with his evasion and continued misconduct. To this expressed intention of Matyana, I replied that if he wanted to see me he ought to come unarmed; in the course of a day or two he did come, but without paying any attention to my stipulation, and I determined that I would arrest him if the opportunity offered. I had in the interim heard that he had exacted a promise from his young men to destroy my whole party, and then leave for the Zulu country in a body.

In conclusion I have to state that, irrespective of these charges now submitted for my report, his Lordship has published and circulated a pamphlet privately in Natal, the Cape Colony, and England, containing similar or other charges against me, thereby compelling me to institute a civil action before the legal tribunals of this colony to vindicate myself from the malicious and unfounded aspersions sought to be thrown upon me.

(Signed) J. W. SHEPSTONE.

Pietermaritzburg, Natal, September 15, 1874.

Inclosure 3 in No. 3.

Sir,

Office of Secretary for Native Affairs, March 3, 1858.

WITH reference to your letter to Dr. Kelly of the 24th ult., and the statement of Inkonyana, complaining of the treatment he had received at the hands of Matyana, I am directed by the Lieutenant-Governor to authorise you to carry into effect the warrant for the apprehension of Matyana, issued by the Resident Magistrate of Klip River, and in your possession. His Excellency authorises this under the impression conveyed by your letter, that you consider yourself able to undertake it without the employment of any force beyond that which a few of the tribe may furnish in addition to the persons you already have with you.

You will therefore understand that you are on no account to raise any force from the neighbouring tribes, but confine yourself to the use of such means as are already in your possession.

I have, &c.

(Signed) T. SHEPSTONE, *Secretary for Native Affairs.*

J. W. Shepstone, Esq.,
Job's Berg.

Inclosure 4 in No. 3.

Sir,

Office of Secretary for Native Affairs, July 19, 1858.

I AM directed by the Lieutenant-Governor to inform you that as the operations against the late Chief Matyana and the subsequent arrangements for the disposal of the tribe, have now been so far completed as no longer to require your presence to superintend them, the duties upon which you have been employed will cease at the end of this month.

Instructions have been transmitted to the Resident Magistrate, Dr. Kelly, to make such arrangements as may be necessary to relieve you at that date and as a temporary arrangement. His Excellency will allow Nozitshina and Guillana to form their kraals in such positions on the Buffalo River as may be decided upon, on the understanding that they obey such orders as they may from time to time receive from the Resident Magistrate.

In thus dispensing with your services the Lieutenant-Governor desires me to express to you his entire satisfaction at the manner in which you have conducted the duties entrusted to your charge.

I have, &c.

(Signed) T. SHEPSTONE, *Secretary for Native Affairs.*

John Shepstone, Esq.,
Job's Berg, Klip River.

Sir,

Office of Secretary for Native Affairs, April 16, 1858.

IN obedience to your Excellency's desire that I should furnish you with a report upon the late operations against the Chief Matyana and his tribe, I beg to submit the following:—

2. To understand more clearly the circumstances, it will be desirable that I should very briefly sketch the history of this young Chief. On the establishment of British rule in Natal he was a minor, and only assumed the Chieftainship by permission of the Government in 1849-50. There are many points in the character as well as the history of this young man in common with those related in my report of the Chief Usidoi, both were allowed to assume the government of their respective tribes by special permission of the Government, and both received particular explanations and charges as to their real position in regard to the Government; both clearly understood that they were allowed to rule their people but as the lieutenants of the Government; both their minds are peculiarly liable to the dominion of belief in witchcraft, and neither are noted for personal prowess.

3. In 1850, and when this young man had scarcely been a year the recognized head of the tribe, he found means of bringing against one of his uncles, named Uvela, a charge of witchcraft; it was at the time well known that the real cause of jealousy was that the uncle had objected to Matyana being nominated Chief because he was the eldest son, and it is contrary to usual practice that the eldest son of Chiefs should succeed to the Chieftainship. He hastily collected an armed force, and without any previous trial proceeded to seize and put to death the uncle in question and his two sons.

4. Upon this being reported to the Government, Lieutenant-Governor Pine taking into consideration the youth of the Chief, the remote position of the tribe, the fact that up to that time their sympathies were more with the Zulus than with the Government, and its being the first occasion in which a Chief had placed himself in such a position, decided upon viewing it as a trivial offence, and a fine of 500 head of cattle was accordingly levied upon the tribe.

5. At the same time a Proclamation was issued to the whole of the native population, and to this tribe in particular, declaring that in future murder would be punished by death and confiscation of property, whether committed by a Chief, petty chieftain, or common person.

6. The salutary effect of these measures seems to have lasted until December last, when a murder of a very similar character to that of Uvela was reported to the Magistrate of Ladysmith, in whose county Matyana resides.

7. It appeared that a man named Untwetwe, a great favourite of the Chief, had sickened and died. The brother of this man, Sikadiya, was accused of causing his death by means of witchcraft. A party of men from the Chief Matyana's own residence proceeded to seize and bind as prisoners both Sikadiya and his wife; that during and in consequence of such binding, Sikadiya received injuries from the party in charge of his person of which he presently died; upon this the wife was liberated in alarm, and proceeded to Dr. Kelly, the Magistrate of the Klip River County, to complain.

8. The Magistrate thereupon summoned the Chief and all the parties concerned to appear before him for the purpose of instituting a preliminary examination. The Chief refused to appear himself, but offered to give up all the parties concerned in the murder. The police took him at his word, and requested these parties might be given up to them, but after two days, Matyana reported that he was unable to do so, as they had all absconded.

9. Upon this the Magistrate applied to the Government for authority to compel the personal attendance of the Chief in obedience to his summons.

Your Excellency felt that although it was necessary to insist upon implicit obedience being rendered to the orders of a Resident Magistrate, whether directed to a Chief or subordinate native, it was not less necessary that every caution should be observed, and every possible means taken, to avoid forcing the Government into the use of extreme measures, which, however, they might terminate as regards the apprehension of the Chief, must certainly result in serious consequences to the tribe. These views were communicated to the Magistrate, with a suggestion that he should himself proceed to the Chief's location for the purpose of preliminary inquiry, should he, in the exercise of his own judgment, consider such a visit advisable under the circumstances.

10. The Magistrate, although entertaining very little hope of success, immediately sent a special messenger to the Chief, informing him that on the next day he would be at a certain kraal, one of the Chief's residences, where he requested he would meet him, expressing, at the same time, a hope that this act of the Magistrate would be viewed by the Chief as a token of friendly feeling towards him, notwithstanding his having disregarded his previous summonses.

Accordingly, the following morning Dr. Kelly proceeded to the kraal appointed, and, after waiting several hours, a message was brought by one of his principal men, definitively declining to meet him.

11. Dr. Kelly now learned that the Chief had surrounded himself, day and night, by an armed guard of several hundred men, and that he had actually placed himself in an attitude of defiant resistance.

On the result of this effort being reported an appeal to force seemed inevitable, and your Excellency yourself proceeded to the Klip River, having arranged that a force of forty-seven men and officers of the Natal Carbineers should follow to the same place.

12. During this time, messengers from Dr. Kelly were constantly with Matyana and his people, endeavouring to persuade him to obey the Magistrate and prevent the ulterior measures against himself and his tribe, which perseverance in his obstinacy must force upon the Government. They represented to him the impossibility of successful resistance or ultimate escape, they endeavoured to excite his hopes as well as work upon his fears, but all to no purpose, he steadily refused to obey, although as steadily protesting his innocence of the murder.

13. Seeing that any further delay in the use of compulsory measures would now only be misunderstood, as well by Matyana himself, as by the other tribes in the Colony, who were all quietly

looking for the result, an expedition was organised at Ladysmith, the seat of Magistracy of the Klip River County, consisting of the Carbineer force above described from the seat of Government, the Natal Frontier Guards, another Volunteer Corps established by Dr. Kelly's exertions at Ladysmith, of which he is the Commanding Officer, and thirty-eight Boers, to this was added a force of 500 natives under Mr. John Shepstone; Mr. Allen, the Acting Colonial Secretary, was in command of the whole in his capacity of Major of the Natal Carbineers.

14. The result of this movement was that the Chief Matyana, although duly summoned by Major Allen, refused to appear, and with all his tribe, except a small section, took to the bush and fastnesses in which his location abounds. The only alternative open to the force was to traverse the location and seize the cattle of the tribe. From Major Allen's report it appears that the resistance shown to his force was generally of a passive, but very dogged character; except towards the last part of the operations.

15. The result was the capture of 7,000 head of cattle, some horses and goats.

16. The active operations lasted but eight days, during which thirteen men belonging to Matyana were killed, and two of that part of Major Allen's force under Mr. John Shepstone. The most of these casualties occurred in an attempt by some of Matyana's young men to rescue the captured cattle, while a detachment of Mr. John Shepstone's native force, under the immediate command of Mr. Mellersh, were being driven through an intricate pass into the open country.

17. Upon the return of Major Allen's force to Ladysmith, Mr. John Shepstone was left with his men to overawe Matyana's people and endeavour to open a communication with the tribe, with the view of preparing them for any ulterior measures which your Excellency might determine upon with regard to them.

18. You then despatched me with directions to proceed to the location, collect the tribe and inform them that the operations against them had been brought upon them by their own disobedience, that had they acted as they might have done, and as they were repeatedly called upon to do, they might have avoided all the punishment they had received, that although they had been punished they had shown no disposition to obey, and that it still, therefore, remained the duty of the Government to insist on a due submission to its authority; that your decision was that they might weed and reap their standing crops, but that if Matyana and the murderers of Sikadiya were not given up by reaping time that they would not be permitted any longer to occupy that Location.

19. I proceeded accordingly, and soon succeeded in opening a communication with the people of the tribe. The principal men with a few exceptions, came to me in a body, and at that meeting I explained to them at great length your Excellency's views and decision; they admitted that they had caused their own misfortunes; they blamed Matyana for not having obeyed the orders of the Government, but they seemed to think it impossible for them to give him up; they wished to be allowed to remain in the location and to have a white Chief placed over them; I saw at once that there was very little probability of their apprehending Matyana, or of their causing him to deliver himself up. Mr. John Shepstone having now joined me with his force, I informed the people that he would be left to receive any communications which they might wish to make during the time of probation which your Excellency had allowed them, that if they desired to remain in their location they had it in their power to do so by complying with the conditions imposed.

20. I then arranged for Mr. John Shepstone to stay on the border of the Location, for the purpose stated, under the order of the Magistrate, Dr. Kelly, and returned to Pietermaritzburg. Subsequent evidence appears to have been received by Dr. Kelly, which induced him to issue his warrant for Matyana's apprehension on the charge of murder, and to transmit it to Mr. John Shepstone to be executed.

21. Several interviews had taken place between the latter and Matyana, but he was on every occasion surrounded by a strong force fully armed. At length an interview appears to have been arranged between them, to take place at the spot occupied by Mr. John Shepstone, and Matyana named the day. The evening before it was reported to Mr. John Shepstone that great preparations had been that day made by Matyana at his kraal; that he said he felt convinced that he would be seized, and that his people would deliver him up; that he had made a strong appeal to the feelings of his people, urging them to destroy Mr. John Shepstone and his party, and that then he would be satisfied, come what might; that this proposal was rejected by the old men, but the young ones showed great enthusiasm, and that all agreed to destroy them if any attempt should be made to apprehend him; that upon this he had expressed his determination to go the next day; and that the signal to destroy Mr. John Shepstone and his party had been agreed upon, which was also named.

22. Upon learning this, Mr. John Shepstone felt it necessary to provide against such an event as far as his means would allow, having only thirty men with him, and, as a preliminary, to prevent, if possible, the tribe coming to him armed, he therefore sent repeatedly to Matyana on the morning of the interview to direct him to come unarmed. Every message, however, was treated with contempt, and Matyana approached with 300 followers fully armed or equipped for war. Feeling, however, that this would furnish the last opportunity for his executing the Magistrate's warrant, and having determined to attempt its execution if he could prevail upon Matyana's force to disarm itself, notwithstanding the disparity of numbers, he had concluded to require Matyana to go to the Magistrate, and, in the event of his refusal, to seize him among his people.

23. Matyana's men left their shields and assegais only 200 yards from the spot of meeting, and Mr. John Shepstone thought this would be far enough to enable him to carry out his intention, should Matyana reject his proposal to go to Dr. Kelly, without the risk of any loss of life, as he had arranged that some five or six men on horseback should, at a certain signal, move quickly and interpose between them and the arms.

24. The interview now commenced, and it was with some difficulty that Mr. John Shepstone's party prevented itself from being surrounded, by ordering the men back, which was reluctantly obeyed. Matyana assumed a very insubordinate tone, and twice during the interview did he give the signal

already made known to Mr. John Shepstone's party the evening before. The men, however, hesitated; and Mr. John Shepstone, supposing them all to be unarmed, gave the order for his seizure. Instantly it appeared that all the men behind were armed with single assegais, who at once came forward and protected Matyana, and caused his escape. One in the crowd now shouted, "There are only a few of them, they cannot hurt us," and those of Matyana's men who had no weapons rushed to the huts to seize those belonging to Mr. John Shepstone's party. A struggle now ensued, which must have proved fatal to the whole party but for the precaution of the horsemen placing themselves between them and their supply of arms, whose appearance, moreover, led them to think that a white force had arrived. In this affair Mr. John Shepstone received a severe wound from an assegai, as did also two of his men, and, in spite of all his exertions to prevent it, twenty-five of Matyana's men were killed; the latter had turned on the appearance of the horsemen, and the former had become exasperated at seeing Mr. John Shepstone wounded. I state the number at twenty-five, but it is not yet known certainly how many were killed. Several men, supposed to have been connected with the murder, were, however, taken prisoners.

25. It has since transpired, from several of Matyana's people, that he went to the conference with the full intention of putting Mr. John Shepstone and his party to death, and that the signals he gave were not obeyed, because his men feared to commence the proceeding. They say, also, that the impression of the presence of a white force, caused by the sudden appearance of the horsemen, prevented the accomplishing of the object, as it was seen also that Matyana's policy in doing this was, if possible, so far to implicate his tribe in the act as to force them to leave the colony with him, by which means he would retain his chieftainship.

26. It has since appeared that Matyana is across the Buffalo or Umzinyato River, in Panda's country, with but a few followers, all of whom are young men.

27. The failure of Matyana's plan, and consequences of it, have altogether subdued the spirit of the tribe, as was evident from the Magistrate, Dr. Kelly, so readily procuring from it a number of young men to work on the roads, or with the farmers who might require labourers.

28. It now only remains to carry out the Proclamation issued by your Excellency, when the time appointed in it shall arrive.

I have, &c.

(Signed) T. SHEPSTONE, *Secretary for Native Affairs.*

His Excellency Lieutenant-Governor Scott,
Natal.

Inclosure 6 in No. 3.

Sir,

Downing Street, July 13, 1858.

I HAVE received your despatch of the 20th April, reporting the measures which you had been compelled to take against the native Chief Matyana, in the county of Klip River, in Natal, in consequence of his continued refusal to appear before the Magistrate, under whose jurisdiction he was placed, to answer a charge of murder.

I am of opinion that you acted on this occasion with prudence and moderation, and I entirely approve of the Proclamation which you caused to be issued deposing Matyana from his chieftainship, and removing his tribe from the Location which they held.

I am, &c.

(Signed) E. B. LYTTON.

His Excellency Lieutenant-Governor Scott,
Natal.

Inclosure 7 in No. 3.

Dear Sir,

Pietermaritzburg, August 18, 1874.

IN reply to your note of yesterday, I beg to say that I am not aware that I made any remonstrance to you regarding the matter you mention, and that the Bishop of Natal must, in the hurry of conversation, with others to whom I gave the information, have misunderstood what I said.

What I did, so far as concerns yourself, was to call at your office and inform you that a native had complained to me that the native Chief Umgundani had threatened to imprison him for going to Bishopstowe, feeling sure that by so doing I should take the proper course of protecting the interest of the man who had complained, but having no intention of connecting you with the matter.

Yours faithfully,

(Signed) JOHN THOS. MUDIE.

J. W. Shepstone, Esq., Pietermaritzburg.

Inclosure 8 in No. 3.

Statement of Ncamane.

BEFORE me, John Ayliff, on this 8th day of September, 1874, appears Ncamane, who states:—
I never had an interview with the Bishop before my imprisonment, but when I was placed under

Adam's care a message was brought to me to the effect that the Bishop of Natal wished to see me. I went, and, on arriving at his house, I entered and found it full of Lulu's and Matyana's men. The Bishop asked me if I knew Nogonyoko, I said yes; if I knew Ncunjana. I said yes; if I knew Umpako, I said yes. He then asked me if I remembered Ncunjana being sent the second time by Mr. John Shepstone to tell Matyana he was to lay down his arms; I said yes. He then asked me what I knew about Matyana's men having short spears secreted about their persons. I said I did. He asked me how many. I said a great many. He replied, No, there were only three, and Mr. John Shepstone himself says so. I replied, this is not the case; these were a great many. I must explain that these questions were not put to me by the Bishop, who was not in the room, but by the Bishop's daughter and Magemu.

They told me that my memory must have failed me, as the incidents to which I referred occurred a very long time ago. This I denied, and said I was sure the circumstances were as I stated. They then asked me if I remembered Mr. John Shepstone firing on the occasion, and how it happened. I said he fired twice, but I did not see him fire, as I was in a hut at the time, but I heard both reports. It happened thus: Matyana arrived with a great number of followers, and all but surrounded our party. We tried to beat them back, but failed, and, hearing a rush of horses behind us, we thought they were closing upon us, and Mr. John fired the shots, when they dispersed and fled. I know they came with a hostile intention, because they said under the earth whereon you stand you shall lie. We had previously heard that a watchword had been decided upon, which was "When will it be?" When they crowded round us Mr. Shepstone called out to Matyana, but his induna Tole replied to Nozitshinga, saying, "Why should you talk when you know that your gun is loaded." Mr. Shepstone asked, "Who told you so?" Matyana replied, "Some of my people told me so." Mr. Shepstone then said, "Catch the sorcerers," when they ran off and dispersed. One of Matyana's men, named Souhloon, died then in one of the huts from the effects of wounds inflicted by our party.

I feel confident that Matyana and his party came with the intention of killing us.

When they dispersed a running fight took place, and, after it had lasted a considerable time, we came upon sixty of Matyana's men who were lying in a dry nullah in an exhausted state. I directed one of our men to take them home to the Chief's wife. Soon after this I saw Mr. Shepstone ride past on horseback, and just after he had passed out of sight I heard a shout of triumph, and said, "Let us go and see what it is." On coming up we found him (Mr. Shepstone) lying on the ground, with a wound in his side. I took off his necktie and bound up the wound, and replaced him on his horse. We wished to kill the man who had wounded him, but he refused to allow this, who was allowed to escape.

(Signed) NCAMANE, his ✕ mark.

In presence of,
(Signed) MANXELE.
YAMELA.

(Signed) J. AYLIFF, *Justice of the Peace.*

Inclosure 9 in No. 3.

Statement of Nozitshinga.

BEFORE me, John Ayliff, Justice of the Peace, appears Nozitshinga, who states:—

I was with Mr. John Shepstone when he was directed to apprehend Matyana. I remember the day Mr. Shepstone was wounded. On that day Matyana came to the huts in which we were staying, accompanied by a large armed party. He came with the intention of killing us. This we learned from one of his men, named Umramela, who had left him and resided in Ladysmith.

Matyana's party, at the instance of Nongoyonyeka, put down their arms and left them at some distance, but individuals among them carried short spears concealed about their persons. These we picked up where they had fallen when we attempted to seize the Chief.

Matyana's party had nearly surrounded us when Umvamele shouted, "Catch the sorcerers." We then rushed to apprehend the Chief, and Mr. Shepstone fired in the air. Matyana escaped, and his followers fled. We pursued, and Mr. Shepstone's orders were, "Do not kill them; only apprehend Matyana." Mr. Shepstone fired twice, but aimed at no person, firing into the air. While in pursuit Mr. Shepstone was wounded, but would not allow us to kill the man who had wounded him.

Nogoyonyeka was with our party when Matyana arrived, and we told him he must then leave us, as his friends were there armed and about to attack us. Then he went over to them and induced them to lay down their arms.

(Signed) NOZITSHINGA, his ✕ mark.

In presence of,
(Signed) MANXELE.
UYAMELA.

(Signed) J. AYLIFF, *Justice of the Peace.*

Pietermaritzburg, September 10, 1874.

Inclosure 10 in No. 3.

Statement of Magwaza, a Native at present living under the Chief Durnisa of the Colony of Natal, the 17th day of September, 1874.

I REMEMBER the time the late Chief Matyana and tribe were punished by the Government for the murder of Sigadiye, and Mr. John Shepstone remaining in the location after the white force had

left, I was then one of Matyana's people, and was present at the first meeting between Mr. John and Matyana at the kraal Dilizela. Every one of us with our Chief were armed, Mr. John and his three men had only their riding whips, I was also present at the second interview at the kraal Cele, when we were again all armed, but Mr. John with his party were not. At these interviews Mr. John urged on Matyana to go and appear voluntarily before his Magistrate, at the same time warning him against showing any disrespect by appearing armed on all occasions; the reply was that he (Matyana) was afraid. A meeting was then agreed upon for Matyana to meet his Magistrate, Dr. Kelly, at Mr. John's camp, on the Magistrate's arrival Matyana would not attend, still arguing that he was afraid, but that he would go and see Mr. John. This he did, I was with him. We were a large number as usual, and all armed. Mr. John sent to say that he would not meet him armed, that if he wished to fight to say so at once. In the afternoon of the day it was decided that we should go to Mr. John, but before doing so supplied ourselves with short assegais, which we carried with us. On reaching Mr. John's camp we used the words, "You will bite the dust." "You will die here." This was addressed to Mr. John. On Mr. John's men attempting to apprehend Matyana, he threw himself over us, and we all immediately rose and formed a barrier for him to escape. I then heard two shots fired. No one was either killed or wounded by the discharge of a gun. Souhloon was killed in one of Mr. John's huts, where he was leading men to arm, this was by an assegai. Deke was wounded in two places among our own people and by our own assegais. Mdemude, who stabbed Mr. John, told me a few days after that Mr. John had saved his life by not allowing his men to kill him after he had wounded Mr. John, and I was also told by many of our people that they heard Mr. John call to his men and ask them why they were killing the people when all he wanted was the apprehension of the Chief, and that he even was not to be killed. Mvamele said "Catch the sorcerers," not Mr. John.

(Signed) MAGWAZA, his X mark.

Before me, and in the presence of,

(Signed) JOHN N. SYMONS, *Justice of the Peace.*

No. 4.

The Earl of Carnarvon to Lieutenant-Governor Sir Benj. C. Pine, K.C.M.G.

Sir,

Downing Street, November 19, 1874.

I HAVE received your despatch, dated December 23rd, upon the subject of the charge brought by the Bishop of Natal against Mr. John Shepstone with reference to the conduct of the latter when engaged in attempting the arrest of the Chief Matyana in the year 1851.

I have no reason to doubt the propriety of his refusal to institute the inquiry demanded by the Bishop of Natal. At a time when proceedings have been commenced at law for the purpose of securing a judicial investigation into the case, such an inquiry would clearly be undesirable. I doubt, however, whether the action which Mr. Shepstone has commenced will be found to be the most satisfactory mode of vindicating his character, whilst owing to the excitement which still necessarily prevails in the Colony on the subject of native affairs, such a trial could scarcely fail to be productive of harm in keeping alive animosities and feelings of irritation which cannot be too soon set at rest.

As the whole case must now of necessity be laid before me, and I shall have to pronounce my own decision upon it whatever may be the result of any action that might be brought in a court of law, I cannot but think that the best course as regards the Colony, and also the most satisfactory course for all parties concerned, will be to allow my decision to be the only one, to the avoidance of further personal controversy, and to the composing of those differences which are so injurious to the Colony.

I have, &c.

(Signed) CARNARVON.

No. 5.

Lieutenant-Governor Sir Benj. C. Pine, K.C.M.G., to the Earl of Carnarvon.—(Received February 5, 1875.)

Government House, Natal, December 31, 1874.

I HAVE the honour to acknowledge your Lordship's despatch of the 19th of November last,* on the subject of the charges brought by the Bishop against Mr. John Shepstone in the case of the Chief Matyana.

2 I have advised Mr. John Shepstone to leave his case in your Lordship's hands, which he is willing to do.

3. In advising Mr. John Shepstone to adopt this course, I feel it my duty to him to inform your Lordship that he was induced to take legal proceedings chiefly in order to put a stop to the intolerable injustice of being subjected to charges seriously affecting his character, founded upon evidence taken by the Bishop *ex parte*, without the safeguards of publicity and the opportunity of cross-examination; and I think, further, it my duty to point out to your Lordship that much of the evidence adduced by the Bishop in this case has been taken in this way.

Evidence so taken is peculiarly untrustworthy, for everyone moderately acquainted with the native character is aware that when a question is put to a native he will intuitively perceive what answer is required, and answer accordingly.

My own strong opinion is, that the report sent in by Mr. John Shepstone at the time of the occurrence in question, approved of by his brother Mr. T. Shepstone, was substantially correct. If your Lordship knew the candour and openness of Mr. John Shepstone's character you would have no difficulty in accepting even his unsupported statement.

I have, &c.
(Signed) BENJ. C. C. PINE.

FURTHER CORRESPONDENCE relating to
the Colonies and States of South
Africa.

NATAL.

(In continuation of Part II of C. 1342-1 of 1875.)

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1876.*
