

[No. 29, 1875.]

FOURTH SESSION, SEVENTH COUNCIL—1875.

BILL,

(AS SET DOWN FOR SECOND READING.)

"To Amend the Post Office Consolidation Law, 1867:"

WHEREAS it is expedient to amend Section No. 27 of the "Post Office Consolidation Law, 1867:"

BE IT THEREFORE ENACTED by the Lieutenant-Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. The Section No. 27 of the "Post Office Consolidation Law, 1867," shall be, and the same is hereby repealed, and the following shall be substituted in lieu thereof:

27. Any letter, or book-packet, or newspaper, may be registered upon the application of the person posting the same, and a receipt demanded from the Postmaster of the office, at which such letter, book-packet, or newspaper is posted, and for each such registration, there shall be payable such fee as the Lieutenant-Governor may from time to time fix and determine, in addition to the usual postage, payment of such fee to be made by affixing to the letter, or book-packet, or newspaper proposed to be registered, postage stamps required for such fee:—

Provided, however, that it shall be lawful for the Postmaster-General, with the sanction of the Lieutenant-Governor, from time to time hereafter, as occasion may arise to require the payment of such lesser, or other rate of registration fee on any letter, book-packet, or newspaper, forwarded out of the Colony according to any special arrangements which may be made in that behalf with the Government of the United Kingdom of Great Britain and Ireland, or of any foreign Country.

2. The Government shall not be responsible for any loss or damage which may occur in respect of anything entrusted to the Post Office for conveyance, whether the same may be registered or not, and no person employed by Government or the Post Office Department, shall be responsible for any such loss or damage unless that person shall cause such loss or damage negligently, maliciously, or fraudulently.

3. This Law, shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

[No. 30, 1875.]

BILL,

(AS SET DOWN FOR SECOND READING.)

"To secure a certain allowance or annual pension to Major the Honourable David Erskine, late Colonial Secretary of the Colony of Natal."

WHEREAS it is necessary that an Act should be passed, making provision for Major the Honourable David Erskine, upon his retirement from the Office of Colonial Secretary of this Colony:

BE IT THEREFORE ENACTED by the Lieutenant-Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. The Lieutenant-Governor of this Colony is hereby authorised and required to pay, or cause to be paid, from and out of the General Revenue of this Colony, to the said Major the Honourable David Erskine, from the 18th July, 1874, and during the remainder of his natural life, a pension at the rate of Five Hundred Pounds Sterling per annum, payable quarterly.

2. This Law shall be in operation from such date as the Lieutenant-Governor shall fix and determine by Proclamation in the *Government Gazette*.

L. C.—No. 27.

THE following copy of a Memorial purporting to be from Christian Natives addressed to the late Administrator of the Government, together with Sir Garnet Wolseley's Reply thereto, are published for general information.

By order of the Legislative Council,

W. B. MORCOM, Clerk.

Legislative Council Office, Natal,
November 16th, 1875.

To the Great Chief the Governor Sir GARNET JOSEPH WOLSELEY, K.C.B., G.C.M.G., &c., &c.

We, the undersigned Christians of the Mission Stations, namely, of Umvoti, Inanda, Amanzimtote, Imfume, Ekukan-yeni, Tafamasi, St. Mark's, Pietermaritzburg, the Wesleyan Mission, Pietermaritzburg, Springvale, and the German Mission, Ladysmith, in the Colony of Natal, are glad to welcome Your Excellency's arrival, the Great Chief whom we are under, and our Father who released us from all heaviness. We welcome your arrival with our hearty thanks.

Whilst in part thanking for treatment hitherto received, we cannot but call your attention to many grievances requiring redress. We say that you are the same as a hen, which does not mind any kind of chicken, whether of a duck or turkey, or for any other bird, she does keep them all under her wings.

We beg to inform Your Excellency that 12 years have elapsed since we wished to explain the following matter, for we commenced it this year 1863; about 149 men present at that time, but they were prevented by an Advocate whom they employed, who threw away this our petition by words which they did not understand. And in hearing of Your Excellency's arrival we raised up this matter, because we heard that you were coming to place us right as well as whites. But when we had met together and conversed one another about this matter, we all agreed to request one of our white missionaries to assist us, but the missionary took his own wishes as to the polygamy, of which we never say a word against it to Your Excellency, knowing that for that cause the whole of the native population will be dispersed; and then the missionary had those whom he likes to the number of 120 men (of which most of them are Basutos), and presented their petition, leaving us behind, and so we are obliged to take this our petition with our own hands, though we are unable to explain all that we say, not being sufficiently learned in the English tongue.

Now here is our lament. If a white man goes to law with a black, we hear it said that the case is tried by Kafir Law or Dutch Law. We fled from Zulu country because of fearing Kafir Law, and came to place ourselves under the Dutch Government, but their treatment to us was too bad. And when the English Government arrived, we placed ourselves under it, and the missionaries taught us, so we rejoiced.

But now the Government wishes to drive us back again by saying that we ought to serve our old law which drove us from Zululand through fear, whereas we know that the English is a light nation. We came here being young, and now we are grown older—here is the question:—

How can a man become to be of the English? If we have a foreigner, we give him a place for living, and give him some corn, and borrow him a cow to milk; from this cow he make some butter, and then buy a goat; and when these goats increased, buy a cow of his own; and when these cattle of his own are increased, kill one of them, and take an *insonyama* (sweet meat) and carry it to his chief, not take the *insonyama* from the other side of the beast. We give here among the English 7s. to Government, and £1 or £5 to the owner of a farm per year, which is your *insonyama*. When a foreigner have a cause, we try his case by our law, not by a law of where he came from, that it may be seen that he is ours.

And you try his case by a law of where he came from? If a man become to be of you, Englishmen, what he ought to do?

Are you to do this to the Dutch, Germans, Scotch or Romans? We do not believe that you do so to these, as we often see them going with you to courts.

Your petitioners wish to inform Your Excellency about the ways and customs introduced by the English Government, much to their dislike and annoyance.

1. The diminishing of our children's cattle for *lobola* (marriage presents) to ten head, without our complaining to Government that we were troubled in this matter.

2. The paying of £5 marriage fee to Government for our children, while we never receive any help from Government during the sickness of our families, yet the same Government says it ought to be paid the part of our cattle. Therefore we cannot call this law, but eating up.

3. The deserting us by our women to living in towns and becoming prostitutes to white men, of which the Government take no notice.

4. The fee for a divorce between a man and his wife, is by native law, 20s., and, at the same time, £5 marriage fee is called for from a new husband.

5. The refusing by white men to pay the blacks wages which they fairly earn.

6. That we fled from Zululand through fear of fight, having no power to fight, but all the same it is often ordered by Government that our people ought to go to fight, whereas we have been told that this 7s. hut tax is paid by us for purpose of keeping soldiers who will guard us and that we shall only stay comfortable, not going to fight. At this last fight it was ordered that our people must go to fight, but some of them who returned home were fined £20 by Government. We pray to the Great Chief to see to this, for the blacks are not soldiers, and do not like to kill their own relatives, besides having no right weapons to fight with, as Government refused natives to possess firearms.

7. The detaining of our causes in Courts, and our ill-treatment by the black indunas, who on all occasions do what they like between those whom they like and those whom they dislike. We would prefer the authorities to choose one whom they like, and then the man would be such induna by agreement of the people whom he is going to be put over.

8. Our ill-using by the native policemen.

9. Not having any location or land of our own, and troubled by white settlers in their farms, we pray to the Great Chief to allow us to have our own lands by buying them for our use and children.

10. That we should prefer our causes in the Resident Magistrates' Courts, only being tried by English Law as much as they can be done, and not by Native Law.

11. We pray Your Excellency to permit us to have certain native men, chosen by us from amongst us, to stand in courts and watch native cases being tried in any such court.

12. That we should like to be informed under what law we are really to stand, and that we so much like to be treated as people than dogs.

In conclusion, knowing from experience as we do that these grievances are not caused by any white settlers in this Colony, we cannot but lay the blame on the Government, and we, therefore, earnestly pray your Excellency to release us from these our great troubles.

We feel also some surprise that such things should happen, having been often told that Our Most Gracious Queen does not wish any of her subjects to be oppressed.

And your petitioners will ever pray.

John Kumalo	Frederick	Gubu Qaburgana
Charles Bulosi	Tomdiniisa	William
Friday Fusi	Fulebu Ishange	Abraham Uys
Jonas Siminza	James Ishange	Theodore Mnini
Richard	Aaron Kambule	Mugade
Jacob	Macakaza	Welcome
Harry	Isaac	Jonas Shabalala
Umzishwa	David	Paul
Klaas	Fulatela Kumalo	David Magwaza
John	Jonathan Ngidi	Klaas Mkize
Jacob Jonas	Isaka Caluza	Thomas Nxumalo
Jonas Mxosa	Anthony	Abraham Twala
Jimmie Macala	Sam Gweba	Jacob Mgqoqoza
Daniel Mahluba	Philonos	Solomon Mayila
George Ntayana	Charles Mahlasela	Mdediswa
Boy Kumalo	Abraham Welcome	Philip
Kabinala	John Munkwanyane	John Twaisa
Jimmie Mbobo	Zwakalapi Mlembu	Jonas Kumalo
Mankonkozana	Charles Nkabinde	Jini
Uncapayi	George Matiwana	Umdhlampofu
Mbutiso	Nyokana	John Nodwengu
Mbutiso Ngidi	Umqwebu	James Dube
Mubi Nondenisa	Umqiko	Joel
Mlingane Magwaza	Batimane	Nokolas
Magema Magwaza	Sozinhla	Johannes
Ntaba Lutuli	Petrus	Matyobana
Setemba Keswa	Mashumi	Simon Jwabu
Sotyngana	Fanteyana	Jonas
Umlawo	Dekeli	Moses

Mango Wesibomu	Kofujane	Isaka
Edwedwe	Umbozeyeyana	Makosini
Abel	Sikobongo	Manzala
Thomas	Macebo	Magebisi
Nicolas	Udhlozi	Sigwegwe
Udhlonono	Sifile	John Lungoye
Makuza	Umfuyana	Matujose
Moses	Matyayujanga	Umtanyeni
Abraham Linyakama		Elijas
Lawese	George Champyana	Adam
Benjamin	Jacob Kumalo	Joba
John Mavuma	Samuel	Matyosi
Sunduzo	Humusha	Timoti
Sotemba	Umdumo	Pitelu
Shobayila	Makebasana	Kororelius
Charlie	Sovantu	Madhlemuke
Noziboko	Benjamin	Jakobos
Sidiminx	John Xaba	Petros
Andrias Kumalo	Umpengula	Thomas
Johannes Xaba	Silase	Jacob
Mpohlo	Job Mabana	Striti Kumalo
Thomas	Hendrick	Ntyingwayo
Jakob	William	Qili Makize
Zakariás	Pitros	Nomatshebe
Sojupa	Peter Kumalo	Charlie Mandhla
Eliyase	Stoffel	Mali Mjwile
James	Mishak	Mkotani Zulu
Mzilikazi	Elisha	Samuel
Nohaya	Elija	Boyezana Coloso
Sanda Stept	Gidion Kumene	Shumayelo Zibisi
Macebo Mbele	Dhlosi Hoyseyana	Thomas Howes
Pita Mnyantu	Mhlamisofu Lntuli	Jacob
Zobuya Mswali	Ntubana Lungu	Fokozi
Simiyel	Faku	Elijas Kumalo
Somfula	Moses	Solomon Kumalo
Majumba	Sitobo	Oto Kumalo
Fakana	Mnini	Jakob
David	Amos Mdhuli	Nembula Duze
Cakijana Zulu		Nokowana Nkomoyana
Sikanyane	Zokufa Ncowane	Matiyos
Sipike	Msingapansi	M. T. Lululi
Mpikwa Mkeswa		Jim Macala Bululezi
Hlamuka Dube	Mbunja Cele	Sijewana Ngwekazi
Jowel Hawes	Makomane Kuzwayo	Simoni
Antoni	John Dickinson	Jim Mlonjeni
Matyobana	Samson	Mpinkulu
Umbele	Mpande	Mlungwana
Velém Antoni	Abram Dhladhla	Makoso Cele
Ziyankomo	Paul Zondo	Burela
Manqwamba	Makubalo	Hosiyana
Lakiyos	Bili George	William Kuzwayo
Jam Banane	Mgoduka	Tenkoboza Lntuli
Luwes	Jacobo Mandiza	Aterias Mswili
Jonas Dhledhla	Charlie Adams	Maguba Mzobe
Pita Mtelwa	Jeli	Tyali
Mgwebu Msweli	Dudu	Mqambeni
Kass	Sawuli	William
Jonas Jwabani	Makobosi	Sikunyana
Steven	Jowanise	Mtumuni
Sibamu	Memi	Mlelo
Nongalaza	Mzimba	Mpikwa

REPLY TO MEMORIAL OF NATIVE CHRISTIANS.

His Excellency acknowledges the Memorial of John Kumalo and 265 other Christians of the Mission Stations of Umvoti, Inanda, Amanzimtoti, Imfune, Ekukanyeni, Tafanasi, St. Mark's, Pietermaritzburg; the Wesleyan Mission, Pietermaritzburg; Springvale, and the German Mission, Ladysmith.

His Excellency thanks Memorialists for the welcome which they express, but regrets the tone in which they have thought fit to state what they consider to be their grievances; he is surprised that so large a number of Native Christians, representing so many Mission Stations in this Colony, have not shown their less taught Natives an example of more careful and respectful language.

Memorialists commence their statement with the mistaken allegation, that if a white man goes to law with a Native, the case is tried by Kafir or Dutch Law. They proceed in disrespectful and unbecoming language to compare favourably Native usage and custom, from the fear of which they fled, with the hard treatment they aver they have received at the hands of the British Government in this Colony, and they ask what they are to do to become English.

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His Excellency directs Memorialists to be informed that it is provided that all cases between white men and Natives be tried by the Law on the subject, whatever it may be, by which the white man is bound as well as the Native; and that all cases of civil dispute between Native and Native be tried under Native Law, as is necessary, because these latter cases arise chiefly out of Native usages and customs (Polygamy for instance), which Native Law acknowledges and regulates, while they are unknown and repugnant to English Law.

But 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 Natives desirous of doing so to abandon the customs and usages of barbarism and adopt the usages of civilized men.

Memorialists can by placing themselves under this Law become relieved from the grievances and difficulties they allege under the heads 1, 2, 4, 6, 7, 8, 10, 11, and 12 of their Memorial.

As regards paragraph No. 3,—That Memorialists' wives desert them and become prostitutes to white men in towns, is an evil very much to be deplored, but no law or action of the Government can check this; the improvement of the condition of the women in their own homes and the extinction of Polygamy, with which practice Memorialists deprecate interference, are the best means of remedying this evil.

As regards paragraph No. 5.—The refusal of white men to pay to black men (because they are black) wages which they fairly earn, cannot be urged as a grievance, because appeal for protection to the Law which binds both white and black, is open to one as well as to the other, and as Memorialists well know, such appeal is frequently and successfully made by the black man.

As regards paragraph No. 9.—The remedy for Memorialists' complaints that they have no land of their own, and are troubled by white settlers on their farms, also lies in Memorialists' own hands. Not only are large tracts of land set apart and secured for the use of the Natives in the Colony, but these have an equal right with the white inhabitants to purchase land and keep it for their own use and that of their children.

By command,

(Signed) H. BRACKENBURY, Major.

Camp, Tugela River, 14th July, 1875.

FOURTH SESSION, SEVENTH COUNCIL—1875.

L. C.—No. 28.

THE following Message of His Excellency the Lieutenant-Governor, on the subject of European Immigration to this Colony, and transmitting Major Butler's Report on this subject to the Council, is published for general information.

By order of the Legislative Council,

W. B. MORCOM, Clerk.

Legislative Council Office, Natal,
November 19th, 1875.

Message No. 28.

(Signed) HENRY BULWER,

Lieutenant-Governor.

The Lieutenant-Governor has the honour to transmit to The Honourable the Legislative Council, copy of the Report by Major Butler, C.B., [Dated 3rd July, 1875; vide Government Notice No. 209, 1875, in *Gazette* July 13th, 1875, page 219] upon European Immigration into this Colony, to which he referred when opening the present Session.

The Report, which is a very able and lucid exposition of the subject and of a question that deeply affects the future of the Colony, gives a comprehensive sketch of the several attempts that have been made to introduce Settlers into the Colony, and of the results of those attempts. It enters into the causes which have hitherto operated against the proper settlement of the country by Europeans, and suggests the means by which that settlement may be promoted and developed.

The question is a very large and a very important one.

That after nearly thirty years of colonization the white population of a country possessing the area, the climate, and the capabilities of the Colony of Natal should number no more than 18,000, is a most surprising and striking circumstance, and affords presumptive evidence that the means hitherto taken to promote Immigration have been insufficient for the purpose, or inadequate to contend with whatever difficulties may stand in the way.

The most serious of these difficulties, and not the less serious because it appears to be one that has grown with the growth of the Colony, is fully and clearly set forth in the Report now transmitted.

It is the want of available land, in a country of waste lands, to offer to that class of Immigrants—the small farmer and the agricultural labourer—of which the Colony is most in need. The present arrangement for facilitating and encouraging the introduction of Immigrants of the industrial classes by a system of free or assisted passages, may, indeed, with some alteration and under active direction, be most advantageously employed in introducing every year a number of mechanics and domestic servants, whose skill and labour are in increasing demand, and who must at all times be a valuable accession to the community.

But, if we would have the Colony peopled throughout its length and breadth by a race of settlers, whose industry and enterprise would cover the face of the country with prosperous homesteads and thriving settlements, and convert what are now unprofitable wastes into cultivated fields and productive farms, and whose occupation and culture of the soil would be to the Colony its surest guarantee of future strength and progress and permanent welfare,—then, it is certain that something more than a well-regulated system of assisted passages is needed, and that some remedy must be found for a state of things which at present practically excludes this class of Immigrants by withholding from them the only inducement that could attract them.

The Lieutenant-Governor has not yet been able to give to the subject that full attention which he would desire to give before expressing any positive opinion as to what measures it would be advisable or unadvisable to adopt.

He feels, however, that the question is one which requires to be dealt with vigorously and without unnecessary delay; but that at the same time it ought not to be dealt with hastily, nor a decision come to upon it until after the most careful and deliberate consideration.

In transmitting the Report he would ask the Council to give to it and to the suggestions it contains their serious attention; and he will be obliged if they will communicate to him their views upon the important subject to which it relates.

Government House, Natal,
18th November, 1875.

(Signed) HENRY BULWER,
Lieutenant-Governor.

Proclamation,

By His Excellency Sir HENRY ERNEST BULWER, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Lieutenant-Governor in and over the Colony of Natal, Vice-Admiral of the name, and Supreme Chief over the Native Population.

WHEREAS applications have been received for the purchase of certain pieces of Crown Lands in this Colony, and hereafter specified and described:

NOW THEREFORE, I do hereby proclaim and make known, that on WEDNESDAY, the TWENTY-FOURTH day of NOVEMBER, 1875, at Eleven o'clock in the forenoon, the said pieces of land, which are as follows, will be offered for sale by public auction, at the Surveyor-General's Office, Pietermaritzburg.

No. 1.

Erf No. 1, Block P, in the town of Ladysmith, in extent one acre. Upset price £10.