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The History of the Durban Town Council

1854 - 1879

by

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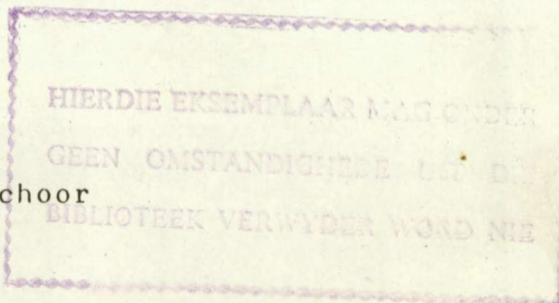
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PREFACE

"The History of Old Durban" by George Russell, a resident of early Durban and "Fifty Years of Municipal History" by W.P.M. Henderson, a later resident and Town Clerk of Durban, are the only secondary sources available on some of the early history of the Durban Town Council.

I acquired most of my information from the documentation of the "Mayor's Minutes" and "Municipal Council Minutes", as well as "The Natal Mercury" from 1854 to 1879. The bulk of my illustrations are from the Local History Museum in Durban.

The English trading system of currency and assizing is used throughout the thesis. No offence is meant by the terms "Coolies and Kaffirs", as it was widely used in the documentary evidence of the period I endeavoured to cover.

I am most grateful to Prof. Dr J.J. Oberholser (now retired) and Prof. Dr M.C.E. van Schoor, still active in the History Department in the Faculty of Arts at the University of the Orange Free State, for their guidance and supervision and to the valuable assistance I received in my research at the Town Clerk's Office and various museums.

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INTRODUCTION

Early history and administration of Natal

When attempting to reconstruct some aspects of the early history and administration of Natal, one is largely faced with the imposing and speculative question: "Who was in fact the first Natal colonist?" The answer to that question depends largely on archaeological findings, and their somewhat speculative explanations of a period before written records actually appear. On this basis it is assumed that the first Natal colonist was perhaps Early Stone Age Man of the so-called Stellenbosch culture. It is probable that he roamed the coast of Natal at a remote period when the geographical features of the district resembled little of the present conformation. It appears too that this Early Stone Age Man was succeeded by Middle and then Late Stone Age Man who in their turn also followed a nomadic existence in South Africa. During their short stay in certain spots in Natal, they probably devoted almost all of their activities to the winning of subsistence and to the protection of themselves, their family or tribe. It is doubtful whether they acquired more highly developed skills at the time or whether they expanded their probably little or no village organisation, so that relatively less time and effort had to be devoted to subsistence or protection. The logical conclusion is that their human, political organisation and administration proved to be very simple. There was possibly only one leader of the tribe at any given time.

The Stellenbosch culture was in turn displaced by that of cunning nomadic Bushman, who may have remained in possession of Natal for thousands of years. This hypothesis is, however, a controversial one. Modern archaeologists are convinced that Black Iron Age communities lived in Natal and the Transvaal during the 4th century A.D. They were there before the Bushman. This theory is supported by pointing to definite sites on the banks of the Hluhluwe River, as well as at both Moor Park and Blackburn near Bergville in Natal where very

distinctive pre-Bantu period pottery and iron smelting sites were discovered.¹ According to this theory, Bushmen only moved gradually into Natal and were influenced by this more advanced Negro culture with their already established Stone Age culture. If indeed this Iron Age culture were in Natal, the marked territorial kingdoms administered by so-called Chieftain and Sub-Chieftains, would have made its appearance. A possible Urban Revolution might have taken place in this period where we have definite technological development. Men began to make tools and develop skills and started to use metals which were stronger and more durable than stone. The social life of this community was in a preliterate stage before they acquired the skills of reading and writing. A possible commercial exchange and extension of communication could also have taken place.

Natal was, nevertheless, in or before the year 1300, largely inhabited by the pygmy hunters whom later generations referred to as "Bushman". The nomadic Bushmen still administered themselves like in the Stone Age culture with a possible Chief as Head of the clan or tribe. Their cave drawings are still distinctively visible in the Drakensberg area of Natal. G.M. Theal is of the opinion that the Bushman was followed by the Hottentot at an earlier date than the occupation of Central Africa by Bantu tribes and that there was a certain mingling with Bushman blood.² The nomadic Hottentots, after entering the Cape Province, moved more than likely all along the coast of Natal and had not advanced further than the Stone Age culture either. Their administration however must have been similar to that of the Bushman.

According to most historians, men of Bantu stock penetrated the coastlands, south of the Limpopo, in the period of the European Renaissance only. Of this Southern Bantu group, the Nguni group entered Natal, naturally not as a united and purposeful tribe, but rather as an inter-relation to one or other Nguni sub-group. The standard of the Natal Nguni was more advanced than that of their predecessors. Three major clans predominant amongst

¹ The Daily News, November 17, 1978, Article, p. 7, col. 1-5

² George McCall, Theal, Ethnography and Condition of South Africa before A.D. 1505, vol. 1, pp. 83-87.

the Nguni in Natal during the beginning of the nineteenth century. They were the Ndwande, Mthethwa and to a lesser degree the Zulu tribe.³ It was only in the early nineteenth century that Dingiswayo of the Mthethwa and Chaka of the Zulu tribe greatly influenced their way of living. A wide military overlordship was conceived by the fertile brain of Dingiswayo whose ability and enterprise led to the consolidation of what afterwards under Shaka, his successor, emerged as the Zulu nation. Chaka's "empire" covered 11,500 square miles and extended from Pongola in the North to the Tugela in the South and from the Buffalo to the sea. Chaka having created a military kingdom administered by him as Dictator, began with a series of destructive wars which forced migration of tribes to other parts of South Africa. This movement of forced migration became known as the "Mfecane".

According to the classical writers, tradition has it that the Phoenicians circumnavigated Africa, being the first Asiatics or Northernmen to have looked upon our shores. History, however, credits the discovery of Natal to the bold and enterprising Portuguese explorers.

It was the expedition fitted out by the King of Portugal and appointing Vasco da Gama in charge, who on Christmas Day 1497, in their journey from Portugal to India, sighted land, to which they gave the name of Natal (Terra Natalis) in honour of the birthday (Natal Day) of Our Lord. It is believed that the sheltering headland seen, was the Bluff at Port Natal, which they called "Ponta da pescario". Here they anchored in a small bay "to water, provision and refit".⁴ Professor Axelson, however, holds the opinion that what was seen, was almost certainly the coast of Pondoland.⁵ It is commonly known that

³ Edgar, H. Brookes and Colin de B. Webb, A History of Natal p.1.

⁴ George Russell, The History of Old Durban and Reminiscences of an Emigrant of 1850, p.2. See also: J.C. Chase, Natal Papers p.1.

⁵ E. Alexson, South-East Africa 1488-1530, p.37

from the time of Vasco da Gama until the era of regular European settlers, the only Portuguese to traverse the area of present day Natal, were the crews and passengers of shipwrecked vessels. Mackeurtan in Cradle Days of Natal mentions that a Portuguese vessel once or twice actually skirted the Natal coast before that, and that some must have set foot on Natal soil.⁶ Quite apart then from these coastal expeditions, crews and passengers of four shipwrecked Portuguese vessels, walked through Natal during the sixteenth century in their efforts to reach Lourenco Marques (Maputo). Accounts of these journeys were published by survivors and these are indeed our earliest written information regarding Natal.⁷ The seventeenth and eighteenth century brings more records of shipwrecked Portuguese along the Natal coast as well as British and Dutch of whom some individuals actually settled here, took African wives and became absorbed in the African life-style. A.T. Bryant in Olden Times in Zululand mentions in this respect that each time Portuguese, English or Dutch vessels ran ashore, a fresh quantum, insignificant as a rule, of foreign blood was poured into the veins of the Nguni folk around.⁸

The Zulu nation under the reign of Chaka administered Natal in the early nineteenth century. Chaka had with military violence, by the end of 1823 virtually cleared the country of inhabitants as far South as the Umzimvubu. (In the 250 miles of fertile coastlands south of the Tongaat River, then the boundary of the Zulu Kingdom) Fynn in 1824 had found not a single compact tribe, except for a tiny community living at the Bluff under its chief, Umnini, who subsisted largely on fish. Natal was almost completely depopulated in 1824 whilst Zululand on the other hand, became the home of a compact, though heterogeneous, well-organized and military administered nation.⁹

⁶ Graham Mackeurtan, Cradle Days of Natal 1497-1845, pp.12-13.

⁷ Ibid., p. 13

⁸ Rev. A.T. Bryant, Olden Times in Zululand, p.3

⁹ Alan, F. Hattersley, The British Settlement of Natal, p.13

The romantic story of Durban began, when Francis George Farewell and James Saunders King in 1823 in the brig, Salisbury sought shelter from a sudden gale. They were hoping to find a suitable harbour for trading on the Zululand coast but without any luck. They did, however, manage to cross the bar at the entrance of the harbour at Port Natal without disaster. King chartered the harbour in detail to secure the interest of the British Admiralty but the commission failed. Salisbury Island was named after the ship, although Admiralty charts up to 1831 show Farewell and King Islands. Gardiner called the only island, "Salisbury Island" in 1835, which name it has borne ever since.

After the visit of the Salisbury, Francis George Farewell, having decided to set up a permanent trading post at Port Natal to supercede the commerce of the Portuguese at Delagoa Bay, secured the support in Cape Town of J.R. Thompson & Co. and collected a party of twenty-six prospective settlers. Most of them travelled in the brig Antelope (Fynn calls her the Anne) which arrived at the port in July, 1824. Fynn, with five others, went ahead in the tiny sloop, Julia, to prepare the way and reached their destination in May - two months ahead of the main party.¹⁰

The settlement of Port Natal was thus established by the courage and enthusiasm of Lieutenant Farewell, a poor man, with no more behind him than the backing of a young Cape Town merchant. When Farewell died he was still indebted to the latter. No wonder that Mackeurtan describes it as "a sickly enterprise".¹¹ The party, originally 26, soon broke up and nine returned to Cape Town with the Julia on September 7, 1824 and eleven more on December 9 on her second voyage to the Cape. This last voyage proved to be disastrous as the Julia caught fire and sank with all on board.¹²

¹⁰ Brookes & Webb, op. cit., p.18

¹¹ Mackeurtan, op. cit p.109

¹² Ibid., p.109

The infant settlement was now reduced to six men - Farewell, Fynn, John, Cane, Henry Ogle, Joseph Powell and Thomas Halstead, a lad of sixteen. The very lives of these men depended on Chaka. In August, 1824, Fynn, Farewell and their small party finally reached Chaka's kraal. Chiefly due to Fynn's medical skill, a cession of Port Natal and its environs was received by them. This so-called "cession" made over to "F.G. Farewell and Company" gave him the entire and full possession of Port Natal and the country to about ten miles south and twenty-five miles north of the Port and its environs in the name of Great Britain.¹³ (Fynn says "50 miles" inland). This marks Durban as a British possession and as George Russell describes it "as squarely traded, bought and paid for".¹⁴

About a year after the arrival of Farewell and Fynn, Lieutenant King and a certain Mr Nathaniel Isaacs put in an appearance and there appears to have been some considerable friction in connection with the leadership of the settlement. This was settled, however, by a division of the acquired territory. Farewell chose the present site of the Town Gardens (formerly Market Square), Fynn and Umbilo and Bellair District, while King and Isaacs chose the Bluff and Wentworth, Henry Ogle and John Cane were employed by Farewell, whereas others lived by themselves.¹⁵

Several Traders set themselves up as independent White Chiefs, gathering around them an array of Trader-hunters and Native refugees amounting to close to 3,000 men within the chartered limits.¹⁶ Each so-called "White Chieftain" saw to the management of his own affairs in the most primitive of fashion, instead of continuing in together as a white company.¹⁷ One may assume that Chaka more or less regarded the traders as his Vassals or Sub-Chieftains. In 1826 they were virtually conscripted into Chaka's war with the Ndwandes.¹⁸

¹³ Brookes & Webb, op. cit., pp 18-20. See also C.F. Shuter, Englishman's Inn, p.15.

¹⁴ Russell, op. cit., p.6

¹⁵ Forsyth, J. Ingram, The Story of an African Seaport pp 15-16

¹⁶ Russell, op. cit., p.89

¹⁷ Rev. W.C. Holden, The History of the Colony of Natal p.40

¹⁸ Encyclopaedia Britannica, Vol. 16 (23 vol.) p.45.

Chaka then made a very similar cession, as before to Farewell, to the Settlers in the name of Nathaniel Isaacs, recognising Isaacs now as Chief of the Whites. This "cession" included land from the Umlaas River, Westwards of Natal, to the Umhloti Eastwards of Natal with one hundred miles inland from the sea, including the Bay of Natal and its inlands.¹⁹

Near the end of 1828, Chaka, having been brutally murdered, was succeeded by Dingane as the new leader of the Zulu nation. Dingane now proclaimed Fynn as the great Chief of the Whites. Despite Dingane's threatening overlordship, the settlement at Durban and the Point began to assume the appearance of a little village.²⁰ As their Colony became one of some magnitude, Isaacs describes in his diary, that they realised the necessity of adopting such rules for their future Government as should preserve order and promote industry. For this purpose they set about assembling the principal persons of their establishment and deliberately discussed the subject. They resolved that as a preliminary step, two of the principal individuals of every party should meet twice a week to form something like a Senate, before whom all matters should be discussed regarding the whole community. This regulation met with unanimous approval. Not only the Senators, but the whole body of Refugee Natives approved. The Refugees were also left free to leave whenever they pleased as long as they gave notice and received the consent of the Senate.²¹ If true, as Isaac's writings are by many historians described as unreliable, we can depict a certain development. From ruling separately as mere Sub-Chieftains under Shaka in their acquired territory, the Settlers now under Dingane's rule, formed themselves into a protective ruling body, a so-called Senate to administer their affairs. It was only with the arrival of Allen Gardiner, the famous Missionary, that we encounter the ambition among them to form a civic community, which they named 'D'urban', after the Cape Governor, Sir Benjamin D'urban.

¹⁹ Ingram, op. cit., pp 17-18

²⁰ Ibid., pp. 18-19

²¹ N. Isaacs, Travels and Adventures in Eastern Africa, p.198
Missionaries had already settled themselves all over South Africa from 1805 onwards.

Isaacs left on June 24, 1831, for St Helena. New settlers began to arrive in 1832: James Collis, the three Cawoods - Samuel, James and Joshua, with Hayhurst and Upton. Most of these mentioned were original 1820 Settlers. Fynn left Natal in 1834 and only returned to serve as a Magistrate a quarter of a century later. More Missionaries began to arrive in 1835-36 and before 1837 such personalities as Richard (Dick) King, Alexander Biggar and his sons, George and Robert and others less famous in Natal history. By 1835 there were about 30 male White Residents at Port Natal doing well with their trade in ivory, skin, cattle, and maize.²² There were also quite a number of shacks situated in the bush around the Bay. The place already had the makings of its first suburb in the form of a Zulu garrison village, first erected by Shaka as a safeguard against the local inhabitants ever developing military ambitions. This garrison, although later abandoned by them, was originally named "Ukangel a ma Nkengane", or "Watch the Vagabonds" and gave its name in corrupted fashion to the modern suburb of Congella which soon became inhabited by Whites.²³

On March 20, 1835, Gardiner took formal possession of the land which was given to him by an agreement signed by all the white inhabitants. He decided in naming the Missionary establishment "Berea", since notwithstanding his ill success with Dingane in teaching the gospel, the word had been gladly received there.²⁴

On June 23, 1835, Allen Gardiner presided over the first Public Meeting to lay out the settlement along Municipal lines at the residence of F. Berkin and called it "D'urban". The Colony itself was to be named "Victoria" in honour of the august princess, Victoria.²⁵

²² Brookes & Webb, op. cit pp 22-23

²³ T.V. Bulpin, Durban p.7

²⁴ See photo. D. Mck. Malcolm, The Diary of Henry Francis Fynn Epilogue p.231.

²⁵ Allen, F. Gardiner, Narrative of a Journey to the Zulu Country pp. 80-81

For the first time streets were to be laid out. No more native or straw huts were to be allowed for Europeans as residences, but suitable dwellings to be completed within eighteen months on the individually allotted land. Payment of seven shillings and sixpence was to be required on taking possession of each allotment to a Treasurer, who was to be elected by a majority of Householders. A Town Fund was to be established and land was set aside for the erection of a Church, a School a Public Hospital, Burial Grounds and Town Lands. Tenders were to be received by the Committee for performing by contract the cleaning of the streets and squares of the town. The lowest tender was accepted. Two Auditors were to be elected every six months to examine and report on the Treasurer's Accounts. A subscription was to be started for clearing the bush and making other improvements. The first Town Committee was then elected to consist of the following gentlemen for the ensuing year, viz. Captain Gardiner and Messrs J. Collis, F. Berkin, J. Cane and H. Ogle.²⁶ With thirty additional signatures acquired at the Public Meeting, Sir Benjamin D'urban was requested to annex "Victoria" and to appoint a Governor and Council to work with a House of Assembly elected by the Settlers. These conceptions, no doubt, were too grandiose for the facts. Sir Benjamin D'urban nevertheless supported them, only to be informed by Lord Glenelg of the reluctance in Britain to undertake wider commitments.²⁷ Although we do not know what happened to the money and plans for developing the town by these Settlers, we still have to appreciate their ideals of Civic Order and eventual Self-Government at so early a date. What happened in fact, was disappointing. Of the original Committee, Collis and Berkin died within the same year. Ogle accompanied Gardiner on a mission to the Cape and only Cane remained at the Port. It was impossible thus for the Community, deprived of its leaders, to accomplish the clearing of the selected site or erecting houses of the requisite design. Durban remained for several years a collection of mud huts with a single stone building used as a store and the streets (as shown on the plan), despite their stately names, mere tracks or bridle paths through the sandy soil.

²⁶ John Bird, Annals of Natal 1495 - 1845, vol.1 (2 vol.) pp307-311

²⁷ Ibid., vol. 1. p.315

Relations with Dingane were improved by a Treaty (May 1835) by which it was agreed to hand over all Refugees to him. The appointment of the Reverend Owen at Dingane's Kraal was secured and a general interest in Natal affairs resulted in Gardiner's appointment as Justice of the Peace when he returned in 1837. He was to exercise magisterial authority over British subjects at Port Natal under the Cape of Good Hope Punishment Act.²⁸ Under this not very practicable Act, he was expected to conduct a Court and to maintain order without being supplied with any funds whatsoever.²⁹ It is not surprising that his Commission was set at nought and Alexander Biggar, who had experience on the Cape Eastern frontier of the master-servant relationship, began to supercede Gardiner in the leadership of the community. Early in 1838 Gardiner left Natal for good.³⁰

In 1836 commenced the great exodus of Afrikaans Dutch Boers from the Cape Colony of whom the larger number came into Natal. They were to change the character of Natal from that of a Port Settlement to a Colony and increased its importance in the eyes of the British Government.³¹ In the late summer of 1837, the advance envoy of the Trekkers under Piet Retief, crossed the passes of the Drakensberg into Natal. Dingane received Retief and his men graciously. Before consenting, however, to grant the latter's request for land, Dingane demanded the return of cattle stolen, which Retief duly managed to secure. During Retief's second visit to Umgungundhlovu at the beginning of February 1838, Dingane signed a treaty giving all territory between the Tugela and the Umzimvubu Rivers to the Boers.³² The notorious murder of Retief and his men took place on this occasion,³³ which was only successfully avenged on 16th December, 1838, in the famous Battle of Blood River.

²⁸ Cape of Good Hope Punishment Act made crimes committed by British subjects in any part of Africa south of the twenty-fifth parallel recognizable in the Courts of Cape Colony.

²⁹ Brookes & Webb, op. cit., pp 24-25 .

³⁰ Hattersley, op. cit., p.17

³¹ See Photo. Malcolm, op. cit., p.266

³² Russell, op cit., pp. 11-12

³³ Rev. Francis Owen, The Diary of the Rev. Francis Owen, p.113

³⁴ Hon.H. Cloete, Five Lectures on the Emigration of the Dutch Farmers, p.101.

The Voortrekkers, in the meantime, founded the City of Pietermaritzburg and duly gave attention to the regulation of public affairs. They resolved that they would be governed by an Elective Body, a Volksraad or Council of the People, consisting of 24 members, which sat at Pietermaritzburg.³⁴ Opinion generally prevailed among the British Settlers that the Home Government had deliberately relinquished all idea of ever occupying this territory. One finds therefore, that without any alternative, they had but to acknowledge the supremacy of a Society of Farmers who were soon to solve the problem as to their fitness for Self-government.³⁵

The Volksraad was now established with Andries Pretorius appointed to the position of Commandant-General. The rules and regulations for the Board of Representatives of the People at Port Natal and Surrounding Country was duly published in the Zuik-Afrikaan on June 21, 1840 and is recorded in Bird's Annals of Natal.³⁶ A regular system of Government was organised, a Customs established and Duties levied. The land was parcelled out into farms and occupied. The Emigrant Farmer commenced his homestead and settled down to enjoy his own.³⁷ To the Voortrekkers we owe the first village settlements at Pietermaritzburg, Weenen and Congella with their water-furrows, the first real cottages in brick with thatched roofs and a handful of farmsteads here and there amid oaks, syringa and peach trees.³⁸

In February, 1840, Andries Pretorius, in the name of the Volksraad of the "South African Society", claimed all the land from the Black Umfolosi to the entrance of St. Lucia Bay and formally installed Panda as King of the Zulus.³⁹ Panda was now to rule as the Vassal of the new Republic.

George C. Cato, a British resident, now in 1854 was destined to become the first Mayor of Durban, was now appointed by the Volksraad to lay out a town along the North Eastern Beach called Port Natal. This

³⁴ Hon. H. Cloete, Five Lectures on the Emigration of the Dutch Farmers, p.101

³⁵ Ibid., pp 109-110

³⁶ Bird, op. cit., p.17

³⁷ Allan, F. Hattersley, The Natal Settlers, p.1

³⁸ Russell, op. cit. p.18

area was already partially occupied by the few Settlers, who had given their infant town the name of D'urban. G.C. Cato's plan, laid before the Volksraad in 1840, may be referred to as the 'Dutch Survey'. To Cato therefore belongs the honour of selecting the site, designing and laying down the original plan of the town of Durban.⁴⁰ The Volksraad directed all lots of ground to have a frontage of a hundred feet running back to the Beach and averaging 5-700 feet in depth up to high water mark. Those British Settlers who were in occupation of some of these lots, were allowed to remain undisturbed upon their engaging to pay for their respective lots an average price of what the remaining lots would sell for at a Public Sale. With this arrangement they appear to have been satisfied and in June 1840, the first Public Sale of these lots took place. The second sale of October 1841, proceeded along the same lines as the first with no Title Deeds delivered to anyone and no purchase prices paid either.⁴¹

During this period of more regular Government, the Volksraad also appointed Landdrosts to Port Natal, Pietermaritzburg and Weenen to administer justice. They were assisted by Veldkornets in the various wards.⁴² The restoration of peaceful conditions induced many Natives to return to their former homes. As they increased in number, legislation by the Volksraad provided for the regulation of labour. Five Bantu families were allocated to each occupied farm and the Bantu children were registered as apprentices. When Native labour threatened to become embarrassingly plentiful, forcible removal of "surplus" Natives were to be effected to areas unoccupied by Europeans.⁴³

When Pretorius recovered stolen cattle from Chief Ncapai of the Amabaca tribe, his overlord, the great Pondo chieftain, Faku, appealed for protection to Napier. Napier called up a small force under Captain Thomas Smith to protect the Pondo frontier. Smith was then ordered to Port Natal where he, on May 5, 1842, hauled down the Republican colours. The volksraad ordered him to leave the District within twenty-four hours. Smith, however, under cover

³⁹ Russell, op. cit., p.18

⁴⁰ Ibid., pp. 59 - 61

⁴¹ Ibid., pp. 58 - 59

⁴² A. Hattersley, op. cit., p.41

⁴³ Ibid., p. 45

of darkness on May 16, marched his small force against the Boers at Congella, but was unsuccessful. The Boers now besieged the British camp, the 'old Fort'. Dick King then undertook his famous 900 kilometre ride to Grahamstown. Two vessels, the Southampton and Conch arrived with reinforcements under Lieutenant-Colonel Cloete and the Fort was relieved on June 25, 1842. The Boers withdrew to Pietermaritzburg.⁴⁴

Lieutenant-Colonel Cloete entered into negotiations with Pretorius, who finally accepted British rule. Cloete left Port Natal on July 21, taking with him an infinite number of troops. Smith, now a Major, was left in command to supervise the carrying out of the terms of the Treaty. He was wholly without machinery for governing. The Volksraad remained the Governing Body and regulated the Civil, Judicial and Internal Affairs of their Countrymen. If Smith thought it wise to interfere on occasions, he placed himself in communication with members of the Volksraad. The first step towards a termination of this now confused and unprogressive state of affairs, was the appointment of Mr Henry Cloete, brother to Colonel Cloete, as Her Majesty's Commissioner in Natal. He proceeded with the task of defining, classifying and registering land claims based on the "Dutch Survey" by G.C. Cato. He inspected at the same time the interior of the District and visited Zululand. With these objects, his stay in Natal was prolonged to April 1844. His presence had been a pledge to the inhabitants that something was being done in their interests.⁴⁵

Port Natal, still a small village, had a few substantial Warehouses at the Point and a Stone Customs House which was sufficiently important to justify the appointment of a Harbour Master to enforce the Raad's Port Regulations dated February 6, 1840 and control the slowly increasing volume of shipping. Up to then Port Natal and Pietermaritzburg were not yet linked up by a hard road. Waggon's leaving the port, ploughed through the sand along the Bay side route to Congella and reached Pietermaritzburg by way of Sterkspruit and Uys Doorns.⁴⁶

⁴⁴ Ibid., p.48

⁴⁵ Ibid., p.50

⁴⁶ Bird, op. cit., vol. 1 p. 15. For Port Regulations see also J. Chase, The Natal Papers, pp. 117-118.

After Cloete's departure, the stagnation in the political condition of the country was very depressing. Titles to land could still not be issued and there was difficulty as to the transfer of land actually in possession. In November, 1844, when the periodical Election of the Volksraad took place, the newly chosen members refused to take the oath of allegiance and if the former members had not consented to retain office, very injurious complications might have arisen. Some of the Boers left the territory to join their friends inland.⁴⁷ Provision had been made, in the meantime, by letters patent for a Separate Government with Natal being regarded as a detached District of the Cape Colony. Martin West, former Resident Magistrate at Grahamstown, was so appointed Lieutenant-Governor of Natal in 1845 by Sir Peregrine Maitland, Napier's successor. His responsibility was to control the destinies of some 3,000 Europeans and probably no less than 100,000 Bantu in Natal. He was to be assisted in the Government by an Executive Council of Five. There was no Legislative Council. All laws of Natal were made by the Cape Government. Until October, 1845, the Volksraad continued to meet at Pietermaritzburg, but its prestige was slowly declining. Smith was replaced by Edward F. Boys, Commander of the 45th Regiment. Before the close of the year, West had brought with him the remaining officials.⁴⁷ The first civil official to exercise governmental functions under the Crown, was Samuel Woods, who had already been appointed in 1845 as Acting Collector of Customs. On his death the following year, William Swan Field was chosen to succeed him, who then carried on in this position under West. The Honourable Henry Cloete LL.D. was selected to fill the office of Recorder. For nearly ten years he occupied the Judge's chair with distinguished ability and general approval. The Roman Dutch law with some alterations made to suit the altered circumstances of the Colony, was applied.⁴⁸ The key appointment, however, was that of William Stanger as Surveyor General. He was to devote himself to a general survey of Natal, leaving to L. Cloete and C. Piers, the lay-out of the infant townships and the measurement of farms and allotments. He also received great assistance from Mr Okes, who proved to be of great help to the Town Council later on. On Stanger's death in March, 1854, he was succeeded by P.C. Sutherland.⁴⁹

⁴⁷ A. Hattersley, op. cit., p.58

⁴⁸ Ibid., p.59

⁴⁹ Bird, op. cit., pp. 15-16

The "Dutch Survey" of erven in Durban was evidently adopted by Dr. Stanger. He amended his renumbered the erven and this became known as the "English Survey". His surveyors, L. Cloete, Chas. Piers and Grieves, laid out the Beach erven during May and June 1845. Titles to all these granted lands by Commissioner Cloete were issued by Lieutenant-Governor West during 1846 and 1847 as the grantees paid up their original purchase prices with the 25 per cent fine added. In Cato's memoranda there exists a typical example of this proceeding:

		£	s.	d.
Lot 42 G.C. Cato	Cost	18	15	0
	Add 25 per cent	4	13	9
	Survey expenses	1	10	0
		<hr/>		
		£24	18	9
		<hr/> <hr/>		
		£	s.	d.
Lot 139 C.J.Cato	Cost	11	5	0
	Add 25 per cent	2	16	3
	Survey expenses	1	10	0
		<hr/>		
		£15	11	3
		<hr/> <hr/>		

The first Public Sale of Durban building lots by the British Government was authorized and it was held on November, 22, 1848 with the upset price of £100 per acre. G. Cato happened to be the Auctioneer. There also appeared a Government Notice on January 8, 1849, for the sale of Crown Lands. Purchasers then applied directly to the Surveyor-General and the Governor issued Titles on payment. No further evidence of Public Sales are recorded.⁵¹

Donald Moodie was appointed as Secretary to the newly appointed Natal Government in 1845. Hattersley⁵² is of the opinion that Moodie headed the clique which, united by family ties, largely monopolised the administrative posts. As West, whom Hattersley describes as "a man of restricted vision lacking in initiative",⁵³ enjoyed poor health, Moodie in politics, a Colonial Tory, made all the important decisions. His lack of intelligent foresight,

⁵⁰ A. Hattersley, op. cit., p.65

⁵¹ Russell, op. cit., p.62

⁵² Ibid., pp. 63 - 64

⁵³ A. Hattersley, Portrait of a Colony, pp. 106-108

was to involve the district in no small difficulty, particularly in connection with the distribution of land.⁵⁴ Theophilus Shepstone was selected to act as Diplomatic Agent for the Native Population; Walter Harding as Crown Clerk and John Bird as Chief Clerk in Moodie's office. It seems that there were, on the whole, only nineteen Clerks in the Colonial Office in 1845. Moodie under West had to act as Treasurer, Registrar of Deeds and Postmaster. Only in November 1852, was Phillip Allen's appointment as Treasurer gazetted. The Government was in actual fact concentrated in the hands of Moodie and Shepstone.⁵⁵ The peculiar circumstances of Natal required a virtually independent Native Department and Shepstone soon became accustomed to act very largely on his own responsibility. Pine, who succeeded West found that Shepstone had managed the whole Native Government of 120,000 Bantu of the Colony.⁵⁶ It is interesting to note that when Mr Cloete came to Natal as Commissioner, he was instructed to make it known to the Emigrant Farmers and Native tribes that the claims of the Natives to lands which they either held or occupied were to be scrupulously respected. Mr Cloete recommended further that the Natives be placed on land set apart for them in different Districts of the Colony. Mr West appointed a Commission in 1846 to arrange for locating Natives in accordance with Mr Cloete's suggestion. The Commission consisted of Shepstone, Stanger, Lieutenant Gibb of the Royal Engineers and Adams and Lindley of the American mission. Large tracts of land were selected by these gentlemen and the Natives were moved into them. Each location was suitable for a population of from 10,000 to 12,000 people and was the property of the tribe collectively. The Natives lived under their Chiefs here who now were subject to the Governor as Supreme Chief of the Natives.⁵⁷ Martin West had been directed to correspond with the Secretary of the State only through the Cape Governor. Though Natal was to be administered as a Separate Government with legislation reserved to the Council at the Cape, it was still wisely decided not to make Cape laws generally applicable.

⁵⁴ A. Hattersley, op. cit., p.71

⁵⁵ A. Hattersley, Natal Settlers, p.12

⁵⁶ Ibid., p.73

⁵⁷ R. Russell, Natal, The Land and its Story, pp. 188-189

No time was therefore lost in adapting Cape Ordinances to the circumstances of Natal. By 1847, an Ordinance No. 5, was passed by the Governor of the Cape of Good Hope with advice and consent of the Legislative Council thereof, for the creation of Municipal Boards in the Town and Villages of the District of Natal.⁵⁸ It was only, however, in 1854, that the first Durban Town Council was officially established.

On August 1, 1849, Martin West died. After a few months in which Lieutenant-Colonel Boys of the 45th Regiment administered the Government, West was replaced by Benjamin Chilley Pine. The incorporation with the Cape was still to last until 1856.⁵⁹ More freedom was then allowed then the Lieutenant-Governor with the Colonial Secretary, the Surveyor-General, the Crown Prosecutor and twelve Representative Members were constituted a Legislative Council. The Crown, however, still retained the right to veto proposals made.⁶⁰ The administration of Natal was now conducted according to the Legislative and Executive Councils, although it was still considered as being a very limited form of Representative rule.

The withdrawal of the Trekkers from Natal, in the meantime, had been hastened by the failure of an insurrecting movement at the Klip River in 1847 where an ex-landrost, Andries Spies, had endeavoured to set up a tiny Republic under Mpande's suzerainty. West refused to recognize its proceedings and when a party of red coats advanced to Weenen, Spies and his followers withdrew beyond the berg. The second "Great Trek", which Sir Harry Smith desperately tried to halt, largely deprived Natal of its Afrikaans-speaking inhabitants. Hattersley refers to W.R. Thompson, first Chairman of the Municipal Commissioners of Grahamstown, having reported as early as January 1846, that the number of Trekker families in Natal was not more than 400. A year later, a correspondent calculated that Natal could not muster sixty Boer families.⁶¹

⁵⁸ The Natal Mercury, March 8, 1854, p.3., col. 4, 5.

⁵⁹ Brookes & Webb, op. cit., p.100

⁶⁰ R. Russell, op. cit., p. 187

⁶¹ A. Hattersley, op. cit., p.79

Those who remained to make their permanent home in Natal, made a contribution of no small value to the progress and welfare of the Colonial community. Many of the old Cape families such as Uys, father and sons, the Boshoffs, the Nels, the van Bredas, to mention but a few, came to agree with the English-speaking colonists on common action against the harsh outlines of the Colonial policy, whilst preserving a free life of their own.⁶² The gaps in the European settlement were in part filled by newcomers from Grahamstown, Algoa Bay, Butterworth and even Mauritius in the early forties.

If a Durbanite of the present time could be suddenly set down in Durban (marked D on the chart) as it was in 1848, he would most probably feel somewhat ill at ease. The broad, well-paved and electric-lighted streets with which he is familiar, would be transformed into sandy tracks, bordered by huge trees and dense jungles. Only the Agricultural and Horticultural Gardens (marked G on the chart) might have been recognised by him as the Botanical Gardens in its infant stage.⁶³ On the sandpit (marked B) which extended down to within about two hundred yards of the Bluff, he would have been able to see the Custom's House and Cato's large store standing. He might even have negotiated with G.C. Cato, the trading king of those times and parts or have bought meat from Dick King's thatched butcher shop, more centrally situated in what was then called King's Street. At a few other shops, a Wesleyan Church and Mission, which completed the centre of the village, other services might have been rendered to him.⁶⁴ He would have recognised the "Back Beach" at the site where Cato's flagstaff stood (marked C) and the position of the Lighthouse and Flagstaff on the summit of the Bluff (marked A). Next to the town of Durban the British Camp encircled by marsh would have caught his eye. He might have even relived in his imagination the battle at the exact spot (marked E) where Captain Smith was engaged with the Boers. The latter directing an artillery of death against the British. The place (marked F) where the boats under the command of Lieutenant Wyatt, their howitzers at the ready to assist the British troops on this momentous occasion,

⁶² Ibid., p.79

⁶³ Hattersley, op.cit., pp 2-5

⁶⁴ Bulpin, op. cit., p.8

would have stretched his imagination further. Congella, situated just in front of it, would have unmistakably pinpointed where the Boers' Camp lay ready for the taking by Captain Smith.⁶⁵ A further inspection of Durban would bring him to the Umgeni River (in the Northern part of the chart) where Sea Cow Lake (in the upper section of the chart) was situated, so-called from the number of hippopotamy fed by the little Umhlanga River which flowed along the bottom of the farm, Duiker Fontein. The large plots of land (marked to the North of the Umgeni), adapted for cotton plantations and other tropical products, might have interested him enough to take up farming. Labouring heavily through the sand, he would have seen caravans, laden with trading trucks, moving slowly along the Old Pietermaritzburg Road (marked F on the chart) which struck off to the right and crossed over a hill marked "Sea View" to some far off centre of barbarism. Others again, would be returning from the wilds, bearing rich stores of ivory and other treasures and encamp in the Market place where tents were pitched. Closely, where the Albert Park is today, he would have heard the crashing of the crickets as a drove of elephants passed by. Here and there little wattle and daub dwellings would have caught his eye. Struggling through the dense thickets he might have won the foot of the Berea.⁶⁶ Moving uphill, he would have eventually reached the top of the Berea Hills (marked H) and have seen them extending from the Umbilo River to the Umgeni in the Northern part with the road to Pietermaritzburg going nearly through the middle. A windmill erected on the top of the Berea (one can easily assume the first in Durban) would have stood out to him as a beacon.⁶⁷ Today only a Windmill Road is still to be seen in the approximate area.

It is the coming of the estimated four thousand British Settlers between 1848 and 1852,⁶⁸ who one can say, were responsible for great changes taking place not only in Durban, but also in the

⁶⁵ The drawing of the entrance at the bottom of the Chart shows the appearance of Natal as seen from the sea, bearing west-south-west, six miles distant.

⁶⁶ Ingram, op. cit., p.60. See also: Cato Papers File 1 (2 files): An Account by W.H. Middleton of the early days of Durban 1849-50.

⁶⁷ See photo

⁶⁸ See photo

rest of Natal where a great number of them settled. They became more civic-minded and soon made their influence felt in Durban and Pietermaritzburg circles. Trade began to open up with the Orange Free State and the South African Republic and many Settlers found occupation as carriers. Both imports and exports increased rapidly. It was established that the coastlands were suitable for growing sugar cane, and in 1852, Mr Morewood planted the first cane at "Compensation" near Umhlali.⁶⁹ The sugar industry improved year by year. The cultivation of coffee and cotton did not prove to be as successful as sugar cane.⁷⁰ A Mechanics Institute, the forerunner of the Durban City Library was founded, as well as a Glee Club and Philharmonic Society. An Agricultural Society held its first show in August 1850, and the first organised horse racing season commenced on January 14, 1852.⁷¹

The Natal Mercury was published in 1852, being still the recognised Durban morning paper. The Natal Times and D'urban Observer both started in 1851, but only lasted two to three years in Durban.

The Natal Witness in Pietermaritzburg was started in 1846.

Regular services were maintained in the churches whilst schools⁷² made their appearance for the elementary instruction of the young. Nearly all the foundations of the future two cities had been laid. This in turn led to the introduction of the first Durban and Pietermaritzburg Town Councils in 1854. They were from then on to administer their own local affairs.

69 See photos

70 R. Russell, op. cit., pp. 196-197

71 See photos. Bulpin, op. cit., p.8

72 See photo.

CHAPTER I

THE FORMATION OF THE DURBAN TOWN COUNCIL

Introduction

Against this background of Durban's early history and administration, we find ourselves looking at events in the 1850's which necessarily activated the formation of the Durban Town Council.¹ It seems as if at various Public Meetings held during these years, the advisability of giving effect to Ordinance No. 5, 1847 (which provided for the establishment of Municipal Boards in the Towns and Villages of Natal), was questioned. Certain factors, however, eventually contributed towards silencing the active opposition against putting this act into practice. Firstly, increased prosperity brought about by numbers, made the absence of facilities for doing business, actually felt. A census of the population of Durban, taken by the Field Cornet in June 1854, showed a total of 1,204 souls consisting of 36 male, 263 female adults, 313 male and 312 female children.² Secondly, the predominantly British Character of the population, attributed to the great influx of Settlers from Britain between 1848 and 1852, made its influence felt in this respect. Coming from a democratic Britain, these Settlers naturally wanted to partake in hastening developments in Durban, which again necessitated the forming of a Municipality. Thirdly, the general demand for a local organ to express public opinion, led to the establishment of newspapers, which again definitely played a role in making people more civic-minded. The Natal Times and The D'urban Observer both appeared in August, 1851, followed by The Natal Mercury in 1852. These papers voiced the need of the people for self-government or the liberty of managing their affairs in their own way.³ Finally, however, the decisive factor which contributed to the Durban Town Council becoming a reality, was the call for improvements in Durban. It was necessary to have a local Municipal body to

¹ Use is made of the term "Town Council" as "city" is a nominal status and the powers of a Town Council do not necessarily increase when the town becomes designated a city. It is interesting to note that under Ordinance 7 of 1935, the Borough was granted the status of "City of Durban" and the Councillors' Year ran from October to September, Municipal Elections being held in October instead of August as formerly.

² The Natal Mercury, June 7, 1854, Notice, p.3, col. 1, 2.

³ The Natal Times, August 29, 1851, Article, p.1, col. 1

improve the harbour; to supply Durban with pure water; to erect a bridge over the Umgeni River in the neighbourhood of the Town, as well as improve postal arrangements. These improvements were justly pronounced to be some of the main essentials to the prosperity of the Colony, but amongst the inhabitants of Durban the belief prevailed that the Government chest was locked to any of the abovementioned requirements.⁴ As the Natal Government therefore, was unwilling to supply in the needs of the Town, the only solution lay in a Municipality. At this crucial stage, the newsmedia and a Public Meeting held on September 5, 1851, blew up the story that the Government was going to sell Townlands on the Berea to further its own income. The inhabitants of Durban insisted that the Townlands by right belonged to them and that any proceeds from such a sale were to be used by them only for the improvement of the Town.⁵ The need for a Municipal Government was now more urgently stressed than ever before.

Municipality or Corporation

In the first issue of The Natal Times, a request signed by Resident Householders appeared in which the Resident Magistrate, Henry James, was called upon to convene a meeting in accordance with Ordinance No.5, 1847, to consider Municipal Regulations for the town of Durban. A meeting held on June 25, 1849, came to nothing.⁶ On September 20, 1851, another meeting was held in the Government School Room at the corner of Field and West Street. The propriety of establishing for Durban the form of Municipality prescribed by law, was now taken into consideration. Certain clauses of Ordinance No. 5, 1847, was read by the chairman. Both advocates as well as opponents to Municipal Government, expressed their views but finally it was felt that the said Ordinance was generally not suitable for their Town. After a lengthy discussion, it was eventually resolved to appoint a Committee to consider instead a special Ordinance to be proposed by the Lieutenant-Governor for the establishment of a Corporation for Durban. This idea was carefully reviewed and it was decided that if the Committee was

⁴ The Natal Times, September 5, 1851, Letter, p.3, col.4

⁵ The Natal Times, September 12, 1851, Article, p.2, col. 4 & p.3, col.4. See also: The D'urban Observer, September 12, 1851, Article, col. 1, 2, 3, 4.

⁶ See photo. The Natal Times, August 29, 1851, Notice, p.3 col.1

not in agreement with the newly proposed Ordinance, a Draft was to be submitted by them to a Public Meeting on whose approval it would be forwarded to His Honour. The Committee consisted of twenty gentlemen, of whom five formed a Quorum.⁷ The Committee now communicated with His Honour, the Lieutenant-Governor, on their proposal for an Ordinance. They were, however, informed that it was contrary to official etiquette to submit such a Draft Ordinance by the Lieutenant-Governor to any other body prior to it once being read in the Legislative Council. Although His Honour was thus precluded from recognising any Committee he was, nevertheless, willing to show the Draft to several of the townsmen. At the same time, he expressed his approval to any suggestions of improvements to be made by them to the Draft.⁸

It was now a question of waiting for the Draft Ordinance to be presented to the Legislative Council on the return of the Lieutenant-Governor to Pietermaritzburg.

The long awaited Ordinance of a Corporation for Durban made its appearance at long last. It was destined to be discussed at a Public Meeting to be held on the evening of November 21, 1851. At this meeting, disappointment was expressed by the appointed Committee with the heavy expenses a Corporation would incur. A Code of Regulations, enforceable by the Resident Magistrate, for the prevention of fire, abatement of nuisances and execution of other inexpensive improvements was now seen as far less expensive in comparison with the permanent expenses of a Municipality.⁹

The Natal Times of November 28, 1851, deeply deplored the result of this meeting. They felt that Durban had blown hot and cold on this great question which so vitally affected its own well-being. It was stressed furthermore, that the Government could also not act because of the absence of the popular voice in the Government to guide its deliberations on the subject.¹⁰ To prove this

⁷ The Natal Times, September 26, 1851, Article, p.3, col.1,2,3,4, & see also: The D'urban Observer, September 26, 1851, Article p.4, col.1.

⁸ The Natal Times, October 24, 1851, Notice, p.5., col. 2

⁹ The Natal Times, November 21, 1851, Proclamation, p.2, col. 2,3.

¹⁰ The Natal Times, November 28, 1851, Article p.2, col. 2,3,4 p.5, col.1

indecisiveness of the inhabitants of Durban, the paper related that on September 20, 1851, the town of Durban repudiated the Municipal Ordinance of 1847 as inadequate and adopted the principle of a Corporation. On November 23, 1851, however, the town of Durban even refused to entertain the question of a Corporation, and affirmed the adoption at some future, but indefinite time, of the Municipal Ordinance No. 5, 1847.¹¹

No wonder that with all these different opinions, the Legislative Council decided to postpone the committal of the Ordinance in question for a short while at least.

In the meantime, the Committee was actively busy preparing a report on amendments made to the Draft Ordinance which was to be read to the Legislative Council on the 26th instant. At the request of the Lieutenant-Governor to allow time for the expression of public opinion on the subject,¹² this ready was postponed another week. A further postponement was caused by the absence of the Crown Prosecutor on December 3, 1851.¹³

The newspapers, nevertheless, tried to persuade their readers, that the proper machinery for effecting all local improvements still lay in a Municipality. So strongly did they feel on this matter, that they cheerfully would forego their preference for a British Corporation to that of a Colonial Municipality under the provisions of the existing law.¹⁴ It was now wisely thought to have another Public Meeting on March 13, 1852, to promote the establishment of a Municipality under the provisions of the existing Ordinance. It was generally hoped that it would be conducted in a spirit of candour and good will on both sides.¹⁵ The result of this meeting was that a Committee appointed then, framed Municipal Regulations of 58 articles which appeared in a Supplement to The Natal Mercury on April 19, 1852. It was signed by Charles Johnston, Acting Secretary of the said Committee.¹⁶ At two

¹¹ Ibid.

¹² The Natal Times, December 5, 1851, Notice, p.2., col.4

¹³ The Natal Times, December 12, 1851, Notice, p.2., col.4

¹⁴ The Natal Times, February 20, 1852, Article, p.2., col.4

¹⁵ The Natal Times, March 12, 1852, Notice, p.2., col. 1,2.

¹⁶ Supplement to The Natal Times, April 19, 1852, Article, p.1. col. 1, 2, 3, 4; p.2., col.1

more Public Meetings held by the inhabitants of Durban on May 1, 1852¹⁷ and June 3, 1852, further additions and changes were effected. The new proposed Draft Ordinance with 89 articles was now ready to be submitted to His Honour the Lieutenant-Governor.¹⁸ With The Natal Times and The D'urban Observer facing increasing financial difficulties and eventually ceasing publication early in 1853, nothing more appeared in the press on this matter. The Crimean War and local Zulu unrest in Natal, seemed further to have occupied the minds of the Durban residents. The result being that little progress was made during the rest of that year. Late in 1852 The Natal Mercury, starting publication in Durban, took up the matter of this Draft Ordinance. In 1853 at last a definite line of progress commenced.

Subjoined despatches by the Lieutenant Governor, Sir Benjamin Pine, presented to the Legislative Council in 1853 for Representative Government in Natal was accompanied by an insistence on the establishment of Municipal Institutions in every part of the Colony. Pine felt that it would serve as a foundation upon which general representative institutions might easily and safely be erected. This would, at the same time, also adequately represent the rural population in the Legislature.¹⁹ The new Draft Ordinance was also accordingly presented by the Lieutenant-Governor, Sir Benjamin Pine, to the Legislative Council. He referred to Ordinance No. 5, 1847, for the creation of Municipal Boards in Natal, and in doing so, wanted to remove the great doubts that had arisen as to the legal validity of the said Ordinance. At the same time, he also wanted to make provision for the better administration of the Towns and Villages of Natal by this new Ordinance.²⁰

The Natal Mercury commented favourably on this Draft Municipal Ordinance, by saying that they had no hesitation in their pronouncing it to be "a wise, just and liberal measure". Certain slight amendments could however, still be made.²¹

¹⁷ Supplement to The Natal Times. June 19, 1852, Notice, p.1, col.1. 2, 3, 4; p.2., col. 1, 2, 3, 4.

¹⁸ The Natal Times July 19, 1852, Article, p.3, col. 3,4,5; p.4 col. 1,2

¹⁹ Supplement to The Natal Mercury October 19, 1853, Article p.1, col. 1,2,3

²⁰ The Natal Mercury, March 8, 1854, Proclamation, p.3, col.1

²¹ Ibid., Article, p.2., col.5

One can appreciate the role which the newsmedia played in provoking active thought in this civic matter. Naturally, certain alterations were made to the Draft Ordinance, before it was finally embodied in Ordinance No. 1, 1854. By this Ordinance the Durban Town Council did at last become a reality.

Provisions made under new law

Ordinance No. 1, 1854, was published in Durban on May 3, 1854, in a Supplement to the Natal Mercury. This happened after the Lieutenant-Governor enacted it with the consent of the Legislative Council "for establishing Municipal Corporations within the District of Natal".

- (a) All former laws under Ordinance No.5, 1847, were now repealed.
- (b) Provision was made for the creation and constitution of Municipal Corporations with amended laws under Ordinance No. 1, 1854. Every township in Natal, having a population of 1000 souls could become a Borough within the meaning of this Ordinance. Each Borough would be governed by a Town Council. This Council would consist of a Mayor and seven Councillors and would have a Common Seal.
- (c) Immediately after the first election of the Council, the Lieutenant-Governor would divide the Borough into four wards as well as declare the names and boundaries of these wards. Two Councillors were to represent each ward. After the first election the Council would alter the names and boundaries of such wards, if necessary, from four to six. In such a case, the Council would consist of a Mayor and eleven Councillors, only two Councillors being still to be elected for each ward.
- (d) Every male inhabitant of the age of 21 years, with property to the value of £25, could qualify to vote at the election of Councillors for such a ward. Aliens, who had not been naturalized by act of the Imperial Parliament, or by deed of burghership, or persons who had been convicted of some criminal act, could not qualify to vote.
- (e) For the mode of enrolment, it was set out that the Resident Magistrate would make a list, on or before the first day of

June, in alphabetical order of all men qualified to vote at the election of Councillors for the Borough. In this list the christian and surname of each person, his home address, occupation as well as the ward or wards in which he was entitled to vote, would be mentioned. This list was to be called the "Burgess Roll" and was to be published yearly in the newspaper. Any person could be furnished with a copy of such roll, on payment of a sum of 2s.6d. The Resident Magistrate was empowered, after hearing objections, to strike out the names of all persons not entitled to be therein, and also to insert persons, who had been improperly omitted therein.

- (f) Rules set out for the qualification of voters were that no person could qualify to be elected as a Councillor, who was not enrolled, or entitled to be enrolled as Burgess of the Borough under this Ordinance. Such person also had to be in possession of property within the Borough to the value of £100, over and above all mortgages affecting the same. No person could qualify unless he had been invited to become such candidate by a requisition signed by at least three qualified voters of such ward. He had then, furthermore, to transmit such requisition with his acceptance thereof to the Mayor, or before the first election, to the Resident Magistrate, at least one week before such election was appointed to take place. If a person signed a requisition to more than the number of candidates to be elected in the same ward, he would be omitted from all requisitions he had signed. The Mayor, or before the first election, the Resident Magistrate, would before seven days of the appointed day for the election in each ward, have the names of the candidates for election, together with the names of the persons who had signed such requisition, published according to a schedule.
- (g) The manner of polling was that the election for Councillors of the Borough, would take place on the first Wednesday in August every year. The Poll in every ward would be taken at the first election before some person appointed for that purpose by the Resident Magistrate and at every subsequent election by the Mayor. Every candidate was allowed to appoint a scrutineer, to see that the votes were fairly taken and recorded.

The election itself would take place in the following manner : Every person, whose name appeared on the Burgess Roll, could vote for any candidate, being not more than the number elected for the ward. This was done by delivering to the Returning Officer a voting paper, containing the christian and surname of the candidate or candidates. The paper had to be signed by the person voting, stating his home address and occupation at the same time. The Returning Officer then placed such voting papers in a box, provided for that purpose and registered each vote in a book, in manner set forth by schedule.

The Poll would commence at 8 a.m. in the forenoon, and finally close at 4 p.m. of the same day. No enquiry was to be permitted at any election as to the right of any person to vote, except that the Returning Officer might at the request of any qualified elector put to any voter the following questions:

1st. Are you the person whose name appears as A.B. on the voting paper now delivered in by you?

2nd. Are you the person whose name appears as A.B. on the Burgess Roll now in force in this ward?

If any person were on purpose to answer incorrectly to either of these questions, he would have to forfeit one hundred pounds, and be forever disqualified from voting at any election within that district. The Returning Officer was then to transmit the names of persons elected together with the final state of the Poll to the Resident Magistrate and at every subsequent election to the Mayor. The Resident Magistrate, or Mayor, as the case might be, on receipt of the names of the elected, then would publish the list with the names of the wards for which they were elected. The person so elected would hold office for one year until the next election. If any Councillor should die, resign or become incapable of discharging the duties of his office, another Councillor had to be elected in his place until the next general election took place.

- h) On the first Wednesday in August every year, the Burgesses had to elect from among themselves by a majority of votes, two persons to be Auditors of the Borough. The Mayor would be the Returning Officer at such elections. No Burgess was eligible as an Auditor, if he was already in the position of either Councillor, Town Clerk or Treasurer. If any Auditor passed away, resigned or became incapable of acting, another Auditor was to be elected in his place, on a day fixed by the Mayor. In case of an equality of votes at any election, the Returning Officer by lots would determine the persons elected. The rules for Corporate Officers were set out as follows : On the Saturday following the day of every general election in every year, the Councillors had to elect from among themselves, the Mayor, who would hold office until the election of his successor. The Mayor would at the same time also be a Justice of the Peace within the limits of the Borough for his term as well as one year after he had ceased to hold office. If a Mayor by reason of absence or illness, was incapable of discharging his duties, it would be lawful for the Council to appoint one of their number, as an Acting Mayor during this time. Any Mayor or Councillor could resign his office at any time with the consent of the Council, providing that the Mayor or Councillor had given the Council not less than three weeks notice. Should any Mayor or Councillor be declared bankrupt; apply to take the benefit of an act of relief of insolvent debtors; compound by deed with his creditors; be absent from the Borough or neglect to attend the meetings of Council for the period of three calendar months, except in case of illness, such Mayor or Councillor would thereupon cease to be a member of Council. It was also strictly to be adhered to that if any member of the Council should directly or indirectly have any share or interest in any contract or employment with or by the Council (other than as a shareholder in any public company, who should contract in the Council for the lighting or supplying of water or insuring against fire, any part of such Borough), he would then cease to be a member of the Council.

- (i) Various powers were entrusted to the Council. The Council would have authority to make and keep in repair all roads, streets and bridges within the limits of the Borough. Also to excavate, construct and lay watercauses, waterpipes, conduits, sluices, dams, reservoirs and other like works and keep them in repair. For the prevention of fires, the Council had to keep fire engines with pipes and utensils. Nuisances had to be abated by the Council and they had to establish markets, and provide and keep in repair any building for the same, as well as to assize weights and measures. The Council had to regulate the time as well as check upon the improper driving or loading of wagons, carts and carriages. The matter of confining or killing of dogs, pigs and fowls was also a matter to be seen to by the Council. The Council had to make regulations for the case of the common pasture lands, specifying the quantity of cattle which each inhabitant would be allowed to depasture on these lands and to establish and regulate public pounds. It would be lawful for the Council (three-fourths thereof being present at a meeting for the purpose) to make Bye-laws for the more effectual exercise of these powers. By such Bye-laws any fine not exceeding five pounds could be imposed upon any person offending against them. No Bye-law would come into force, until the Lieutenant-Governor had sanctioned it. The Council, with the consent of the Lieutenant-Governor, could raise by sale mortgage, by public competition of any land belonging to the Corporation, any sum of money which would be necessary in order to carry on any important public work. Provision was, however, made that the sum so raised in any year, would not exceed double the amount of the sum which would in the same year be raised by rate or assessment. At least two months before such a sale, it was necessary to have it all in detail published with a full and clear statement of the extent of the land and where situated. The Council was allowed to lease any portion of the lands belonging to the Corporation for building purposes, for any period not exceeding twenty-one years with the consent of the Lieutenant-Governor. Provision had to be made however, that such leases be put up to public

competition and that they contained reservation of the right of making any roads through such land by the Council. The Council might with like consent, and by public competition, lease the privilege of digging land, working any mines or minerals on any land belonging to the Corporation. No leasee of any such land, or of any mines or minerals, could sub-let the same or any part thereof, without the previous consent of the Council.

- (j) At meetings of the Council, decisions were to be taken regarding their functions and questions raised thereto. Not less than one half of the entire number of existing members had to be present. An ordinary meeting of the Council had to take place on the first Wednesday in every month. The Mayor could, at any time, call a special meeting of the Council, providing that a notice had been put up beforehand and sent to every Councillor at least three clear days before such a meeting. Every meeting of the Council was to be open for public attendance at which the Mayor, if present, had to preside. In case of his absence, the Council had to elect a Chairman. The Mayor or Chairman had a second or casting vote in cases of equality of votes. Minutes of the proceedings of every meeting had to be entered in a book kept for that purpose and it had to be signed by the person presiding at such meeting. Every Burgess had the liberty to inspect and make extracts from these books, at all reasonable times, upon a payment of a fee of one shilling for each inspection.
- (k) The Council could appoint Committees out of their own body, consisting of any member they thought necessary. Proceedings of every such Committee had to be submitted to the Council for its approval. Non-members of the Council could be appointed as Town Clerk or Treasurer in their spare time. The Council could also appoint such other officers as they found necessary for enabling them to carry out the provisions of the Ordinance and pay them salaries accordingly. One-half of the cost of maintaining the Police Force for the Borough, had to be paid out of the Borough Funds and the other half of such cost out of the Public

Treasury of the District. To partly enable the Borough to defray such expense, the Council could receive the amount arising from licences to trade (other than Wine and Spirit and Auctioneers licences), and also money arising from Butcher or Baker licences within the limits of the Borough. The Police Force would be controlled and managed by the Borough Police Board, consisting of the Resident Magistrate, the Mayor and one of the Councillors elected by the Council. With the consent of the Lieutenant-Governor, the Board had power to appoint and remove Constables, and to make regulations regarding their number, pay allowances and duties. These Constables had all such powers, and were subject to all such liabilities as Constables by law might have or be liable to. They had to obey all lawful directions touching the execution of their office, which they, from time to time, might receive from the Resident Magistrate or other Magistrates, or Justice of the Peace having jurisdiction within the Borough.

- (1) Certain regulations regarding assessments, tolls and dues, were also included in the Ordinance. The Council was given power as often as thought necessary, to make and levy an equitable rate of assessment upon all immovable property within the limits of the Borough. Such rate or assessment had to be made and levied on an estimate of the annual value of such property. Separate rates or assessments could be made in the freehold value of every erf or allotment, having no houses or buildings of the value of £25. The rate had to be paid by the occupier of such property and in case there should be no occupier then by the owner thereof. For such purpose, the Council had to make a valuation as often as possible of all the rateable property within the Borough and publish it in one of the local newspapers. The Council had to take annually an estimate of the amount of money required, and assess the Borough-rate accordingly. Public notice of it had to be given afterwards and complaints against it lodged at the local Resident Magistrate's office. At the expiration of the period allowed for appeal, the Council had to appoint fit persons to collect the rate due. Non-payment thereof, was to be recoverable at the suit of any collector by summary proceeding, before any local Resident

Magistrate and leviable by distress and sale, even upon any goods which might be found upon such property.

The Council could, once in every year, publish in one of the local newspapers or Government Gazette a statement of every sum so in arrear, and of the property in respect of which the same is due. All monies raised by any Borough-rate, all fines and fees payable under the authority of this Ordinance to the Council, had to form a fund, called the "Borough Fund", out of which all cost and expenses had to be paid.

The Council could impose tolls and dues upon all persons making use of any road, bridge, or market-place which the Council was empowered to make and maintain and in case of non-payment thereof, levy the same by distress and sale. Provision was, however, made that no toll would be payable by any officer or soldier being in proper staff, regimental or military uniform and on duty, or for any civil officer, mail carrier, or any other government servant whilst travelling on duty. NO more than one full toll was to be payable in one day, lasting from 12 o'clock on one night until 12 o'clock on the next succeeding night for the same vehicle or animal.

The Treasurer had to enter in books kept for this purpose, all true accounts of all sums of money received by him and paid, as well as vouchers and papers relating thereto. On a yearly basis, he had to balance these and hand them to the Auditors or members of the Council as the Mayor should appoint. If found correct by the Auditors, it had to be published by the Treasurer in one of the local newspapers.

- (m) The Ordinance also made provision for certain rights reserved for the Government within the Borough. This included that no wharf, dock, quay, arsenal, barracks, Government House, or other buildings or land, belonging to Her Majesty, or appropriated to the use of Her Majesty's service or to the use of the Colonial Government, could be included as Borough property and used by it. This Ordinance would commence and take effect only from and after the publication thereof in the Government Gazette.

Procedure Followed

These rules and regulations under Ordinance 1, necessary for the formation of the Town Councils of Durban and Pietermaritzburg, were given at Pietermaritzburg on April 21, 1854 by command of His Honour, the Lieutenant-Governor, Sir Benjamin C.C. Pine, and signed by the acting Colonial Secretary, T. Shepstone.²² The Natal Mercury of May 3, 1854, could not withhold its approval on the passing of this measure of Civic Government and stated that the few objectionable points left, were nothing compared with the great and solid advantages guaranteed. Hope was expressed that measures would be taken for bringing the provisions of the law into working order and retaining the most suitable men as members of the Council.²³ In its next publication of May 10, 1854, The Natal Mercury gave an explanation in short of the procedure then still to be followed up to the time of the election of the first Council of the Borough. The Lieutenant-General was to divide very soon by Proclamation the town into wards and declare the names and boundaries thereof. On or before the first day of June 1854 a list made by the Resident Magistrate of all persons qualified to vote in their respective wards would appear. Before the first day of July the Magistrate would be willing to hear objections in open court, and revise the list accordingly. Readers were reminded that those qualified to vote, had to be above 21 years of age and in possession of immovable property of the yearly value of £25, or £5 if they had only occupied it for six months prior to the first of June. The qualification of Councillors was £100 immovable property, clear of mortgages. The "Burgess Roll" or list of voters was to be brought into use on the 15th July, 1854. Candidates for the office of Councillor had to be invited to stand in that capacity by requisitions, signed by at least three qualified Electors of the ward which they were requested to represent. It was desirable that these requisitions had to be sent to the Candidates immediately after the 15th July. No voter could sign a requisition to more than the number of candidates (two) to be elected in the ward in which he voted. The Candidates were required to transmit to the Magistrate these requisitions, together with their acceptance thereof.

²² Supplement to the Natal Mercury, May 3 1854, Proclamation, p.1, col.1,2.

²³ The Natal Mercury, May 3, 1854, Notice, p.3, col.4

The names of the Candidates for each ward, with the names of the electors who had invited them, would be published in The Natal Mercury seven days before the day of election, namely the first day of August. It would be necessary for the Resident Magistrate to receive the requisitions within the week immediately following the 15th July, 1854. It was important for readers to bear in mind that although Electors could vote only in the ward in which they held their qualification, Candidates for the office of Councillor need not reside, or possess a qualification within the ward for which they stood. Where there were persons in the ward in all respects suitable, it was desirable for the local interest that Residents or Holders of property within the ward, should be chosen to represent it. All Candidates, of course, had to possess the £100 property qualification within the limits of the Borough. Persons possessing an electoral qualification in more than one ward were reminded that they could exercise their right of voting in one ward only; but they might select from the different wards in which they held a qualification, that one in which they wanted to vote. There existed apparently no special clause in the Ordinance, restricting the right of voting to one ward; but the law and practice under the English Corporation Act (1835) and the obvious justice of the case, enabled them confidently to declare the restriction to be implied. The election was to take place on the 1st August, 1854, between 8 a.m. and 4 p.m. Every voter had to deliver to the Poll Clerk for the ward, a voting paper containing the christian and surnames of the two candidates for whom he voted. Such paper had to be signed by the person voting, and also had to state his home address and occupation. Each candidate could appoint a scrutineer, to see that the votes were fairly taken and recorded. The Resident Magistrate was to publish immediately after the election, the names of the persons elected as Councillors with the wards for which they were elected. On Saturday, the 5th August, 1854, the Council was to meet and elect the Mayor, who was to be, ex officio a Justice of the Peace during his term of office, and for one year afterwards. This was a provision similar to that of the English Corporation Act.

Councillors were to hold office for one year, but would be re-eligible every year. On the first Wednesday in September, the Burgesses at large, were to elect from among themselves two Auditors of the Borough, who would continue in office for one year. Having thus detailed the proceedings to be taken in order to give form and life to the first Council of the future Civic Government, readers were reminded that it was of vital importance that this first Council should be wisely chosen. The hope was expressed that it would consist of men of high moral character, sound and calm judgement and good business habits "men who, having achieved whatever distinction may belong to the office of Councillor, that would not be content to discharge its duties in a careless and perfunctory manner; but who would conscientiously apply themselves to the exercise of those functions with which for the good of the community, their fellow-citizens have invested them".²⁴ By the gazetted proclamation by His Honour, B.C.C. Pine on May 15, 1854, Durban and Pietermaritzburg were accordingly now both officially declared as boroughs, having a population of 1,000 souls and more. The boundaries of the Durban Borough were laid down by proclamation to be "least by the Indian Ocean, North by the Umgeni River, North West by the farms, Springfield, Brickfields and Cato's Manor, and South and South East by the lots 1 to 11 on the Umbilo River and the Bay of Natal. By proclamation on June 1, 1854, a change was affected to the said boundaries, by leaving out the wards "by the lot 1 to 11".²⁵

By notice in The Natal Mercury the Borough was divided into four wards: Ward I was bounded in the West by a line running through the middle of Aliwal Street and produced North and South as well as on every other side by the boundaries of the Borough. Ward 2 was bounded East by a line running from the Bay of Natal through the middle of Aliwal Street to its junction with Smith Street. To the North it was bounded by a line running from the junction of Aliwal and Smith Street, through the middle of Smith Street

²⁴ The Natal Mercury, May 10, 1854, Proclamation, p.3, col. 1, 2.
²⁵ W.J. Moodie, Dunbar, Ordinances, Proclamations, etc. relating to the Colony of Natal 1836-1855, vol. 2, (2 vol). pp 107-109 pp. 110-111. Ordinance 1, 1854 was amended by Law No.19 of 1872.

Westward and in every other direction by the boundaries of the Borough. Ward 3 was bounded South by a line running from the junction of Aliwal and Smith Street, through the middle of Smith Street Westward, to the limits of the Borough. To the North it was bounded by a line running from the junction of Aliwal Street and West Street, through the middle of West Street, Westward, to the limits of the Borough. To the East by the middle of Aliwal Street from its junction with Smith Street, to its junction with West Street. Ward 4 was bounded by a line running from the junction of Aliwal and West Street, through the middle of West Street, Westward, to the limits of the Borough. To the East by a line drawn from the junction of Aliwal and West Street, through the middle of Aliwal Street, North and North West to the limits of the Borough.²⁶

The first Burgess Roll, as scheduled, appeared in the first June issue of the local paper in 1854. Readers were notified that the Resident Magistrate, Henry James Meller, for the division of Durban, would listen to all objections raised against it on the 30th June at 10 a.m. at Durban.²⁷ Reminders appeared in the following two issues to do so as soon as possible in order that the Resident Magistrate might notify the names of Candidates at least seven days before the day of election to be held on the first of August.²⁸

George Russell commented on the difficulty of finding Representatives, limited enthusiasm, placards, party colours, or demonstrations, as Burgesses only consented to stand for their respective wards, providing they were put to no expenses.²⁹ Eventually, after a few withdrawals, Candidates were lined up. Notice was then given by the Resident Magistrate H.J. Meller, that the election of the Councillors for the respective wards, would take place in the Court Room at Durban on 2 August, 1854 from 8 a.m. to 4 p.m. Mr Thomas Foster was appointed to be the Returning Officer and to take the Poll at the Election.³⁰

²⁶ The Natal Mercury, May 24, 1854, Notice, p.1, col. 2,3.

²⁷ Supplement to The Natal Mercury, June 1, 1854, Notice, p.1 col. 1, 2, 3.

²⁸ The Natal Mercury, June 28, 1854, Notice, p.3, col. 3. See also: July 5, 1854, Notice, p. 3 col 2

²⁹ George Russell, The History of Old Durban, pp 207 - 208

³⁰ The Natal Mercury, July 25, 1854, Notice, p.2, col. 4

This first Municipal Election was undoubtedly the great excitement of the year. At the close of the Poll, the Burgesses gathered outside Middleton & Wirsings' store until the Returning Officer and Polling Clerks had agreed on figures. According to George Russell, also a Polling Clerk at the time, the Magistrate, Mr H.J. Meller threw open his office window and declared the following gentlemen elected :

Ward 1	-	George Christopher Cato, and James Blackwood.
Ward 2	-	John Millar and George Henry.
Ward 3	-	Alfred Evans and Richard Harwin.
Ward 4	-	Charles Johnston and Robert Raw.

George Russell further remarks "that cheers and counter cheers, congratulations and a general adjournment to the Committee Rooms and Public Bars followed".³¹

It is interesting to note that all the Councillors chosen, were notable public figures and good speakers at the time. Not only were they well established in business, but could afford the time and money to perform the public duties then conferred upon them.

On Saturday, August 5, 1854, the newly elected Town Council assembled in the Court Room of the Resident Magistrate³² to elect a Mayor. The first speaker was Dr Charles Johnston, who expressed his regret at the Resident Magistrate not continuing his duty as Returning Officer and acting Mayor, until the election of the latter functionary. He then proposed that Mr Wirsing act as Chairman until the Mayor was chosen. After Mr Evans had seconded the motion, it was passed. Mr Wirsing accordingly took the chair and opened the regular business by reading the official declaration of the returns for the different wards. Mr Harwin was appointed to act as Secretary at the meeting. A discussion arose upon the mode of voting for the Mayor. Mr Evans proposed that it should be by Ballot and Mr Millar seconded. Dr Johnston objected to voting by Ballot, but came to terms on the proposer agreeing that this secret voting would not form a precedent. He stipulated, however, that if the present voting was equal, the decision should be by lot.

³¹ G. Russell, op. cit., p. 209

³² This Court Room stood on the corner of Field & Smith Street which in present time is occupied by the Allied Building. A plaque outside on the building commemorates the fact that the first meeting of the Town Council was held on this site.

The Ballot resulted as follows :

Mr G.C. Cato	6 votes
Mr J. Millar	1 vote
Dr Johnston	1 vote

The result, on it being announced by the Chairman, was received with loud cheers by the Council and a large body of spectators assembled to witness the proceedings. Applause was resumed on His Worship taking his seat as the first Mayor of Durban. Mayor Cato returned his thanks in a straight-forward practical speech, and at the same time expressed the hope that they would all pull together for the good of the town.

"The public in the different wards must not think that their representatives are to be pitted against each other for the promotion of separate ends and interests. The Council is one body and must act together for the good of the entire community. I have long opposed a Municipality for Durban, but the time had come for introducing the machinery of Local Government. We had escaped the crisis at the Cape, and the town is now advancing."³³

George Christopher Cato³⁴ was thus now officially appointed as the first Mayor of Durban and was re-elected the following year.

The Natal Mercury of August 9, 1854, congratulated the town on the election of Mr Cato as the first Mayor of Durban as follows:

"That gentleman's long colonial standing, his intimate acquaintance with the history and the circumstances of the Colony, and his personal connection with its most important interests, justify the election, and perhaps we might add, entitled Mr Cato to the distinction of this civic honour on the first occasion of its bestowment".³⁵

³³ Ibid., p. 210

³⁴ See photo

³⁵ The Natal Mercury, August 9, 1854, Article p.2, col. 4.

The Cato family were Huguenots of the name of Cateau who settled in Grahamstown in 1825. George Cato and his brother James arrived at the Bay of Natal in 1839 with their wives and families. Their advice and guidance was much valued by Captain Smith in the defence of the Camp (the Old Fort) against the Voortrekker Boers in 1872, and they helped Dick King to cross the Bay when he set out on his epic ride to Grahamstown. George Cato's personal acquaintance with the chequered history of the settlement, his intimate knowledge of local matters, and his remarkable personality made him one to whom the whole community looked for guidance. He had established a flourishing business as Landing and Shipping Agent, and was interested in many trading enterprises. He was Lloyd's Agent and Consul for the United States. His genial disposition, resource and initiative marked him out as a leader among men. It was fitting that he become the first Mayor of Durban in 1854.³⁶

Mr Councillor J. Millar saw the Council ball rolling for the first time in the history of Durban, by giving the first notice of motion. This motion was to the effect that they should ask the Lieutenant-Governor to let the question of maintenance of the Police remain in abeyance for eighteen months, or two years. This was done, presumably with an eye to coming rates. The 10th August at 6 p.m. was the date and time fixed for the next meeting. The Councillors then adjourned for refreshments to John Millar and Co.'s store opposite.³⁷

The first Durban Town Council was thus formed and became a recognised Civic Institution, destined to play a vital role for the improvement of the town and contributing to the well-being of its citizens.

³⁶ John McIntyre, Origin of Durban Street Names, p. 26

³⁷ G. Russell, op. cit., p. 210

CHAPTER II

THE FIRST 25 YEARS OF FUNCTIONAL HISTORY

Introduction

The extent of the Town lands, stipulated as 6,096 acres¹ was after an initial struggle between the Durban Town Council and Natal Government, eventually made acceptable to the Town Council and the Title Deeds were handed over to them by the Natal Government on July 19, 1855.²

The Durban Town Council, empowered by Ordinance 1, 1854, hereby commenced with public works and health financed by the sale, lease and mortgage of these lands as well as deriving an income from rateable property.³ All revenue raised as such by the Town Council, together with money from fines, licences, assizing, toll dues and other minor incomes, formed a fund, called the "Borough Fund".⁴ All cost and expenses were paid out of this fund.

By 1872 the leasing of Borough land was looked upon as a total failure and the conversion of Leaseholds into Freeholds was commenced as a more profitable income in 1873.⁵

The demands for money payment were not always met and bank overdrafts led to loan applications. The first loan payment, in a series of many to follow, was received from the Natal Bank in 1855 and amounted to the sum of £50.⁶ A Loan Bill came into force after 1864, which enabled the Council to borrow the sum of £50,000 by their issuing debentures on unalienated portions of the Town lands as security. A "Sinking Fund" was then established for repayment of debentures within 40 years from that date on which the Law took effect.⁷ By 1879 the talk was of applying for a Municipal Loan

¹ On the General Plan of the Borough of Durban by Thomas Okes in 1846, the Town lands comprised of 7,165 acres. See photo.

² The Natal Government still retained by instructions from Home three reserves, viz. for Ordinance, for Admiralty and Town Commonage purposes. Encroachments made on these reserves led to many disputes.

³ The annual Borough rates were collected by the Durban Town Council on an annual assessment made of the value of property, as well as on an estimate of money required for carrying out their functions.

⁴ The Borough Fund account was transferred from the Natal Bank to the Standard Bank of British South Africa (Ltd) in 1870 as the rate of interest was more advantageous in the latter. See Mayor's Minute, July 1871

⁵ Mayor's Minute, July 1872

⁶ See photo. Mayor's Minute, July 1855

⁷ Mayor's Minute, July 1865 & 1866

of £100,000 to carry out public improvements in the Borough of Durban, as well as to initiate an increase in the borrowing powers of the Town Council.⁸ The Durban Town Council thus applied this revenue in their first 25 years of functional history, to finance public works and health.

Public works entailed mainly the making of roads, streets, bridges and embankments; drainage and water supply; fire protection and lighting; the establishment of a market and assizing.

Public health covered mainly the removal of night soil and refuse, provision made for cemeteries and slaughter houses; the borough pound; general medical planning, recreation and borough census.

A. Public Works -

Roads, streets, bridges and embankments

The first power to have been vested in the newly found Durban Town Council by Ordinance 1, 1854, was "to make and keep in repair all roads, streets and bridges."⁹

Roads

The earliest effort at making roads in Durban was undertaken by the Natal Government after its establishment in 1845. The Surveyor-General Dr. William Stanger, with the assistance of Mr Okes, did the designing in the field and British Royal Engineers stationed in Durban and civilian contractors were hired to cut primitive, but usable roads, usually from well-worn trails or tracks by the earlier settlers, across the country-side of Durban. This art of mainly clearing and levelling a track was initially taken over by the Durban Town Council who employed a Town Surveyor as the key-man in these operations. The roads and streets¹⁰ in Durban, therefore, remained for some time to come, relatively local in character and were often seas of mud or clouds of dust, depending on the weather. The ever growing use of ox-wagons and coaches, at first for the transport of goods, and later for carrying passengers, had something to do with the deplorable state of these early roads and streets.

⁸ Mayor's Minute, July 1879

⁹ Supplement to The Natal Mercury May 3, 1854, Proclamation, p.1, col. 1,2

¹⁰ The term "road" is used in a narrow sense to denote routes of minor or local importance, but it also retains its broader meaning of any prepared route on land destined for the movement of goods and persons. The term "streets", formerly of more general significance, now refers to roads lying within the limits of a municipality.

The Durban Town Council only commenced with road hardening as a form of maintenance in 1857 and then still at a very slow pace. Bridges and embankments¹¹ were virtually non-existent before 1854 and much was done in this respect in the years between 1854 and 1879 - even more so by the Natal Government than the Durban Town Council.

Main roads like Berea Road, the old Pietermaritzburg Road which led from below the Botanic Gardens¹² into Berea Road, part of Berea Ridge Road, Springfield, Montpelier, Old Dutch, Bluff and Congella Roads, as well as Point Road and Umgeni Road were cleared and opened up before 1854 by the Natal Government. No road hardening was yet commenced and it was still a case of cutting down the dense bush which the Berea suburb was especially known for.

The Durban Town Council also cleared and levelled the roads and streets for many years to come as road hardening (commenced in 1857) became a long drawn-out process, which was at first only applied to the main thoroughfares.

When extensive residential areas were cut up thoroughfares were usually called after the previous tenants. This was especially the case when the residential area above Umbilo Road and South of Berea Road was cut up in 1856 and sites were sold on a leasehold basis (converted many years later into freehold). George Russel in his "History of Old Durban" records that the roads dividing this area were named after the original resident tenants, Moore, Clark, Davenport and McDonald.¹³ Clark Road and Moore Road runs still today from Umbilo Road to South Ridge Road.

Some of the major road building undertaken by the Durban Town Council in the first twentyfive years of its existence, was completing the Berea Ridge Road in 1865 to run the entire length of the boundary of the Town Lands, viz. from the Umgeni River to Montpelier (North) and from there (Southwards) crossing

¹¹ A bridge is a structure surmounting an obstacle such as a river, swampy area, road or railway and used as a passage-way for pedestrian, motor or rail traffic. An embankment is a structure (as of earth or gravel) raised usually to prevent water overflowing a level tract of country, to retain water in a reservoir or a stream in its bed, or to carry a roadway or railroad.

¹² See photo

¹³ John McIntyre, Origin of Durban Street Names, p. 31

the Berea Road to the Umbilo River.¹⁴ This road was cleared twenty feet in width and levelled, but not hardened. Twenty-one beacons were placed at equal distances the entire length, serving as a guide to future surveys, as well as preventing encroachment on the town property. Montpelier Road was at the same time also completed.

The Town Council made up the Southern and Northern approaches to the Victoria Bridge (also referred to as Queen's of Umgeni Bridge), which was completed in 1864 and paid (together with the Colonial Government) its moiety of the expense.

A good substantial road from the centre of town to the Botanic Gardens was cleared and levelled in the same year. It was hereby hoped that more people would visit and take a greater interest in the Gardens.¹⁵ This road became known as Sydenham Road and also provided a thoroughfare to the cemeteries in Ridge Road. It was further opened up by bush-cutting in 1868 and levelled.¹⁶

Berea Road was made longer and brought into a direct line with West Street late in 1866. This so happened after an advantageous exchange of land had been made with the English Church.¹⁷

The (Upper) Umbilo Road was cleared and opened up in 1867 as the (Lower) Umbilo Road was in such a bad state of repair. With the new Umbilo Bridge being completed in 1868, the Town Council constructed the approach to the bridge, as well as widening the new road to a width of forty feet.¹⁸

The Botanic Gardens Road leading from the top of the Gardens into Berea Road was completed in 1873.¹⁹

¹⁴ Geographically, the Borough of Durban was bounded by the crest of the Berea Hill, the River Umgeni on the North, the River Umbilo on the South, and the Indian Ocean and Bay of Natal on the East and South-east.

¹⁵ Mayor's Minute, July 1865. The Botanic Gardens, situated at the foot of the Berea, was originally in extent 50 acres and were laid off by Government in 1848, since which date it was controlled by a Committee.

¹⁶ Mayor's Minute, July 1864. See also: Mayor's Minute, July 1868

¹⁷ Mayor's Minute, July 1867

¹⁸ Mayor's Minute July 1866. See also: Mayor's Minute, July 1868 & Minutes of Adjourned Municipal Meeting, Feb. 26 1867. The (Lower) Umbilo Road became in later years known as Gayle Street, whereas (Upper) Umbilo Road was simply called Umbilo Road.

¹⁹ Mayor's Minute, July, 1873

The complete clearance and levelling of Musgrave Road from Berea Road to Montpelier was effected in 1873 and for the first time the road became known by its present name.

St. Thomas Road was simultaneously opened and led to St. Thomas Church along Musgrave Road. 20

At the request of residents from the Umgeni Village (so called in 1866) Stamford Hill Road was cleared and completely opened up in 1873. 21 Several other less important roads also saw completion in this period.

Streets

Certain central streets in Durban were already cleared and known by their names in 1850. When the entire "English Survey" of the town was completed and accepted by Dr. Stanger and Mr. Okes, the Cato's (George Cato and his brother, Joseph) christened and wrote in the names of some of the central streets on the general plan. Smith Street, being the main street or high road from the Point to Pietermaritzburg, was named in honour of Captain Smith of the 27th Regiment. West Street was named after His Honour, Martin T. West, the first Lieutenant-Governor of Natal. Aliwal Street was named in honour of Sir Harry Smith, the hero of Aliwal, Gardiner Street after Captain Allen Gardiner, who named the town; Field Street after William Swan Field, the acting Collector of Customs and Resident Magistrate, Grey Street after Ear Grey, Secretary of State for the Colonies and Russell Street after Lord John Russell, the Premier of Britain. The last two streets were named after the saints "George" and "Andrew". Lieutenant C.J. Gibb, the Commanding Royal Engineer, instructed by Dr. Stanger, cut off the dangerous dense bush and the whole of the sand hills extending to the little military post at the Point by a line of demarcation known as "Rutherford Line". This was drawn from the Back Beach to the Bay as a reserve for the Crown (Admiralty Reserve) under the Board of Ordinance for military purposes. This constitutes what is now known as Addington, the Point and Victoria Embankment. 22

20 Minutes of Adjourned Municipal Meeting, February 28, 1873. See Also: Minutes of Ordinary Municipal Meeting, March 7, 1873 and Mayor's Minute, July 1873.

21 Minutes of Ordinary Municipal Meeting, April 1, 1873. See also Mayor's Minute, July 1873.

22 See photos. George Russell, History of Old Durban, p.66

Today a Rutherford Street is still to be seen near the Point. It is worthwhile mentioning that the main thoroughfares of the town e.g. Point Road, Smith Street and West Street, with the intersecting streets, Aliwal, Gardiner, Field, Russell and Grey Street had a uniform width of 100 feet. The reason for providing such broad thoroughfares was to enable ox-wagons with teams of 16 oxen to turn in any part of the road.

The first street to have been attended to by the Durban Town Council was to make Grey Street in the West End of town join up with Berea Road in 1856.²³ The same street, as well as St Andrew Street were levelled in 1865 and brought to a fair gradient. Church Street was laid off in front of St. Paul's Church in 1860 and led from Pine Terrace to West Street.²⁴ Stanger Street (called after the Surveyor General Dr W. Stanger) and Prince Alfred Street (after His Royalty's visit to Durban), saw completion in 1861 when Council realized the necessity and feasibility of making additional cross-streets in central Durban.²⁵ Acutt Street was laid off in 1862 stretching originally from the Market Square to the Bay. Ground was also purchased for the sum of £250 to form a cross-street or lane from West Street to Pine Terrace in the same year.²⁶

Streets (originally tracks) North of Pine Terrace became more widely used and the Durban Town Council consequently called the most Northern street Victoria Street, the middle street, Queen Street, the street running parallel with and adjoining the North side of the old Railway, Commercial Road, the middle cross street, Albert Street and the street running parallel with the Ordnance Ground, Railway Terrace (later called Soldier's Way) in 1862. The Town Surveyor accordingly painted all street names in Durban on boards and fixed it to the houses at the corner of each street or on posts where necessary.²⁷

²³ Minutes of Adjourned Municipal Meeting, April 1, 1873. See also Mayor's Minute, August 1857.

²⁴ Minutes of Special Municipal Meeting, January 18, 1860. The Parish Church of St. Paul's is the oldest standing Church in Durban - the foundation stone having been laid on March 17, 1853.

²⁵ Minutes of Special Municipal Meeting, October 24, 1860. See also Minutes of Special Municipal Meeting, January 16, 1861

²⁶ Mayor's Minute, July, 1862

²⁷ See photos. Minutes of Special Municipal Meeting, January 6, 1862.

The street running lengthways of the West End plots then sold, was named Mc Arthur Street in 1862. It was cleared of bush and name boards were placed there as well as in St. George's Street.²⁸

A cross-street in the centre of Block L at the East End was purchased in 1863 by both the Council and Burgesses for the sum of £600.²⁹ This cross-street between West and Smith Street was officially named King Street in 1864.³⁰

The roadway in continuation of West Street across the Eastern Vlei to the Back Beach, called Beach Walk, was completed in 1865. It formed a delightful promenade for those who indulged in pedestrian or equestrian exercises in those days.³¹ The Town Council approved in 1860 a resolution that all the main streets, viz. Smith Street, West Street and Pine Terrace be continued throughout the whole length thereof and that it lie intersected by other streets at right angles thereto.³² By 1872 the Town Council had managed to stretch most of the central streets in town to approximately five miles in length. These included streets like West, Smith, Grey, Aliwal, Prince Alfred, St. Andrew, Gardiner, Stanger, St. George's and Russell Street, as well as Pine Terrace to the old Railway Crossing at West Street.³³

The Town Council also acquired possession of two important streets for the convenience of the public in 1875, viz "Mercury Lane" and "Mark Lane".³⁴

As an extension of West Street to the sea, the Black Beach Road was completed in 1878. It formed an excellent drive and promenade to the Back Beach. Palmer Street in the East End was cleared and levelled in the same year and made easy access to the lots in Block X and Z.³⁵

²⁸ Minutes of Ordinary Municipal Meeting, June 4, 1862
²⁹ Minutes of Ordinary Municipal Meeting, May 5, 1863. See also Minutes of Special Municipal Meeting, May 19, 1863 and Mayor's Minute, July 1863.
³⁰ Minutes of Special Municipal Meeting, March 23, 1864
³¹ Mayor's Minute, July 1865
³² Minutes of Special Municipal Meeting, August 29, 1860
³³ Mayor's Minute, July 1873
³⁴ Mayor's Minute, July 1875
³⁵ Mayor's Minute, July, 1878.

The necessary concession made by a Company to lay tramways for some system of public conveyance, running from the Berea Toll to the Point, was granted in 1879 by the Durban Town Council and put half way into operation in 1881.³⁶ The first tramlines then appeared in the streets of Durban.

Bridges and Embankments

No embankments were in existence before 1854. The only bridge in existence before 1854 was Durnford's Bridge that was constructed with mangrove poles and sods across a swampy patch in the wagon road through the bush to the Point by the 45th Regiment engaged on public works. A minor flood in April 1848, swelled the Umgeni waters which made short shift of all these labours, washing away the bridge and scouring out a deep gully across George Cato's land right into the Bay. This natural waterway was thence named Cato's Creek. The Durban Town Council completed Cato's Bridge³⁷ across Cato's Swamp at the East End in 1856 and the West End Bridge and Berea Bridge on the oldest Maritzburg Road just below the Gardens in 1857. All three bridges were originally constructed of suitable timber and at a height of not less than six feet. Embankments at the Cato and West End Bridges were completed late in 1857.³⁸

A brick culvert bridge was erected at the junction of St Andrew and St George's Streets of approximately six feet in height in 1861 and was referred to as the St Andrew Street Bridge.³⁹ By December 1871 a Mr E. Kermodé's second application for a bridge over the Gardiner Street drain was adopted. This was carried out by planking the drain over with ship timber at a width of 15 feet and was referred to as the Gardiner Street Bridge.⁴⁰

The Umbilo Bridge was constructed by the Natal Government and opened on 25th February 1868. The Durban Town Council made the necessary approach on the townside from the line of road to the

³⁶ See photo

³⁷ See photo. Mayor's Minute July 1879. See also Barbara Tait, The Durban Story or Durban Cameos of Yesterday & Today, p.190

³⁸ Mayor's Minute, August 1857

³⁹ Supplement to The Natal Mercury, May 23, 1861, Article, p.3 col.6

⁴⁰ See photo. Minutes of Special Municipal Meeting, December 19 1871

Umbilo Bridge.⁴¹ The necessity of stopping the course of the Umgeni River across the Eastern Vlei (in any future flood) after the heavy rains in April, 1856, was given much thought. The formation of an embankment near the Umgeni, Brickfields and drainage of the Eastern Vlei was accordingly undertaken.⁴²

The Victoria Bridge was constructed by the Natal Government and opened by the Mayor, Hugh Gillespie addressing the Lieutenant-Governor, Sir John Scott late in 1864. A punt with two platforms operated by one man helped people before 1864 to cross the Umgeni River. The Town Council built the Southern and Northern approaches to the new Bridge and the Colonial Government saw to its maintenance.⁴³ This bridge was destroyed by floods in 1868 and a temporary pile bridge was erected over the Umgeni to replace it.⁴⁴ The Umgeni Railway Bridge was built and completed late in 1877 by the Railway Company and destroyed by floods in 1917. The first train to run over it from Durban to Avoca left Durban on 21 August 1878. Its span was 1,040 feet, consisting of 26 spans of 40 feet cast iron, screw piles with iron lattice girders.⁴⁵ Two spurs were placed on the Borough side of the Umgeni River by the Natal Government in 1875. This was done to keep a direct channel into the Indian Ocean open and to close the then present entrance into the South Lagoon. These spurs were constructed of mangrove poles, driven 8 and 10 feet into the bed of the stream in two rows placed 5 feet apart. The piles were well laced together with wattles, the space between the rows closely packed with fascines and loaded with sods and stones. The piers were well protected around their base by stone banking under the able supervision of Mr Jenkyn, Government Clerk of Works at a cost of £600 - a moiety of which was paid by the Town Council. This work had a beneficial and permanent effect.⁴⁶

⁴¹ See photos. Minutes of Special Municipal Meeting, November 12 1867. See also: Minutes of Ordinary Municipal Meeting, February 4 1868 & Minutes of Ordinary Municipal Meeting April 7 1868.

⁴² Mayor's Minute July 1862

⁴³ Minutes of Special Municipal Meeting, September 16, 1864. See also Minutes of Adjourned Municipal Meeting, October 12 1864 and Mayor's Minute, July 1865.

⁴⁴ See photo taken from the Victoria County Side.

⁴⁵ See photos

⁴⁶ Mayor's Minute, July 1875

A start on developing the Victoria Embankment was only made by the Durban Town Council after 1895. Before 1854 the "Rutherford Line" as mentioned before, defined the Admiralty Reserve of the Crown and this included the strip from the Back Beach to the Bay and was naturally excluded in the transfer of Town Lands in 1855 to the Durban Town Council. An application was sent in by the Durban Town Council late in 1857 to gain entire control of 150 feet margin of the Bluff known as "Govt. Reserve" and to remove all encroachments existing thereon.⁴⁷ This was, however, refused by the Natal Government. Encroachments on this Reserve were made by landowners to such an extent that it became difficult in later years to define exactly where the Rutherford Line was drawn. A new boundary line of the Admiralty Reserve was therefore fixed in 1888 and the Natal Harbour Board transferred by Deed the strip lying between the original Borough Freehold boundary line and the new boundary line extending from Addington to the Umbilo River to the Durban Town Council in 1895. The area so transferred consisted of 396 acres and 12.62⁴⁸ perches, and was only developed as the Victoria Embankment by the Durban Town Council after the Durban Bay Embankment Act of 1895 came into force.

Maintenance

The five bridges erected by the Durban Town Council and mentioned above, required repairing at regular intervals. Railing was placed on either side of the embankment at the West End timber Bridge⁴⁹ and did not exclude the Council from endless troubles in repairing it. The Berea timber Bridge was replaced by a substantial brick culvert bridge in 1861. The Natal Mercury described the old bridge as a "dangerous, broken down rattle-trap affair" and could but only rejoice in this new source of comfort.⁵⁰ The copings of the St Andrew street brick culvert Bridge was also repaired late in 1861.⁵¹ Cato's timber Bridge had to be continuously repaired by the Town Council and became quite a

⁴⁷ Minutes of Special Municipal Meeting, October 30 1857

⁴⁸ Laws, Bye-Laws and Regulations of the Borough of Durban
Compiled by R.L. Hitchins, Law No.42, 1888, Law No. 26, 1895
Law No.28 1896 pp. 157-164

⁴⁹ See photo

⁵⁰ Minutes of Special Municipal Meeting, April 12, 1860

⁵¹ Supplement to The Natal Mercury, May 23, 1861, Article p.3 col.6

menace in later years. The hardening and improving of the Western Vlei Embankment was commenced with in 1862⁵² and it kept well for a number of years. The Natal Government saw to the maintenance of bridges at the Umgeni and Umbilo, as well as keeping the approaches to the bridges in a good state of repair.

Road hardening as a form of maintenance was not commenced with until 1857. Peat sod cut from the surrounding bush was the first to be used for hardening the approaches to the West End Bridge but proved too porous and washed away rapidly during rainy seasons.⁵³ Clay, dug out from drains, was then applied with a layer of brushwood as a substitute. When the approaches from the Western Vlei to Smith Street and from Cato's Bridge to Smith Street was undertaken late in 1858, rubble from the Bluff in addition to clay was used.⁵⁴ Suitable stone was obtained from Mr C.J. Cato's farm "Brickfields" in 1863 when a practical start was made with hardening Berea Road from the boundary line of the Town Lands to the entrance of West Street where it joined the Western Bridge and Embankment. To transport the stone from the top of Berea three miles of iron tramway was laid to run the stone in trucks. To haul the trucks wire rope was used.⁵⁵

In the later half of 1866 the Berea Road macadamizing⁵⁶ was completed and this hardened road was opened for traffic. The total cost amounted to £31868.9s.11d.⁵⁷ The Town Council at the same time introduced into Legislative Council a Toll Bill, under which transport riders were compelled to pay a toll of 2s.6d. per load when passing into or out of the Borough via the Berea Road, which formed the main artery of communication between the port and interior of the Colony. This Berea Road Toll was opened on the 25th December, 1866. A Toll House of pitch pine and a Toll Bar was erected with Mr G. Seymour appointed as the first Toll Collector. Application

⁵² Minutes of Ordinary Municipal Meeting, November 6 1861

⁵³ Minutes of Ordinary Municipal Meeting, November 4 1862

⁵⁴ Minutes of General Municipal Meeting, January 7 1857. See also Mayor's Minute, August 1857

⁵⁵ Minutes of Adjourned Municipal Meeting, September 27, 1858. See also Mayor's Minute, August 1857

⁵⁶ See photos. Mayor's Minute, July 1863

⁵⁷ John McAdam devised an inexpensive self-sealing pavement consisting of small stones, chips or gravel that could be applied directly to the soil or subsoil of a properly drained roadbed. As a result of the economy of this method of construction, it was widely copied and such water-impervious roads today are still called "macadamised" even when the chips or stones are mixed or covered with oil or a bituminous substance like tar or asphalt.

was also made to the Legislative Council then to take over the further maintenance of Berea Road and Toll.⁵⁸ The Government, however, only did so in 1873. Considerable sums before then had been spent in the up-keep of the road by the Town Council and when it was taken over by Government it was still in a deplorable state. Repairs were at once put in hand by Government. Upon the first Tolls Law expiring in 1880, maintenance of Berea Road reverted back to the Town Council again. This time, however, the Town Council were empowered to borrow a sum not exceeding £25,000 for hardening and improving toll roads.⁵⁹

The macadamizing of West Street from Berea Road to Point Road to a width of 40 feet was commenced in 1871 but was not completed until 1876 at a total cost of £1,943.9s.11d.⁶⁰ Hardening was commenced in Field Street, Gardiner Street, Pine Terrace and Point Road in 1874.⁶¹

On completion of Point Road in 1877, the Government were asked to take over the road in terms of the resolution passed by the Legislative Council on the 22nd September, 1872, the road being part of the Main Trunk Road from the Port to the Interior. To this a reply was received that His Excellency was not prepared to proclaim it a Main Road, under Section 127 of Law 19, of 1872. The Government did, however, pay £1,500 towards the total cost of £2,400. Council had to undertake costly repairs on this road again.⁶² The first road to be hardened in the suburbs was Musgrave Road which was commenced in 1876. A lot of gentlemen spoke against this hardening and The Natal Mercury published a letter to the Editor which read as follows :

⁵⁸ Mayor's Minute, July 1867

⁵⁹ See photo. Mayor's Minute, July 1868. See also Minutes of Ordinary Municipal Meeting, December 4, 1866 & Minutes of Special Municipal Meeting, December 14 1866

⁶⁰ Mayor's Minute, July 1874. See also: Minutes of Special Municipal Meeting, May 21, 1867

⁶¹ Minutes of Ordinary Municipal Meeting, October 3 1871. See also

Mayor's Minute, July 1876

⁶² Mayor's Minute, July 1874

"We all know what contention there used to be between the East End and West End residents, and now it seems to be the design of parties to pit Town against Berea".⁶³ Part of this road was, nevertheless, hardened with stone to a width of 20 feet and further hardened in 1879 as more lots were bought up.⁶⁴

Mercury Lane was hardened in 1875 and Commercial Road in 1877. In the same year a start was also made with the hardening of the Back Beach Road and Beach Walk, as well as Aliwal, Smith Street, Point Road Extension and Berea Ridge Road.⁶⁵ The hardening of Umgeni Road was postponed till well after 1879, principally owing to want of funds.⁶⁶ Roads not hardened yet were constantly repaired by levelling, filling up potholes and clearing away bush in these years.

The daily watering of the main streets to settle the dust was commenced in 1877 and two galvanized iron watering vans, first drawn by oxen, then by horses, became a source of comfort and helped to reserve the streets.⁶⁷

The plan of a top dressing of tar for the newly macadamised roads in Durban⁶⁸ was only introduced early in the 20th century, mainly to allay dust and later as a "binder" to prevent "ravelling" of stones on macadamized surfaces.

Constant repairs to formed footpaths were also effected in these years by the use of clay at first as a hardener. The paving with bricks was only commenced in 1864 and the central streets were the first to benefit thereby. Cement was laid experimentally on the brick pavement in a few places, mainly as a preservative. Although it answered well, the expense was too great.⁶⁹

From 1870 onwards footpaths were at a very slow pace macadamised with stone obtained from the Umgeni and J.P. Cato's quarry.⁷⁰

⁶³ Mayor's Minute, July 1877

⁶⁴ The Natal Mercury, January 4, 1876, Correspondence, p.5, col.2

⁶⁵ Minutes of Ordinary Municipal Meeting, November 5 1875. See also Mayor's Minute, July, 1879

⁶⁶ Mayor's Minute, July 1875. See also: Mayor's Minute, July 1877

⁶⁷ The Natal Mercury, January 21, 1878, Article, p.2 col.3&4. See also: The Natal Mercury, April 30, 1878, Article p.3, col. 3,4 and Mayor's Minute, July 1877

⁶⁸ Mayor's Minute, July 1878

⁶⁹ Mayor's Minute, July 1865

⁷⁰ Minutes of Ordinary Municipal Meeting, July 5, 1870

Permanent brick kerbs were made where repairs and construction were necessary.⁷¹ The Mayor expressed the hope in the Mayoral Minute of 1875 that all the existing common brick paths would be broken up in the years to come and be replaced with fine rubble, as being far more durable for wear and presented comfort in walking.⁷²

The slowness with which the Durban Town Council constructed and maintained roads, streets, bridges and embankments in Durban was partly to blame on the inadequate supply of Native labour. Initially convict labour was used but this privilege did not last long. The majority of few Natives seeking employment at this time refused to work as monthly servants, preferring to work as daily labourers or "Togt boys". This system of labour presented many difficulties in the Durban Municipality. The chief objection being absences of any control over Togt boys after working hours, resulting in their wandering about the Borough at night or sleeping and feeding with monthly servants in the employ of Householders. The Secretary for Native Affairs Mr. (afterwards Sir) Theophilus Shepstone, addressed to Municipalities of Pietermaritzburg and Durban a memorandum on this subject in May, 1873 in which he formulated rules to check evils resulting from the Togt system. This memorandum received careful consideration of the Town Councils of the City and the Port. In March 1874, Togt Regulations on lines suggested by Mr Shepstone were promulgated by His Excellency, Sir B.C.C. Pine. Under these Regulations it was provided that the Resident Magistrate fix the minimum rates of daily wages for Togt labourers who averaged about 800 in the Borough of Durban.⁷³ This was fixed by Mr H.J. Meller on July 18th, 1879 and remained in force until 1904 when more comprehensive Togt Regulations were passed.⁷⁴ The use of Coolie Labour instituted after their arrival in 1860, originally as "scavengers" proved more satisfying than Native labour.

Drainage and water supply

The Durban Town Council also removed excess water artificially by the process of drainage and supplied the town with water. Public wells, in addition to private wells, were built by the Town

⁷¹ Mayor's Minutes, July 1870

⁷² Mayor's Minute, July 1875

⁷³ Mayor's Minute, July 1874.

⁷⁴ Mayor's Minute, July, 1878. See also: Mayor's Minute, July 1879.

Councils as river water as a permanent source of supply was only introduced after 1884. As there is no brook or water course to be found within the Borough of Durban, drains or ditches had to be cut, communicating with the Bay and Eastern Vlei to assist in the drainage. Geographically, the town of Durban lies opposite the centre of the Berea range a ridge of hills encircling the harbour and beachfront. The base of the Berea is 22 feet above sea level. From this altitude to the shores of the Indian Ocean and Bay the land is comparatively low, in no case exceeding 30 feet, and in some places being scarcely above sea level.⁷⁵ During heavy rains, which were usually accompanied by the Umgeni River in flood, these lower lying areas were virtually covered by surface water and became a threat to health and normal living. To relieve the situation more drastic steps had, however, to be taken by the successive Town Councils between 1854 and 1879.

Drainage

The most notable ditch or drain to have been dug by the Natal Government before 1854, was "Moodie's Drain". This drain helped to carry off the surface water from the central town area to the Eastern Vlei and remained an important artery in the development of the drainage system by the Town Council,⁷⁶ which seems to fall into periods.

(i) 1854-1862

Immediate steps were taken in 1855 to ensure the drainage of surface water in the central town area. Drains were constructed in Pine, Grey and Smith Street where water accumulated most. Brick culverts of 100 feet long, having manholes with gratings at proper distances were laid down these streets, but were washed

⁷⁵ It is believed that at one time the shore line of the Indian Ocean skirted the foot of the Berea at a level now lying 30 feet below the present shore, running in a continuous but somewhat curved line from the Bluff at the mouth of the Umgeni to the southern side of the Umlazi. The Bluff and the parallel Wentworth Hill or Ridge then sat as two divided long narrow islands round which the tide of the Indian Ocean flowed and ebbed. The boulders and shingle of the old shore line now lie buried 25 to 35 feet beneath the surface of the land and the old bed of the sea lies at from 75 to 100 feet, below the surface of the Bay. See Mayor's Minute July 1881. Report by William Molyneux on "Geological Explorations in Natal"

⁷⁶ Mayor's Minute, July 31, 1866 and Mayor's Minute, July 31, 1877

away with the heavy rains in April 1856.⁷⁷

A brick drain running from Field Street to the Bay was constructed late in 1856. Side drains, dug in Gardiner Street and near Grey Street were led into the Field Street Drain.⁷⁸ This was the first effort made by the Durban Town Council to use the Bay as an outlet of surface water.

The drainage of the Eastern (Camp) Vlei also became an important point of consideration. A report by Mr J. Milne, the Harbour Engineer, advised Council that the Eastern Vlei should undoubtedly be drained, but before doing so, an embankment of a substantial character had to be constructed near the Umgeni Brickfields.⁷⁹ This was accordingly done and Milne's Embankment as it became known, was completed in 1862. The drain, however, became a source of endless trouble. This long drain, better known as "Milne's Drain", carried water up from Cato's Bridge at a dead level along the Western side of the Vlei to Ordnance Ground. From there the actual trouble started when it had to lead along the Southern boundary of what marshy ground to the Eastern side of the Vlei. Insufficient sodding and money required for a better scheme at the time resulted in this drain only having been completed in 1874.⁸⁰

(ii) 1863-1872

The central area of town remained the great concern of the Durban Town Council. The Commercial Road Drain, as well as the Grey Street Drain were completed in 1865.⁸¹

Stringent criticism reached Council in 1862 on the constructed Field Street Drain.⁸² With increased pressure from the Burgesses, further improvements were rapidly undertaken. Contracts were accepted for covering in the continuation of the Field Street Drain, extending from Smith Street to the Bay.

⁷⁷ Mayor's Minute, July 31, 1855 and Minutes of Adjourned Municipal Meeting, March 11, 1856. See also: Minutes of General Municipal Meeting, December 5, 1856 & George Russell, History of Old Durban pp. 267-272.

⁷⁸ Minutes of Special Municipal Meeting, September 26, 1856 & Mayor's Minute, July 31, 1856.

⁷⁹ Minutes of Special Municipal Meeting September 26, 1856 & Minutes of Special Municipal Meeting December 17, 1861

⁸⁰ See photo. Mayor's Minute October 4, 1862. See also: Minutes of Adjourned Municipal Meeting, July 15, 1873 & Mayor's Minute, July 1875.

⁸¹ Mayor's Minute July 1865. See also Mayor's Minute, July 1864

⁸² Mayor's Minute, October 1862.

This proved beneficial to the neighbourhood, as open drains were detrimental to the health of the town.⁸³

By 1863 a large drain was also under construction across West Street near a Mr Theophilus Crowder's premises. The idea was of extending it as a closed drain from Pine Terrace, by Adlam's Corner to the Bay. Owing to the determined opposition of some of the proprietors through whose land this drain would have to run, Council was at first unable to proceed with the project to the Bay.⁸⁴ This drain became known as "Adlam's Drain" and a never-ending correspondence took place between Council and the proprietors over this piece of land. By 1865 it was, however, completed but only the portion passing through Acutt's property on the South side of West Street was covered.⁸⁵

It is noteworthy to mention that a strong feeling of rivalry existed between the East and West Ends of town. In the early days Mr G.C. Cato acquired considerable land in the neighbourhood of his house at Cato's Creek and the East End in general. Originally the East End was the business part of Durban. Erven in the West End of town were sold, however, and a portion of the population settled there. This open drain, or Adlam's Drain, crossing West Street in the neighbourhood of Mark Lane, completely divided the two parts of town. Residents of either End became very jealous of each other. East Enders, generally speaking, proved to be more enterprising than their townsmen.

A three feet double ring drain, a hundred feet in length, was placed at Cato's Bridge in 1864⁸⁶ and a new flood-gate replaced the old one at Cato's Creek in 1868.⁸⁷

The Gardiner Street Drain which led into the Field Street Drain had a bridge built as protection over it in 1871.⁸⁸

For the better preservation of Milne's Drain in the Eastern Vlei, a fence of willow trees were planted in addition to the existing post and rail fence to protect it from cattle.⁸⁹

⁸³ See photo. Mayor's Minute, July 31, 1865

⁸⁴ Mayor's Minute, July 31, 1863

⁸⁵ Mayor's Minute, July 31, 1865

⁸⁶ Minutes of Special Municipal Meeting, August 30 1864

⁸⁷ Mayor's Minute, July 31, 1868

⁸⁸ Minutes of Special Municipal Meeting, December 19, 1871

⁸⁹ Mayor's Minute, July 31, 1863.

Repairs were effected from time to time on the other drains in the central part of Durban.

(iii) 1873-1879

More systematic drainage was introduced in Durban this period. Milne's Drain saw completion in 1874 when this open drain was led completely through the War Department Lands.⁹⁰

A five feet culvert, eighteen feet in length and a twelve inch drain, 300 feet long, was completed in 1875 in the swamp in Smith Street between the Prince of Wales Hotel and Field Street and led into the Field Street Drain. Radiated bricks and strong iron drain grates were extensively used in these operations.⁹¹

This Central Drainage Scheme was completely developed by the Durban Town Council in 1877, when two main drains, each commencing in Commercial Road led surface water off to the Bay and the Eastern Vlei. One was an egg-shaped drain, built of brick and cement which now passed under Pine Terrace, Mark Lane, across West and Smith Street and entered the Bay by way of the existing Field Street Drain. It is noteworthy to mention that this was the first attempt at underground drainage made by the Town Council in Durban. The other was an open drain which took the route of Moodie's Drain until it reached Milne's Drain, continued past a Mr Murchie's house and discharged its water into the low lands of the Eastern Vlei. To the latter drain was also connected the Grey Street Drain which was a direct continuation of it and which ran up in a westerly direction crossing the Umgeni Railway and Field Street North. This helped to drain a large area of land known as Block U on the Greyville Race Course area which until then was a swamp during wet seasons. The Field Street Drain was hereby considerably relieved and its tendency to burst was eliminated. Smith Street, West Street, Mark Lane, Pine Street and Commercial Road were all now inter-connected by this Central Drainage Scheme. Owing to the entire absence of any sewerage system, the drains were unfortunately the receptacle of foreign matter which caused obnoxious smells from the gratings.⁹² Only with the introduction of sewerage in 1893 was that objection during the dry seasons no longer raised. With Central Drainage introduced in the town area, open paved gutters were also for the first time laid down

⁹⁰ Minutes of Special Municipal Meeting, July 15, 1873

⁹¹ Minutes of Adjourned Municipal Meeting, June 16, 1874

⁹² Mayor's Minute, July 31, 1877

in 1877 on each side of West Street, extending from Field Street to Grey Street⁹³ and from Field Street to Gardiner Street in 1879. At the same time, Smith and Gardiner Street corners were also guttered. A small gang of labourers were constantly engaged in the manufacturing of guttering slabs. Storekeepers were requested to make provision for taking in goods from the road to protect the gutters.⁹⁴ Many of these storekeepers simply layed a wide piece of timber across the road and the entrance to their store.

A twelve inch drain was placed all round the new Market building in November 1875 at a distance of ten inches therefrom. Fifty feet of the Market Square was also hardened on the South side and a post and chain fence placed there. These provisions were made to meet the morning market.⁹⁵ It is interesting to note that with the improvement of drainage, the hardening of the streets were seriously commenced with.

Only during 1873 and 74 was a drain completed on the Congella Flat which had its outlet to the Bay. This drain was built out of the necessity created by the Slaughter Houses situated on the upper Congella.⁹⁶ Inter-connecting open cemented drains from each Slaughter House ran into this drain.

By 1874 Council completed an open drain built with brick in Sydenham Road and in 1875 a further two eighteen inch culverts, each sixty feet in length were constructed in this road.⁹⁷ In 1876 a 24 inch drain, 37 feet long was also placed in Sydenham Road to relieve the flow of the other smaller ditches dug.

Three wooden culverts, in all about sixty feet, had also been placed on the Berea Road under the entrance to the leased properties of Messrs Milne, Eston and Dalgety.⁹⁸

⁹³ Minutes of Adjourned Municipal Meeting, June 16, 1874

⁹⁴ See photo. Minutes of Adjourned Municipal Meeting, Sept. 4 1878

⁹⁵ Minutes of Ordinary Municipal Meeting, November 5, 1875

⁹⁶ Minutes of Adjourned Municipal Meeting, December 4, 1873

⁹⁷ Mayor's Minute, July 31, 1874

⁹⁸ Mayor's Minute, July 31, 1876

The only recorded drain to have been built in the Red Hill area, was in 1875 with the construction of an open drain in Red Hill Road.⁹⁹ This drain was built with bricks and only kept clean and in repair like the others during the following years.

By 1879 the more effective drainage and reclamation of land in the Eastern Vlei, as well as a General Drainage Scheme, accompanied by proper sewerage and an ample supply of water for flushing¹⁰⁰ for the whole town, still presented itself for consideration by the Council.

Water Supply

The only source of water made available to the public by the Natal Government before 1854 was their erection of a Town Pump or "Parish Pump", as it became known, in Smith Street. The newly created Durban Town Council's first task was to replace this old Parish Pump with a new one in 1855.¹⁰¹ This old landmark remained a curiosity for many years to come.

Initially, Householders were responsible for their own supply of water and made use of different sources. Rainwater, running from iron and slate roofs was collected into iron and slate tanks or barrels specially kept for this purpose, whilst wells and springs were also used. In the private wells, use was made of very primitive methods for drawing water, such as the use of a leather bag at the end of a rope, which was later followed by a bucket and windlass.

More wells by contract were dug and maintained by the Durban Town Council and these wells became known as public wells. The last public well, artesian in this case, or even better known as "Currie's Fountain" was opened to the public in 1879, but fell into disuse after the Umbilo Waterworks was opened in 1884 using river water as a permanent source of water supply.

⁹⁹ Mayor's Minute, July 31, 1874

¹⁰⁰ Mayor's Minute, July 31, 1879

¹⁰¹ See photo. See also: Minutes of Adjourned Municipal Meeting, November 14, 1854. See also: Minutes of General Municipal Meeting, May 2, 1855.

The method used by the Council for digging wells was at that stage common in all South Africa, viz. by labourers using pick and shovel. The loosened soil was hoisted in a container to the surface and the well gradually sunken until water was found. The walls were curbed with brick so as to prevent them from caving in. Although wells could be rectangular, the majority of them in Durban followed the circular pattern. The minimum diameter of the first wells must have been three feet so as to accommodate the labourers. Others that followed ranged from four to ten feet in diameter.¹⁰² The depth of these wells was naturally always dependent on the find and flow of the water.¹⁰³ Boring operations were for the first time undertaken in 1878 and 1879. The first successful undertaking of this kind was the already mentioned "Currie's Fountain", which fell into disuse after 1884 and brought the era of public wells to a close.

The Town Council distributed these public wells reasonably well in the Borough of Durban and the records show that thirty of these wells were erected by them. The first well was sunk by the Durban Town Council in St George's Street in 1855.¹⁰⁴ This well had to be deepened in 1858. Soon various complaints were received by the Council and the second well was sunk in St Andrew Street nearby.¹⁰⁵ A third public well was also dug in Pine Street (Terrace) and a fourth in Grey Steet in 1856.¹⁰⁶ A fifth well was sunk in West Street adjoining the Masonic Hall in 1857¹⁰⁷ and a sixth one near a certain Mr Andrew Welch's premises in 1859.¹⁰⁸

¹⁰² In 1877 a Committee was appointed to look into the water situation and to see how much water was held in rainwater tanks in the town and suburbs. It was found that in the town the total number of tanks were 571, holding altogether 279,014 gallons of water. In the suburbs the total number of tanks were 986, holding 691,092 gallons altogether. It must be noted however, that these rainwater tanks included underground iron & slate tanks as well as barrels. It seems that Council was satisfied that enough water was still available in these rainwater tanks to relieve the shortage experienced. See Mayor's Minute, July 1877

¹⁰³ See photo

¹⁰⁴ See photo

¹⁰⁵ Minutes of Adjourned Municipal Meeting, November 15, 1858

¹⁰⁶ Minutes of Special Municipal Meeting, October 16, 1858.

¹⁰⁷ Minutes of Special Municipal Meeting, September 26, 1856.

¹⁰⁸ Minutes of Special Municipal Meeting, January 13, 1859

At this stage the Berea slowly became the most densely populated suburb in Durban and it is therefore not surprising that after repeated requests by the inhabitants on the Berea, permission for a seventh public well near the Botanical Gardens was granted in 1861.¹⁰⁹ No sooner had this well been completed, when the ratepayers of the Congella Flat, another suburb, made application for a similar privilege.¹¹⁰ This was granted but due to an accident that occurred during its construction, this eighth well only saw completion in 1862. This happened when at a certain stage the well caved in and a Mr Coppeland was killed. The Town Council paid the expense of the burial.¹¹¹

More activity in the centre of town led to a well being sunk in Smith Street, more or less opposite the old Parish Pump which by 1871 had to be filled in and a more effective ninth one was sunk close by.¹¹³ Early in 1862 the Town Council was unexpectedly presented with a drinking fountain by Mr William Hartley, the ex-Mayor of Durban. For his generous gift the Council tendered their best thanks to him. The drinking fountain with the necessary supply of tanks was appropriately erected near the public well in West Street that adjoined the Masonic Hall.¹¹⁴

A tenth public well was dug in 1863 in the vicinity of Stanger Street, close to Prince Alfred Street,¹¹⁵ an eleventh in the vicinity of Union Street,¹¹⁶ a twelfth one in Berea Road,¹¹⁷ as well as a thirteenth one at the foot of Red Hill Road.¹¹⁸ This well was always referred to as the "Red Hill Well".

As Durban's population grew in numbers, new areas were opened up and more and more public wells were dug. A request, was so for example, granted to six burgesses living at the Umbilo for a fourteenth well near Stella Road. No sooner was this well

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- ¹⁰⁹ Minutes of Adjourned Municipal Meeting, September 14, 1857
¹¹⁰ Minutes of Adjourned Municipal Meeting, April 26, 1858
¹¹¹ Minutes of Special Municipal Meeting, July 9, 1861
¹¹² Minutes of Special Municipal Meeting, July 4, 1862
¹¹³ Minutes of Ordinary Municipal Meeting, February 5, 1862
¹¹⁴ Mayor's Minutes, July 31, 1871
¹¹⁵ Minutes of Special Municipal Meeting, March 18, 1862. See also: Mayor's Minute, July 31, 1862
¹¹⁶ Minutes of Special Municipal Meeting, August 12, 1862
¹¹⁷ Minutes of Special Municipal Meeting, June 9, 1863
¹¹⁸ See photo. See also: Minutes of Special Municipal Meeting, June 29, 1863

completed when complaints reached the Council that the water was in a bad state. The Council consequently removed the pump to a fifteenth new well sunk about a hundred yards further in 1864.¹¹⁹

A sixteenth well was also sunk in Block A in 1865.¹²⁰ No new wells were dug by the Town Council in the period from August 1866 to the end of July 187 $\frac{1}{4}$, except for the purchase made of a private well on Lot 3 $\frac{1}{4}$, Block B which then became the seventeenth public well.¹²¹

The eighteenth public well was erected in 1871 more centrally on the Umbilo and a pump affixed to it.¹²²

A nineteenth public well was sunk in Queen Street in 1874,¹²³ followed by a twentieth one dug in the Market Square in 1875¹²⁴ after a particularly dry season. Later in the year the Market Square Well was deepened to a depth of 25 feet and a new pump placed on it.¹²⁵ Early in 1876 a small drinking fountain was placed at the West entrance of the Market building, which was unfortunately removed later on. A well was also dug by the Slaughter Houses on the upper Congella in 1876 for the use of the Butchers,¹²⁶ and became well number twenty one.

The Natal Railway sunk public well number twenty two at the end of Pine Street near the old Railway Station in 1877 after permission had been granted by the Town Council.¹²⁷ A similar privilege was granted to the Natal Government to sink public well number twenty three near the Gaol for use of the convicts.

The Town Council undertook in May 1877 to have three new public wells constructed after more droughts were experienced in Durban.

¹¹⁹ Minutes of Special Municipal Meeting, August 28 1863

¹²⁰ Minutes of Special Municipal Meeting, September 22 1863

¹²¹ Minutes of Special Municipal Meeting, July 18, 1865

¹²² Mayor's Minute July 31, 1867

¹²³ Minutes of Special Municipal Meeting, June 28, 1870

¹²⁴ Minutes of Special Municipal Meeting, August 20, 1873

¹²⁵ Minutes of Special Municipal Meeting, June 15, 1875

¹²⁶ Minutes of Ordinary Municipal Meeting May 2, 1876

¹²⁷ Minutes of Special Municipal Meeting, March 21, 1876

See also: Minutes of Ordinary Municipal Meeting, November 7 1876

Well number twenty-four was dug near Stanger Street, well number twenty-five near Russell Street and well number twenty-six near Commercial Road. As the Red Hill well was not always found to be in good working order, well number twenty-seven was sunk in the Umgeni area. The digging of two more wells, number twenty-eight and nine were recorded to have been dug in Block U¹²⁸ and central town area in 1878.¹²⁹

Water from the Umgeni River was brought in tanks into Durban and sold at 1d. per bucket. Handbills were posted, notifying people that water could be obtained at this price and upon application to the Town Office would be free to any not in the position to pay.¹³⁰

The shortage of water in Durban became indeed so acute that the addition of these extra public wells only served as a temporary relief. All hopes were then fixed on Mr Councillor Currie who by 1878 commenced with boring a public artesian¹³¹ well at the foot of the Botanical Gardens. It was from this well, aptly named "Currie's Fountain", that the first successful supply of water to the inhabitants of Durban came in 1879.¹³² This rounded the figure of public wells, recorded in the Minutes to have been dug by the Durban Town Council in the Borough of Durban to thirty.

The reciprocating pump in all its improved variations and the rotary action pump¹³³ with brass cylinders and valves were fitted to these public wells and were a definite improvement on the leather bag tied to the end of a rope. The centrifugal pump had not yet been introduced. Long horse troughs with iron bars across were placed at a number of public wells from 1862 onwards and refuse water continuously removed from them.¹³⁴ As the

¹²⁸ Minutes of Special Municipal Meeting, May 15 1877

¹²⁹ Minutes of Ordinary Municipal Meeting, March 5, 1878

¹³⁰ Minutes of Special Municipal Meeting, March 19, 1878

¹³¹ Such wells opened by boring were often called artesian wells, after Artesium, the ancient name for Artois, the Northern Province at Lillers in France. There, in AD 1126, such a well was bored for and it flowed without pumping almost like a fountain.

¹³² See sketch. See also: Mayor's Minute, July 1879

¹³³ See figures A & B

¹³⁴ Minutes of Special Municipal Meeting, July 18, 1862

pumps in use received such rough treatment, the crank lift often broke and for this reason the fly-wheel and handle were rather fitted to pumps as they were more serviceable.¹³⁵ Iron ladles for drinking purposes were also fitted to pumps with chains in 1878.¹³⁶ All these accessories were from time to time imported from England through leading firms like Evans and Churchill mentioned in the Minutes.¹³⁷ As the old pumps wore off, they were disposed of by public auction and new improved variations of the reciprocating and rotary action pumps were fitted to wells where necessary.

Cleaning operations as well as deepening of public wells were continuously carried out by the Town Council. Some of the wells were even pumped dry and lime or cement washed from time to time.¹³⁸ By sounding the wells the Council also kept an eye on the average depth of water in the public wells. The necessity arose late in the 1870½s to cover some of these public wells in town to preserve the state of pure water. People, however, kept removing them and the Town Clerk eventually had to give instructions to have them securely fastened down, trapdoors fitted and padlocked. The keys were then kept by the contractor in charge.¹³⁹

By the success achieved with Currie½s Fountain, main service pipes for the supply of water to be led through the central part of town, were laid in 1879. This last public well proved to be the most successful and hardly had need of maintenance and supervision.

At an Ordinary Municipal Meeting of Council, the Order List was suspended so that the Council could place their hearty appreciation of the effort made by Mr Councillor Currie to bring water so successfully into Durban from "Currie's Fountain" on record.¹⁴⁰ Through this source of supply, some 50,000 gallons per diem was then made available to the public. Hydrants were fixed in Stanger Street, Prince Alfred Street and at intervals down West Street.

¹³⁵ Mayor's Minute, July 1874

¹³⁶ Minutes of Special Municipal Meeting, April 26, 1878

¹³⁷ See photo. Minutes of Adjourned Municipal Meeting, Sept. 27 1858

¹³⁸ Minutes of Ordinary Municipal Meeting, May 6 1873 See also:
Mayor's Minute, July 31, 1875

¹³⁹ Mayor's Minute, July 31, 1878

¹⁴⁰ Minutes of Ordinary Municipal Meeting, October 7 1879

The whole outlay to that date amounted to £1178. 15s. 11d.¹⁴¹
 The Natal Mercury informed the public by advertisement that the water from the fountain could be used for all purposes "with every safety as regards wholesomeness".¹⁴²

(iii) Fire protection and lighting

Since the earliest days of mankind, fire has been both a friend and a foe. Modern civilization would have been impossible had man been unable to utilize fire, but while the advance of technology brought improved methods of fire protection, it also created new fire risks. Fire hazards in the Borough of Durban between 1854 and 1879 were not an uncommon sight and the new Durban Town Council was empowered by Clause 50 of Ordinance 1, 1854, "to take order for prevention of and extinguishing of fires and for that purpose to provide and keep fire engines with pipes and utensils".¹⁴³

The continuous effort to utilize the hours of darkness through the application of artificial illumination was also brought as a function to the doorstep of the Durban Town Council. Attention was at first only given to street lighting and in 1893 the Council for the first time adopted a comprehensive electric lighting scheme for Durban which entailed both street and residential lighting. Before this time oil lamps, candles and gas to a limited extent only, were used. At no time had one method completely replaced another.

(a) Fire protection

This function was only constructively carried into effect when the Durban Town Council purchased a fire engine of the hand-operating type from Messrs Muirhead, Findlay and Company in 1865.¹⁴⁴ The calamitous fires at Messrs Burnham's and Butcher's and at Messrs Blackwood, Cooper and Co.'s¹⁴⁵ which threatened the whole

¹⁴¹ Minutes of Ordinary Municipal Meeting, April 3, 1879. See also: Minutes of Ordinary Municipal Meeting, July 4, 1879

¹⁴² The Natal Mercantile Advertiser, Article, September 23, 1879 p.3, col. 1, 2

¹⁴³ Supplement to the Natal Mercury May 3, 1854, Proclamation, p.1 col. 1, 2

¹⁴⁴ Minutes of Special Municipal Meeting, June 3 $\frac{1}{2}$ 1865. See also: Mayor's Minute July 31, 1864 & Mayor's Minute, July 31, 1865

¹⁴⁵ See photo. Fire fighting before 1865 was undertaken by the military stationed in Durban who possessed a camp fire engine & the voluntary services rendered by the Durban Rifle Guard & others.

neighbourhood induced the Council to take this action.

The new fire engine was extensively used in fires occurring at Beach Grove at the end of West Street, at the steam mills of Messrs Peace, Blancy and Company in 1866,¹⁴⁶ at the East End of town in 1869 when the entire store of Mr Cooke was destroyed and at a fire at Messrs Craig and Company's store in West Street on the night of December 27, 1869.¹⁴⁷

Early in 187 $\frac{1}{2}$ Mr William Palmer, General Manager of Natal Permanent Building Loan and Investment Association, as Agent for the Royal Insurance Company, presented the Corporation with a new powerful fire engine. This was done on condition that the risks of his Company should receive first attention in all cases of fire.¹⁴⁸ Only one small fire occurred in Acutt Street in 1874 and it was confined to the wooden building in which it broke out. A charge of £5 was then made according to Law No. 19 of 1872 for the use of fire engines in all cases where they were required.¹⁴⁹ Fires also broke out at the Point and at the Eastern Vlei in 1876 but were both handled well by the Police who promptly brought the two fire engines to the spot.¹⁵⁰ No fires of any consequence occurred during the next three years.

Both engines operated as such that a water tank was kept filled during the fire by a bucket brigade of volunteers. The water was then withdrawn and ejected by means of a rudimentary hand-operated pump into a delivery hose. With the introduction of a 100 feet of suction hose in 1867 the first fire engine pump was equipped to feed from sources other than its own tank.¹⁵¹ A 100 feet of canvas delivery hose was also bought as the old hose proved to be defective in some parts.¹⁵²

The procedure followed at fires from 1871 onwards by both engines was that if the suction hose of the engine could be dropped into a well, the portable tank would not be used until the first supply of

¹⁴⁶ Minutes of Special Municipal Meeting, November 27 1866. See also Mayor's Minute, July 31, 1867

¹⁴⁷ Minutes of Ordinary Municipal Meeting, January 4, 1870

¹⁴⁸ Minutes of Special Municipal Meeting, April 12, 1870

¹⁴⁹ Mayor's Minute July 31, 1874: See also Laws and Bye-laws of Borough of Durban, 1898

¹⁵⁰ Minutes of Special Municipal Meeting, July 25, 1876

¹⁵¹ Mayor's Minute, July 31, 1867

¹⁵² Ibid

water failed. Also if the suction hose could not reach water in a well, it would be dropped into the portable tank. During 1872 the advisability of underground tanks for use at fires was discussed. The limited means at the disposal of the Council, however, prevented them from taking action in that direction for a long time to come.¹⁵³

New leather suction hose of 400 feet for the small engine and similar hose of 400 feet for the Royal Engine were fitted to both engines in 1877.¹⁵⁴

Ladders and other equipment such as buckets, spades, ironhooks, axes, rope, crowbars and lanterns were also fitted to both engines from 1870 onwards.¹⁵⁵

At first no real fire brigade existed in Durban. The military and volunteers from the Durban Rifle Guard and others usually rushed to the scene with the available equipment. From 1865 the Police was instructed by the Durban Town Council to carry out the work of extinguishing fires.¹⁵⁶ During 1869 the Superintendent of Police was authorized to make arrangements for the organization of a fire brigade. He was instructed to organize this fire brigade with the Police and Town gang and practise them with the fire engine at least once a month.¹⁵⁷

The gift of the Royal fire engine by Mr W. Palmer in 1870, was handed over to the charge of the newly formed Durban Volunteer Artillery fire brigade, subject to the pleasure of the Council. An annual grant of £50 was made by the Corporation to the fire brigade to purchase uniforms, etc., for as long as the fire engine was in their charge and the duties appertaining thereto, were carried out satisfactorily. The small fire engine was still to be worked by the Police and Town gang under the Superintendent of Police.¹⁵⁸ The first real separate fire brigade was thus formed in 1870.

¹⁵³ Mayor's Minute July 31, 1872

¹⁵⁴ Mayor's Minute July 31, 1876. See also: Mayor's Minute July 31, 1877

¹⁵⁵ Minutes of Ordinary Municipal Meeting, August 2 1870. See also: Mayor's Minute, July 31 1870 & Mayor's Minute July 31 1871

¹⁵⁶ Minutes of Special Municipal Meeting June 30, 1865.

¹⁵⁷ Minutes of Adjourned Municipal Meeting, Sept. 2 1869, See also: Minutes of Ordinary Municipal Meeting, March 1 1870

¹⁵⁸ Minutes of Ordinary Municipal Meeting, August 2 1870. See also: Mayor's Minute, July 31, 1870

By 1871 a code of regulations was drawn up to be used as a fire drill by the fire brigade at fires. The alarm of fire would be sounded by the quick ringing of the Police station bell.¹⁵⁹ On the alarm of fire, the officer in command immediately proceeded to the fire to reconnoitre so that on the arrival of the engine its powers could be directed in the most efficient manner. Every other member of the Corps, distinguished by a white handkerchief fastened round the left arm on an alarm, whether continuous or of a short duration, proceeded with the greatest promptitude to the Police station, and there fell in under the command of the senior officer present in detachments, as in gun drill. The Foreman's duty consisted in seeing that the engine, portable tank, buckets, rope, ladders axes, fire-hooks, crow-bars and lanterns, were at all times ready for use, and that in the hurry of an alarm, nothing was left behind. On the arrival of the engine at the fire, he at once removed one or more planks from the covering of the nearest wall, so that the suction hose could be dropped into the water if found advisable. The Engineer's duty consisted in holding the branch pipe, and in giving orders for such number of lengths of hose as were required, as well as in projecting the stream of water in the most advantageous manner. Number 1 detachment (with what assistance could be rendered by other detachments, and might be required) prevented it turning round and unfastened the clip which kept the handles in a horizontal position before the engine began working. A supply of water being obtained, number 1 detachment attended to the suction hose. The remaining numbers of the first detachment had to assist in pumping until relieved and told off for other work, such as rescuing property, pulling down buildings, bringing up the second engine, etc. Number 2 detachment brought up from the station the portable tank containing buckets or more ladders. If the suction hose of the engine could be dropped into a well, the portable tank was not required until the first supply of water failed. If the suction hose could not reach water in a well, it was dropped into the portable

¹⁵⁹ Mayor's Minute, July 31, 1871. The custom of ringing a bell to order the extinguishing of heating fires and candles for the night can be traced back to the days of Alfred the Great. See Encyclopaedia Britannica, Vol. 9 (23 vol.) pp. 303 - 313.

tank, which was the duty of number 2 detachment to keep supplied with water and in certain cases by means of a lane to be marshalled of Natives and others to work. Two Foremen working together with a short rope could with security enter places in which, without this precaution, there would be danger. Rooms, when on fire, were always entered on all fours - the jet pipe, if possible, so used that the water was thrown where the fire was burning. All the windows and doors of a house on fire were closed to prevent currents of air. In cases of fire in wooden buildings, the first object was to prevent the adjoining buildings from catching fire, by the use of damped blankets. The most strict attention and silence were preserved in the ranks.¹⁶⁰

During the three years of the existence of the Durban Volunteer Artillery fire brigade, only two fires were attended to and during one year at least, twelve such fire drills were called out as practise. Unfortunately, the fire brigade resigned in 1873 and it was handed over to the Police force under control of Superintendent of Police, Mr Maxwell at first and later Mr R.C. Alexander. He was instructed to consult with any Councillor for advice how to act, should he so require. Both the fire engines were kept at the police station ready for use.¹⁶¹

The Mayor could only report in 1876 that a resolution for the formation of a new fire brigade was under way. A Committee had been appointed to confer with Captain McNeil of the Durban Volunteer Artillery.¹⁶² This whole matter was, however, left in abeyance till well after 1879 and the Police force remained the only active fire brigade available.

Various British insurance company branches were established in early Durban.¹⁶³ The first correspondence of this nature took place between the Durban Town Council and these companies as

¹⁶⁰ Mayor's Minutes July 31, 1871

¹⁶¹ See photo. Minutes of Special Municipal Meeting, June 26, 1873.
See also : Mayor's Minute July 31, 1873

¹⁶² Mayor's Minute, July 31, 1876

¹⁶³ Fire insurance evolved in England in the 17th century. Until then anyone suffering loss by fire was dependent on charity or the assistance of members of his guild to recoup his loss. During the 18th century fire offices were formed all over the country and at the same time fire insurance companies were organized in other parts of the world. See Encyclopaedia Britannica, op. cit. ., pp 303-313

early as 1864. This correspondence led to the purchasing of the first fire engine by the Council in 1865.¹⁶⁴ The insurance companies, however, neither kept this fire engine in repair, nor worked it in all cases of fire. This remained the sole responsibility of the Council.

The second correspondence of this nature took place in 1869 and 70 respectively between Mr William Palmer, Agent for the Royal Insurance Company and the Durban Town Council. This so happened when the Royal fire engine was sent out by the Imperial and Royal Insurance Company from England for the use of the town of Durban.¹⁶⁵

A meeting of the Agents of Insurance Companies, with the Councillors, the Captain of the brigade and Superintendent of Police, was recorded to have been held in 1872 at which the question of water supply for the fire engines was considered. The construction of underground tanks to be supplied from public and other buildings, met with general approval, but the limited means at the disposal of the Council, prevented them taking action in that direction.¹⁶⁶

Nothing further are mentioned in the records on the insurance companies in the covered period up to 1879. One can assume though, that the Royal and Imperial Insurance Company, responsible for the gift of a fire engine to the Corporation was given preference at all fires handled by the Town Council from 1870 onwards.

Fire protection in the Borough of Durban was thus only started by the Durban Town Council in 1865, although empowered to do so officially already in 1854. The first small fire engine, purchased in 1865 was continuously operated by the Police and the larger engine acquired in 1870, by the first individually established fire brigade for the following three years. After the resignation of the latter in 1873, the Police handled both fire engines in all cases of fire and became the unrecognized fire brigade till well after 1879. Insurance of property in case of fire only became widely utilized from 1870 onwards in Durban. Unfortunately

¹⁶⁴ Mayor's Minute, July 31, 1865

¹⁶⁵ Minutes of Adjourned Municipal Meeting, September 2, 1869. See also: Minutes of Adjourned Municipal Meeting, September 23, 1869.

¹⁶⁶ Mayor's Minute, July 31, 1872.

no detailed description of this kind of insurance was recorded in the Council Minutes.

(b) Borough lighting

In the historical development of artificial illumination in early Durban between 1854 and 1879 oil lamps, candles and gas to a limited extent only were used. The specific artificial lighting applications were residential and street lighting. Burgesses saw to their own needs for residential lighting, whereas the Durban Town Council carried out the task of street lighting. An overall gaslighting system for residential and street purposes put forward by a London Company in 1877 at a cost of 17s. 6d. per 1000 cubic feet was, however, not entertained by the Durban Town Council. This was due to the cost involved for such an outlay. It was only in 1893, as mentioned before, that the Town Council adopted a comprehensive electric lighting scheme for Durban.

Street Lighting

The Durban Town Council undertook street lighting for the first time in 1861¹⁶⁷ as it then became important for pedestrians to have sufficient light by night in the streets of the town. Oil lamps, a device with an oil reservoir and a wick that gives light as it burns, were mounted on lamp posts and extensively used during this period. Twenty-five locally made street lamps were at first erected at such places in the Borough as the Town Committee saw fit.¹⁶⁸ The placing of these lamps is only vaguely recorded in the Minutes, but elsewhere specific locations are mentioned now and then. One can, however, assume that these friendly beacons were at first placed in the central East End of town where the hub of activity was in those days.

A supply of sixty lamps with iron posts, twenty burners and twelve street lanterns arrived from England early in 1864 and a further distribution took place.¹⁶⁹ The Town Surveyor had to erect a new street lamp at the Town Office and another at the Station House. One of these lamps was also erected at the Point.¹⁷⁰

¹⁶⁷ Mayor's Minute, July 31, 1861

¹⁶⁸ Minutes of Special Municipal Meeting, March 20, 1861

¹⁶⁹ Minutes of Special Municipal Meeting, June 29, 1863

¹⁷⁰ Mayor's Minute July 31 1863. See also: Minutes of Special Municipal Meeting, August 16 1864 & Minutes of Special Municipal Meeting August 30 1864.

Mr W. Hartley, late in 1864, appealed to Council to erect a lamp in front of the Durban Bank. This was agreed to on condition that Mr Hartley erect the framework and further agree to the conditions involving the lighting and cleaning of street lamps, to which he readily agreed.¹⁷¹

A further number of eighty lamps arrived from England in 1865 as the Town Committee decided to continue adding more lamps until the street lighting was properly organized. Sites for distribution were numbered, 1, 2, 3, 4 and 10. No further details were given where these sites were and one can only assume that it could have been Blocks 1, 2, 3, 4 and 10 mentioned in the central East End area. Two lamps were also placed near the bridge at Cato's Creek, one at the West End of the Western Vlei Bridge and one at the centre gate of the Town Gardens in West Street.¹⁷² At the request of the Postmaster, Mr P.J. Coakes, a lamp was erected in front of the Post Office for the convenience of the public in 1866.¹⁷³

A lamp was affixed to the front verandah of the Public Buildings in 1870 and fifteen more lamps were placed in West Street, doubling the number previously there, in 1874.¹⁷⁴ A further twenty ornamental posts with transparent round chimney lamps and Hink's duplex burners were received from England during 1876 and placed in different parts of the town. This brought the total number of street lamps in Durban, excluding lanterns, roughly up to 185 in 1876.¹⁷⁵ Two of these ornamental posts with bracket lamps were placed on the two West Street corners of the Market Square and three at the Point during 1877. A lamp was also placed on one of the pillars of the gates at the Railway crossing of the Pietermaritzburg Road at the entrance of the town.¹⁷⁶ These new street lamps were a marked improvement on the old ones.

Memorials were received by Council in 1878 from residents living along Musgrave Road in the Berea suburb and at Addington for an extension of street lighting to those suburbs.¹⁷⁷ This request was only granted in 1879 when a further seventy five lamps were

¹⁷¹ Minutes of Special Municipal Meeting, October 11, 1864

¹⁷² Minutes of Special Municipal Meeting, March 28, 1865. See also: Mayor's Minute, July 31, 1865

Minutes of Special Municipal Meeting, July 27, 1866

See photos. Minutes of Special Municipal Meeting, August 23, 1870

See also: Mayor's Minute, July 31, 1874

Mayor's Minute, July 31, 1876

Minutes of Ordinary Municipal Meeting June 7, 1877

Mayor's Minute, July 31, 1878.

ordered from England and on arrival in 1880 placed in these different localities.¹⁷⁸ This would have brought the total number of street lamps in Durban roughly up to 260 in 1880.

From July 27, 1861, the Town Council commenced the lighting of the streets after dark.¹⁷⁹ They continued with this practice until September 21, 1866. To economize, the lighting of streets was discontinued until October 4, 1867.¹⁸⁰ There were times in 1865 and 1876 when lamps beyond Cato's Creek and elsewhere were never lit due to a shortage of oil in stock. As soon as the shortage was overcome, however, matters were rectified. On moonlit nights the lamps were not lit either seeing that the moon provided sufficient light to pedestrians.¹⁸¹

The lamps were extinguished at ten o'clock sharp, although the lamp in front of the verandah of the Public Buildings was kept burning until daylight as the Natal Government carried the cost.¹⁸² In 1872 the Council adopted a proposal to extend the time of street lighting to twelve o'clock at night.¹⁸³ For several months during 1878 and 1879 lamps were kept burning all night as a precaution during the impending Zulu War. This however, was only a temporary measure.

The lighting and the cleaning of the lamps were at first contracted for. The first tender of a Mr Thomas Underwood was accepted at a £100 p.a. for lighting and £8.8s. p.a. for fuel per lamp. Mr Underwood undertook to start lighting, extinguishing and cleaning the lamps from July 27, 1861 onwards.¹⁸⁴ His contract was renewed till 1864 when Council adopted a resolution that four Indian lamplighters were to be employed instead. The necessary ladders and oil were purchased and the contract with Mr Underwood was cancelled. The street lamp at the Point had to be seen to by the Policeman on duty. He had to clean and light it after dark and extinguish it at the appointed hour.¹⁸⁵ When shortages in

¹⁷⁸ Minutes of Adjourned Municipal Meeting, Nov. 11, 1879

¹⁷⁹ Minutes of Special Municipal Meeting, July 25, 1861

¹⁸⁰ Minutes of Special Municipal Meeting, Sept. 7 1866. See also: Minutes of Ordinary Municipal Meeting, October 4, 1867

¹⁸¹ Minutes of Special Municipal Meeting August 29 1865. See also: Mayor's Minute, July 31 1876 & Mayor's Minute July 31, 1870

¹⁸² Minutes of Special Municipal Meeting August 23, 1870

¹⁸³ Mayor's Minute, July 31 1872. See also: Minutes of Special Municipal Meeting, August 27 1872.

¹⁸⁴ Minutes of Special Municipal Meeting, July 25 1861

¹⁸⁵ Minutes of Special Municipal Meeting Aug. 16, 1864

fuel stock occurred, such as in 1865 and 1876, lamplighters were requested not to light all the street lamps in town.¹⁸⁶ In 1865 matters regarding the lighting of the street lamps were placed under the supervision of the Superintendent of Police. He had to instruct the four Indians through his subordinates as to the correct time for lighting and cleaning the lamps in accordance with the regulations.¹⁸⁷ The Superintendent fulfilled this duty until 1879 when it became part of the functions of the Street-keeper.¹⁸⁸

In conclusion it can be said that artificial residential and street lighting in Durban up to 1879 consisted mainly of oil lamps and candles. Paraffin oil was imported in large quantities from England to supply the local market. The imported street lamps with duplex burners and transparent chimney tops proved by far superior to those locally made of tin. Even imported lamp posts were found to be more decorative and durable. Candles as such were home-made or bought from candlemakers in Durban and Pietermaritzburg. Gas lighting was used by a few residents in their homes, but was not entertained for overall lighting by the Durban Town Council, due to the great expense involved. Oil lamps and candles thus provided a romantic and atmospheric glow to early Durban homes and streets till 1894 when electricity was introduced for residential and street lighting by the Durban Town Council.

(iv) The Borough market and assizing

With the formation of the Durban Town Council by Ordinance 1, 1854, the Council was empowered to establish markets and to assize weights and measures. It also became legal for the Council to make bye-laws for the more efficient exercise of these powers. By such bye-laws any fine not exceeding five pounds could be imposed upon any law offenders. It is necessary to mention, however, that a market did exist in Durban in 1852 as its establishment was reported by Government Notice in the first edition of The Natal Mercury¹⁸⁹ in the same year. This market lasted little

¹⁸⁶ Minutes of Special Municipal Meeting, August 29, 1865. See also: Mayor's Minute, July 31, 1876

¹⁸⁷ Minutes of Special Municipal Meeting, January 10, 1865

¹⁸⁸ Minutes of Special Municipal Meeting, June 24, 1879

¹⁸⁹ The Natal Mercury, Notice, November 25, 1852. p. 1. col. 5

more than a year and was held every Saturday on the sandy flat set aside for the purpose and fronting Messrs Middleton and Company's premises with a Market Master. All sales were to be effected by English weights and measures and in English currency. This market did not prove to be very successful as many took their produce to Pietermaritzburg to ensure cash sales and to avoid the necessity of having to hawk their goods all over Durban, which was the case before 1852 and again after this market ceased to exist!¹⁹⁰

Borough market

The need of a Borough market in Durban was clearly expressed in The Natal Mercury¹⁹⁰ in 1855. The establishment of a market would put Durban on an equal footing with Pietermaritzburg as Durban would also become a place of business instead of remaining a mere depot. The inconvenient hassel of travelling the long distance to Pietermaritzburg would at the same time be removed.

Public notice was at long last given in The Natal Mercury¹⁹¹ during 1858 that a daily market would be held on Market Square¹⁹² for the sale of all kind of colonial produce. A Market Master was to be in attendance from nine to eleven a.m. and from two to three p.m. every day, except Sundays. This new Borough market was not well attended to and producers soon lost confidence in selling their produce there. The result was that the daily market ceased to be for some time to come.¹⁹³

The wattle fence round the Market Square was found in the meantime to be ineffectual. Council decided in May, 1862, to lay out the Southern portion of the Square between West and Smith Street as an Ornamental Garden. This Southern portion thus became known as the Town Gardens.¹⁹⁴

¹⁹⁰ The Natal Mercury, Letter to the Editor, July 18 1855 p.4 col.1

¹⁹¹ The Natal Mercury, Notice, January 28, 1858, p.2 col.3

¹⁹² See photos. Market Square was originally laid out in Durban in accordance with old Dutch custom of laying out a square in every village or township. This square was bounded by Smith Street, Pine Street, Gardiner Street and Aliwal Street. For years it was nothing but a sandy waste and no ornament to the Borough.

¹⁹³ The Natal Mercury, Article, February 18, 1858, p.5, col.5.

¹⁹⁴ See photos. Mr G. Seymour's plan was adopted & he was engaged to carry out the work. A brick wall & palisading was erected between 1862 and 1863 and trees & shrubs were planted at an expenditure of £1,147.12s.3d. This was the first public work of ornamental character undertaken by the Durban Town Council. See Minutes of Special Municipal Meeting, August 19, 1862.

Planters, farmers and others were, nevertheless, from 1863 allowed to offer any colonial or interior produce, livestock, wagons, carts, agricultural implements free of charge for sale on the Northern portion of the Market Square until the establishment of another Borough market was to be effected.¹⁹⁵

Market Regulations were early in 1867 adopted and sanctioned by the Lieutenant-Governor in terms of the 68th section of Law 21 of 1862.¹⁹⁶ The Borough market was re-opened in 1867 on a trial basis for six months with an appointed Market Master.¹⁹⁷

An early morning market was held each day except Sundays. After the six months elapsed, the Mayor reported the experiment a complete failure and it was accordingly abandoned.¹⁹⁸

Council framed a Code of Bye-laws in 1874 for a temporary produce market to be held in the Council Chamber fortnightly or weekly. Mr S.F. Beningfield was appointed temporarily as Market Master.¹⁹⁹ The whole venture was not successful and Council decided to erect a Market house the following year, as it was anticipated that with a conveniently arranged building, produce sales would be better supplied and better attended to by buyers. The new market building was designed by Mr Collins of the firm of Messrs Rolls & Collins and contracted for by Messrs Brunyee & Drew. Six per cent debentures of £4,000 were issued at par, repayable at the expiry of five years from the date of issue. The balance of £1000 of the sum required to complete the building was taken from the Public Improvement Account.²⁰⁰

On New Year's Day, 1876, the market house was opened by His Excellency, Sir Henry Bulwer, the Lieutenant-Governor. The daily and morning market were successfully headed by Mr J.B. Cottam as Market Master. The building comprised of a market hall and sixteen stalls, which were leased by public auction. Comprehensive Bye-laws for the conduct of the market generally were passed by the Council, and received the sanction of the Lieutenant-Governor.

¹⁹⁵ Minutes of Special Municipal Meeting, August 25, 1863
¹⁹⁶ Minutes of Special Municipal Meeting, February 19, 1867
¹⁹⁷ Minutes of Special Municipal Meeting, February 26, 1867
¹⁹⁸ Mayor's Minute, July 1867. See also: Mayor's Minute, July 1868.
¹⁹⁹ Mayor's Minute, July 1874
²⁰⁰ Mayor's Minute, July 1875

It also provided for the leasing of such portions of the Market Square to Auctioneers and others as the Council saw fit.²⁰¹ The new market did exceedingly well in adding to the gains of the producer and securing the profits of the dealer and at the same time revolutionizing trade in Durban.

Assizing

As the greatest number of settlers in Durban were British-born subjects in a British colony and who were used to the British standard of weights and measures, the British Imperial System in the assizement of weights and measures, was adopted by Council. This included such basic units as the yard, the pound and the gallon. The development of these duties were slow but were greatly improved in the period between 1854 and 1879. Before this period the only legal weights and measures in use in Durban were Dutch and it may be imagined what conflicts of opinion arose between buyers and sellers, when 92 lbs. Dutch equalled 100 lbs. English, and 24 Dutch liquid gallons only ran to 20 Imperial - the measure being identical with the old Winchester or present American gallon.²⁰² Machine scales were mistrusted and not yet generally used. The old-fashioned beam scales, slung from poles or iron standard were being used both for counter or yard work. They were rather tricky to handle with their double sets of heavy cast iron weights - Dutch lbs. and British cwts. In close trade with wool, butter and ivory the difference between the real and the apparent was not always in favour of the Dutch. The Dutch trade, however, soon relegated itself to Pietermaritzburg where a regular market was established. This market continued with the double standard of assizing and drew many customers from Durban as no real market existed here yet.

The "Queen's Shilling" held a great fascination, while British gold was historical before the wars of Napoleon. Although nothing but British coin had been in circulation in the Cape Colony since 1806, the Dutch continued to compute their money in rixdollars, skelling and stuivers - their values being one shilling and sixpence, twopence farthing, and one and a half farthings respectively.

²⁰¹ See photos. Mayor's Minute, July 1876 - 1879. See also Minutes of Special Municipal Meeting, February 24, 1876

²⁰² George Russell, History of Old Durban, pp. 114 - 115.

(Six stuivers to the skelling, eight skellings to one rixdollar). Up to 1850 still, the Dutch in Natal imposed rates, taxes and fines on the basis of the rixdollar, but took payment in British currency.

A copy of an advertisement from The Natal Witness in 1847 illustrate prices and currency as follows :

For Sale at the stores of G.C. Cato (in Durban)

Rice, 16	Rixdollars	per	Bag
Meal, 30	"	"	Muid
Flour, 25	"	"	Bag
Sugar, 20	"	"	100 lbs.
Liverpool Salt, 7	Rixdollars	per	Bag. ²⁰³

For the benefit of inhabitants of Durban, one can assume that this same advertisement would read all in The Natal Mercury in the British currency.

The power of assizing weights and measures as laid down by Ordinance 1, 1854, was for the first time brought forward in Council in October, 1855.²⁰⁴ British Weights and Measures for general use were from 1857²⁰⁵ ordered by Council from England. Although British currency and the British standard for assizing and equipment was thus immediately used by the Town Council, it was only in 1872 that it was officially stated as Bye-law No. 70 under Law 19 of 1872 that the British standard of weights and measures be the adopted system.²⁰⁶

The control of weights and measures in the Durban Borough, was locally administered by the Town Council. The Assizing Committee regulated the denominations of weights and measures permissible for use. They approved types of weighing and measuring devices as not being liable to facilitate fraud, and promulgated regulations for the guidance of the appointed Town Assizer.²⁰⁷

²⁰³ Ibid

²⁰⁴ Minutes of Adjourned Municipal Meeting, October 12, 1855

²⁰⁵ Minutes of Special Municipal Meeting, June 14, 1858

²⁰⁶ Mayor's Minute, July 31, 1872

²⁰⁷ Minutes of Adjourned Municipal Meeting, September 29, 1858

The first Town Assizer, Mr Kermode, was appointed by Council in 1858²⁰⁸ and from 1861 the Town Clerk took over the duties.²⁰⁹ The permanent appointment of Inspectors to follow the regulations prescribing the methods for testing weights and measures, and a conveniently situated office fitted with all the necessary equipment were only introduced after 1879.

Minutes of Special Municipal Meeting, June 26, 1858.
Minutes of Adjourned Municipal Meeting, January 16, 1861.
see also: Mayor's Minute, July 31, 1863

B. PUBLIC HEALTH

Man is born to thrive with pure air to breathe, pure water to drink, and a pure soil to live on. The impurities which tend to render air, water and soil unfavourable for his best development are the produce of his own life. The removal of the source of impurity must be effected by his own act. Certain diseases to which he is subject, and which tend to spread through the race by contagion or infection, is within his power to control. Some ailments which are not fatal and which are not communicable are also due to conditions which he may change. The carrying out of the removal of these health hazards beneficially and markedly improve the health conditions of towns.

The Durban Town Council, since its inauguration in 1854, were not unmindful of the responsibility which rested upon them as guardians of the public health. Keeping this in view, they bestowed much anxious attention to the subject of sanitary reform, endeavouring to guard by all means in their power against epidemic. There were, no doubt, matters with which the Council were not fully able to cope with, but the subject was a vast one, involving constant attention, besides the bestowal of much arduous labour properly to initiate and carry out from time to time, the measures requisite to place the Borough in anything like a satisfactory condition healthwise.

These measures adopted by the Durban Town Council, were the regular removal of night soil and refuse, the abatement of various nuisances, general medical planning, recreation, provision made for Slaughter Houses, cemeteries and keeping record of Borough census.

(i) The removal of night soilPlace of deposit

At an adjourned Meeting of Council held on September 19, 1855, it was decided that in terms of the 24th section of the Bye-laws just then formulated, that the site for depositing night soil would be that portion of the Western Vlei situated at the Bay-side of the slaughter houses.¹ By this was meant the lower part of the

¹ Minutes of Adjourned Municipal Meeting, September 19, 1855

Congella. The Town Committee were accordingly instructed to inform the Resident Magistrate of the spot appointed by Council for the deposit of night soil. He was at the same time requested to give orders to the effect that the night soil from the Gaol be immediately buried at this portion of the Congella.²

Another meeting held in 1863, made provision not only for the lower Congella as a place for depositing night soil, but the mouth of the Umgeni or outside boundaries of the Town Lands as well at the option of the Contractor. If it was to be in the Borough, the Council was to fix the place or places. Council confirmed in 1864 that two acres of land had been set aside in the neighbourhood of the Congella near the leased lots 1, 2, 3 and 4 and two acres on the piece of land formerly known as "Downe's Brickyard" in Umgeni Road for the deposit of night soil. Any other place outside the boundaries of the Town Lands was still left to the Contractor to decide on.³ It seems, however, that these fixed places by Council, only remained the spots for the deposit of night soil till 1875. The hide-curing premises of Messrs Ballance & Goodliffe on the Eastern Vlei was then purchased at a cost of £250. This was done in view of forming a depot for the deposit of night soil and other refuse from the town. Also as a place where such matter might be manufactured into pondrette or portable manure. The other two places for deposit of night soil were now no longer used.⁴

Appointment of a Contractor

Tenders were called for the removal of night soil, which had to be sent in to the Town Office on or before the 16th June, 1864. The specification read as follows : (1) The Contractor had to remove the night soil from the premises of each Householder in the town at least once a month. (2) The Contractor had to deposit the night soil at either or both of the places appointed by Council,

² Minutes of Ordinary Municipal Meeting, April 7th, 1858

³ Minutes of Special Municipal Meeting, April 26, 1864

⁴ Mayor's Minute, July 31st 1875.

viz, in the neighbourhood of the lower Congella or Umgeni or outside the boundaries of the Town Lands at the option of the Contractor. (3) The night soil was to be the property of the Contractor. (4) The contract was to exist for a period of not less than three and not more than five years. Tenders were to state the price for each term. (5) The Contractor had to use means to prevent the night soil from becoming a nuisance to the neighbourhood by offensive smell or otherwise. He had to state in his tender by what means he intended in doing so. (6) Each Householder in the first instance had to supply as per sample the night soil box in accordance with the 65 section of the General Bye-laws. The Contractor had to furnish such number of duplicate soil boxes as might be required to effect the periodical removal. He had to keep all the boxes in good repair and when worn out, supply new ones to keep up the required number of duplicates and others for the period of the contract. (7) The Contractor had to find all the necessary plant for the removal of the night soil. (8) The Contractor had to state upon what terms he would undertake the contract in terms of the fourth section of that specification. (9) Payment would be made each month at the Ordinary Meeting of Council on the voucher duly certified by the Inspector of Nuisances or other person authorised by the Council. (10) The Contractor would have to find two securities in the sum of £250 each for the due fulfilment of the contract. In the event of the Contractor failing to carry out the contract for a period of one week, the Council would have power to use such means for the removal of the soil as to them might seem expedient. Any expenses so incurred, would be deducted from the Contractor's monthly payment. (11) The contract was to commence not less than two, or more than three months after acceptance of the tender at the option of the applicant, provided he gave a month's notice prior to commencing. (12) The Council would have the power to modify the contract from time to time, the same to be settled by the appraisement - the price being lowered or increased as the case might be. (13) The Corporation was not obliged to accept the lowest or any tender. (14) The plans and specification adopted by the Town Council could be seen

at the Town Office any day during office hours. It was further stated that the removal of night soil were not to take place at once. The houses in each ward or street were to be taken in rotation, commencing each night at the house next to the one at which they left off the previous night. The night cart was to be allowed in the streets between the hours of 10 p.m. and sunrise.⁵

The tender of Mr Brunton was eventually accepted as Contractor.⁶ This contract was for a period of three years at a payment of £600 p.a. This highly important measure came into operation on the 1st October, 1864.⁷

After the three years contract had expired, Mr Christopher Swales was appointed. He was to be paid £325 for three years and £360 for five years p.a.⁸ The contract now included the native privies, which had previously been contracted for separately at an annual cost of £324. A saving of £312 p.a. was hereby effected by Council.⁹ Mr Swales only served Council for three years, the tender of Mr William Collingham being accepted in 1870 to perform this service.¹⁰ At the end of the Municipal Year of 1871, the Mayor had to report that the contract by Mr W. Collingham had not been carried out effectively. This was attributed to the serious loss of cattle the Contractor had sustained. In addition to the contract price of £400 p.a., the Council had supplied Mr Collingham with eighteen new boxes and 2439 feet of planking for the construction and repairs of boxes at a total cost of £35.12s.6d.¹¹ In consequence of this expense and the Contractor not carrying out his contract effectively, Mr C. Swales was again employed at contract price to effect the removal of night soil.¹² After a period of five years, this contract with Mr Swales was abandoned. Immediate adoption and commencement of the proposed pail system for the removal of soil was introduced in 1875.¹³ From this period onwards the Town Council took sole responsibility for the removal of night soil. They purchased carts, horses, pails and employed

⁵ Minutes of Special Municipal Meeting, April 26, 1864

⁶ Minutes of Special Municipal Meeting, July 5th, 1864

⁷ Mayor's Minute, August 1st 1864

⁸ Minutes of Special Municipal Meeting, September 24, 1867

⁹ Minutes of Ordinary Municipal Meeting, October 4 1867

¹⁰ Minutes of Ordinary Municipal Meeting, October 4 1870

¹¹ Mayor's Minute, July 31, 1871

¹² Minutes of Ordinary Municipal Meeting, October 3, 1871

¹³ Minutes of Ordinary Municipal Meeting, October 5, 1875

Indians to do the work. The Inspector of Nuisances and Superintendent of Police were in turn authorised to supervise the proceedings.

The use of soil boxes

The removal of night soil as mentioned before came into operation on the 1st October 1864. Householders, beforehand, had to provide themselves with the proper boxes as per sample in accordance with the 65th section of the general bye-laws. The appointed Contractor had to furnish such number of duplicate soil boxes as might be required. He had also to keep these in good repair and supply new ones when the others were worn out.¹⁴

The first tender of Mr Edward Blackhurst for the construction of the night soil boxes was withdrawn. Council then agreed to the tender of Mr D. Cronnik being accepted for the construction of 100 boxes at £1 per box.¹⁵ An advertisement was accordingly placed in the papers, informing the public that the boxes could be obtained from the Contractor on and after the 1st proximo at £1 payable on delivery.¹⁶ Councillor Knox appointed a Committee to confer with the Contractor for making boxes with the view to having them pitched inside if necessary. Such pitching was to be done after the box was passed by the Contractor. An advertisement was inserted in the paper informing the Burgesses that all night soil boxes had to be passed by the Contractor for the removal of night soil and that boxes not made by the Contractor, be left at the Police Station some day before the 28th instant.¹⁷

After these necessary preparations had taken on a satisfactory basis, the removal of night soil was introduced late in 1864. Complaints soon reached Council that the removal of night soil only once a month was not enough. The Contractor, Mr Walter Brunton, informed Council by letter that the only way to obviate the difficulty complained of, was to remove the boxes more often. He was willing to do so conditionally on being paid by the Council for such extra work, to which they agreed. He further suggested

¹⁴ Minutes of Special Municipal Meeting, April 26, 1864
¹⁵ Minutes of Special Municipal Meeting, August 9, 1864
¹⁶ Minutes of Special Municipal Meeting, August 18, 1864
¹⁷ Minutes of Special Municipal Meeting, September 6, 1864.

That the Inspector of Nuisances furnish him with the number of houses that would require their boxes to be emptied more than once a month. This was to be done.¹⁸ A closing list of persons was shortly afterwards received from the Streetkeeper of those people who required their night soil boxes to be removed twice a month. The Contractor was then requested to comply with their wishes.¹⁹

Conveniences were also erected for the Natives with the necessary soil boxes. A separate contract was again entered upon with Mr H.J. Rowlands for emptying the Native soil boxes and was each time it expired, renewed.²¹

After the soil boxes had been in use for three years, Mr Simpson, late Inspector of Nuisances, was instructed by Council to inspect all the soil boxes in use prior to the termination of the present contract. He had to report to the Council in what state of repair they were in and in the event of his acceding thereto, he be paid on the completion of such service, the sum of £5.5s.0d.²² This was accordingly done by the Inspector of Nuisances.

At this stage a request came that the night soil be also removed from Government Buildings. By October 1867, the Colonial Engineer informed Council that the necessary soil boxes had been provided for by the Natal Government. Also that the buildings requiring the attention of the Contractor would be the Government school and Public buildings after the 24th October instant.²³ This was complied with by Council from that date onwards.

The Treasurer's Balance Sheet for the year 1868 came to £405.10s.6d for the removal of night soil as paid per contract with repairs to boxes, new boxes and inspection of boxes.²⁴ The Treasurer's Balance Sheet for the year 1869, came to £636.0s.0d. for the removal of night soil as per contract.²⁵ This showed a marked increase in expenses for this service rendered to the public.

¹⁸ Minutes of Ordinary Municipal Meeting, March 7 1866

¹⁹ Minutes of Special Municipal Meeting, March 20, 1866

²⁰ Mayor's Minute, August 1, 1864

²¹ Minutes of Special Municipal Meeting, September 11, 1866

²² Minutes of Ordinary Municipal Meeting, September 3, 1867

²³ Minutes of Ordinary Municipal Meeting, October 4, 1867

²⁴ Mayor's Minute, July 31, 1868

²⁵ Minutes of Special Municipal Meeting, October 26, 1869

Mr Simpson, the Inspector of Nuisances then reported that the number of soil boxes in use, was 469. The Superintendent of Police reported on October 17, 1869, that the number then in use was 532, being an increase of 63 boxes. He suggested that an offer of £26 be made on the present contract price of £324 p.a. to Mr Swales, the Contractor so that the expense of arbitration be avoided.²⁶ This was gratefully accepted by Mr C. Swales, then receiving £324 p.a.²⁷

The new Contractor, Mr W. Collingham, appointed in October 1870 for the removal of night soil, did not carry the work out as effectively as Mr Swales had done. In addition to the new contract price of £400 p.a., the Council had to supply Mr Collingham with 18 new boxes and 2,439 feet of planking for the construction and repairs of boxes at a total cost of £35.12s.6d²⁸ The result was that Mr C. Swales was again employed at the new contract price to effect the removal.²⁹ He remained in this position till the new pail system was introduced in 1875.³⁰

It is not surprising to note that the use of wooden soil boxes did not answer so effectively to the purpose of health for which they were intended to do. In this respect the use of iron pails with lids covering them and their more frequent removal proved to be much more successful.

The use of pails

As early as 1872, hope was expressed by the Mayor in office, that a better system for the removal of night soil from the Borough would be adopted.³¹ As a measure of this kind requires a large initial outlay, some time had to elapse before it was brought into practice. Pails were made as an experiment and used in the privy attached to the Town Office with every other day removal.

²⁶ Ibid

²⁷ Minutes of Special Municipal Meeting, November 16, 1869

²⁸ Mayor's Minute, July 31st 1871

²⁹ Minutes of Ordinary Municipal Meeting, October 3, 1871

³⁰ Minutes of Ordinary Municipal Meeting, October 5, 1875

³¹ Mayor's Minute, July 31st, 1872.

This proved to be highly successful. A similar system had been introduced in Port Louis in February 1874 with very satisfactory results. Another point in favour of the pail system was the more frequent removal of the pails by night and by day. Matter could thus be collected before the pails were over full. These brief points convinced the Mayor in office in 1874 that the pail system would be the answer to the difficulties experienced with the saturated and often leaky conditions of the soil boxes.³²

Immediate adoption and the commencement of the proposed pail system was introduced in October 1875.³³ A Mr Coutts was appointed to superintend the night soil depot at a salary of £144 payable monthly.³⁴ Comprehensive Bye-laws were also passed to regulate this very important sanitary matter. A thousand galvinised iron pails ordered from Wolverhampton, stood ready for use when tarred inside. A pattern night soil cart had been made, which it was believed, would answer the intended purpose. Five others required, were shortly afterwards built. The hide curing premises of Messrs Ballance & Goodliffe on the Eastern Vlei had been purchased at a cost of £250. This was done in view of forming a depot for the deposit of night soil and other refuse from the town and as a place where such could be manufactured into pondorette or portable manure. Permission had been received from the War Department authorities to lay a tramway from the town to the depot over Ordnance Land, skirting the Umgeni Railway Line.³⁵ This was soon commenced with and completed in 1876. One horse was used for working the tramway. By then the sale of manure became very profitable,³⁶ which, however, only lasted for a short while.³⁷

The thousand iron pails of a uniform shape and size, japanned inside and outside with coal tar and fitted with shifting handles and tight fitting lids, were soon put to good use. The seat of each privy had by now been made to open. The town of Durban was divided into two districts. All the nails in use were removed from each district every other day in the following manner: A thoroughly clean pail and lid was brought to each privy, the lid was taken off and placed upon the pail to be removed, which pail was then

³² Mayor's Minute, July 31, 1874

³³ Minutes of Ordinary Municipal Meeting, October 5 1875

³⁴ Minutes of Ordinary Municipal Meeting, January 6, 1876

³⁵ Mayor's Minute, July 31st 1875

³⁶ Minutes of Special Municipal Meeting, September 19, 1876

³⁷ The Natal Mercury, May 7, 1879, Article p.3, col. 3

replaced by the clean one. The removed pail was then placed in the collecting carts in the streets for removal out of town. Twenty-one Indians were employed to collect the pails in approximately four hours. The remainder of their day's work was required at the depot. Eleven Indians and a European were put in charge of the depot and the cost of working this establishment came to £35 per month. A charge of sixpence per month was made for the removal of one pail and a like sum for each additional pail to be collected by the Inspector of Nuisances. These taxes were, however, never collected during the first year due to the expense of collection.

Amongst the chief advantages of this system was an improved state of public health. The town was no longer soaked with impurity through leaking or overfilled boxes. It was relieved from the abominable exhalations arising from the decomposition of the contents by a more cleanly mode of removal at less cost and a power to limit the spread of infection arising from the faeces of fever or choleraic patients. It was left to every Householder to provide one or more pails according to the requirements of their establishment. Tribute was paid to Mr Councillor H. Currie for his recommendations on the night pail system which was put to such good use by the Council.³⁸

In the course of 1876, the practice of disinfecting the night soil pails with the Government Disinfectant was commenced with.³⁹ Two additional Indians to the twenty-one already employed, were engaged during 1877 with an increased pay for the removal of soil from the properties of Ratepayers at the Point and Cato's Creek. Their wages came to a total cost of £43.8s per month. A reliable Overseer was appointed by the Inspector of Nuisances, Mr Ellis, after the dismissal of the previous one. He was to superintend the collection of pails.⁴⁰ With the above staff the night soil was removed from the town, Creek and Point every 48 hours and clean pails left in place of the ones removed. This removal commenced at

³⁸ Mayor's Minute, July 1875. See also: Mayor's Minute July 31, 1876
³⁹ Minutes of Special Municipal Meeting, August 29, 1876
⁴⁰ Minutes of Special Municipal Meeting, April 24, 1877

daybreak with hand-barrows used instead of the carts used during the night as before. Although the system of removal occupied them till nearly 11 a.m., it had every advantage over the night system in preventing many irregularities. The Superintendent of Police, Mr Alexander, was put in charge of supervising the proceedings, instead of the Inspector of Nuisances.⁴¹ By 1878 the salary of the Superintendent of Police was fixed at £300 p.a. with a free house. The position of Inspector of Nuisances was advertised at a salary of £250 p.a. after the resignation of Mr Ellis.⁴² Out of 77 applicants a Mr J.W. Fritchley was eventually appointed. By this appointment the Superintendent of Police, hitherto holding the office, was relieved of this section of work. This proved to be a desirable change as his other duties demanded his full attention.⁴³

At this stage 500 more pails were ordered from England to meet the requirements.⁴⁴ The Natal Mercury reported as late as May 1879, that the continuation of the pail system for the removal of night soil, was beyond doubt a perfect one if carried out properly, and so far gave satisfaction. It felt, however, that the deposit of fecal matter and town refuse at the depot demanded most serious attention. The Council had, to their knowledge, ordered more of the Government Disinfectant which would also be distributed for use of the Inhabitants.⁴⁵

The Mayor could also at the end of the Municipal Year of 1879, report that the new pail system was found to be in perfect working order with scarcely a complaint. The greatest relief was felt everywhere in town under the present system which cost the Corporation very little more than under the old contract, although there were ten nearly double the number of dwellings to attend to. Apart from pails ordered from England, some were also locally made in Durban. All pails in use were japanned twice a month with a coating of tar and asphalte, each pail being rinsed with a disinfecting fluid before leaving the depot. The pail system for the removal of night soil continued to work well for many years after 1879.⁴⁶

⁴¹ Mayor's Minute, July 31st 1877

⁴² Minutes of Adjourned Municipal Meeting, September 4 1878

⁴³ Mayor's Minute, July 31st 1878

⁴⁴ Minutes of Ordinary Municipal Meeting, December 3 1878

⁴⁵ The Natal Mercury, May 7, 1879, Article, p.3, col. 3

⁴⁶ Mayor's Minute, July 31st 1879

The deodorization of night soil

As early as 1865 Council decided that the Mayor must ascertain from the Mayor of Port Louis, Mauritius, what process was used by their Municipality for deodorizing the night soil both in the privies, as well as at the place or places of general deposit.⁴⁷ In reply the Mayor of Port Louis informed the Council that he had accredited to the Corporation a gentleman, a Mr le Roy, who would be happy to give the Corporation every information on the subject. A Committee of the Council accordingly met at the Town Office on the 21st instant and Mr le Roy was invited to attend.⁴⁸ At this meeting Mr le Roy attempted to persuade the Council to adopt the deodorizing system used in Mauritius. Instead of accepting Mr le Roy's patent, Council, however, paid a Mr W. Crowder an allowance of £15 to cover his expenses for the construction of an apparatus to manufacture deodorizing matter. It was the opinion of Council that encouragement should rather be given to any measures taken in Durban itself to abate or destroy nuisances.⁴⁹ This deodorizing matter, however, was only used for a short while. By 1876, the Inspector of Nuisances advised Council to use the Government Disinfectant.⁵⁰ Sixty-four casks of McDougall's Disinfectant were accordingly purchased and proved to be of valuable assistance in the carrying out of sanitary measures in the town. Even the night soil and blood from the slaughter houses, worked through a sieve on to a cemented floor, were mixed together with a proportion of disinfectant powders. Eventually then came out as a healthy manure.⁵¹

For Householders it was even advised that wood ashed from the kitchen fire-place would make an excellent deodorizer. Council, nevertheless, kept purchasing large quantities of disinfecting fluid as well as Government Disinfectant Powder for drain service. They even ordered the Disinfectant Powder from England in small packets for easy distribution among the Burgesses of Durban.⁵³ It is obvious that the supply for deodorizing matter could, however, not always meet the ever increasing demand and shortages from time to time were felt everywhere.

⁴⁷ Minutes of Special Municipal Meeting, January 30 1865

⁴⁸ Minutes of Special Municipal Meeting, June 20, 1865

⁴⁹ Minutes of Ordinary Municipal Meeting, August 1, 1865

⁵⁰ Minutes of Special Municipal Meeting, August 29, 1876

⁵¹ Mayor's Minute, July 31st 1877

⁵² The Natal Mercury, Notice, August 21, 1878. p.5 col.3

⁵³ Mayor's Minute, July 31, 1879

The manufacture of night soil into manure

With the introduction of the night pail system in 1875, a piece of land on the Eastern Vlei was purchased to serve as a depot for the deposit of night soil. Tenders were invited from persons willing to purchase the house, stable refuse and night soil. The Corporation would deliver it daily at the depot. The tenderer had to be willing to manufacture it into a dry portable manure under any system which the Council might approve and which was not to become a nuisance. The refuse of the slaughter houses were also to become the property of the tenderer and had to be manipulated in some manner and under similar conditions. The Council also insisted that every Householder should provide one or more portable boxes according to their requirements, in which all house and stable refuse could be placed. In no case were these boxes or their contents, as was previously done, to be placed in the streets. The Corporation staff would call at least once a week at every house to empty the contents into a cart and to replace the boxes. The boxes were to be kept under cover to exclude the rain. This arrangement would prevent the uncleanly and filthy exhibitions which so frequently had disfigured the streets. It would promote public health and effect a saving of time both to Householders and the Corporation staff.⁵⁴

The Mayor, however, had to report at the end of the Municipal Year of 1876, that no tenders had been received from parties willing to enter into the manufacture and sale of manure from this source of supply. Seeing that there soon was to be an increasing demand on the coast for manure, the Mayor had no hesitation in recommending the incoming Council to take the manufacture into their own hands. He felt that it would eventually prove a very handsome source of revenue to the Borough. He had also been in communication with a Captain Liernur in the engineering service of Holland, who kindly furnished him with details of his ingenious pneumatic system. This was, however, altogether beyond the means of the Council. From other quarters advice had also been gained as to the best mode of converting refuse into portable manure.⁵⁵

⁵⁴ Minutes of Special Municipal Meeting, March 16, 1875

⁵⁵ Mayor's Minute, July 31, 1876

Eventually the distribution of manure was started in September 1876. Soon 1,271 sacks and 100 packets of manure amounting to 80 tons, were distributed. The Inspector of Nuisances advised Council that a charge should be made for the manure. This was considered by the Sanitary Committee⁵⁶ and Council eventually decided that as the cost of drying sheds at the night soil depot would be about £3,000, arrangements for the sale of manure must be made. The price was fixed at 30 shillings per ton for quantities delivered at either Railway Station and at a rate of 4 shillings per sack for small quantities at the depot. The Market Master was to offer 20 tons without reserve on the Saturday next, the 23rd September, 1876.⁵⁷ It was estimated that the house and stable refuse of the town, collected weekly, provided a quantity of valuable fertilizing matter, amounting to some eighteen loads daily. Up to that stage it had been wasted. Now it was manufactured together with the night refuse into a marketable manure.⁵⁸

By 1877 the Mayor reported that, owing to the great increase in population, the number of houses in town had also increased. Three dust carts were then constantly employed with a staff of eight Indians and seven horses in removing the house and stable refuse of the town. This was done under the superintendence of the Street Keeper. The whole procedure took nine hours and an average of twelve loads or about five tons refuse were taken to the depot. Council was of the opinion that double the amount would be removed as soon as Field Street could be hardened. The refuse would then be deposited at the Railway Crossing. From there it would be taken via the tramway to the depot, saving half the time and extra use of the Corporation horses. Under such arrangements the carts could visit all dwellings twice a week, instead of just once as was then the case. Hardening of Field Street up to the centre to a length of 1,300 feet and a width of 20 feet, was immediately proceeded with.

⁵⁶ Minutes of Ordinary Municipal Meeting, September 5, 1876

⁵⁷ Minutes of Special Municipal Meeting, September 19, 1876

⁵⁸ Mayor's Minute, July 31st 1876

The cost of working the night soil depot came to about £35 per month with eleven Indians and a European in charge with one horse for working the tramway. All the refuse brought here by the dust carts were at once burnt to ashes. These in turn were at once sieved and used as an absorbent for manufacturing the manure. The night soil and blood from the slaughter houses were worked through a sieve on to a cemented floor, which, together with a proportion of disinfectant powders, fixed the ammonia and thereby retained the full strength of the soil. The ashes from the refuse were then mixed with the soil and afterwards dried. This was done either in the open air or on the kiln. The manure then had the appearance of a dry black soil without much smell. The advantage gained by the above process over the first system used (never mentioned in the Minutes), was that it reduced the soil to the smallest possible bulk without weakening the original strength. A ton of this manure contained about 280 gallons of night soil and blood, 30 lbs. disinfectant powder and about one fifth ashes. It was about 15 times the strength of the manure formerly manufactured. At that stage there was 150 tons in stock and 60 tons per month could easily be manipulated. Its sale appeared to be increasing. The Mayor expressed the hope that with such a valuable fertiliser in the colony, the proceeds from such sales would before long, more than cover the expenses of preparation. An analysis of the manufactured manure was submitted by Dr Bonnar with valuable suggestions for its better utilisation. For the very satisfactory result attained in the work of the Sanitary Department under the pail system, the special thanks of the Borough were given to Mr Councillor Currie, at whose suggestions it was inaugurated.⁵⁹

By 1878 the Mayor, however, had to report that the process of converting the soil into manure had been discontinued at the depot because there appeared to be little or no demand for it.⁶⁰ Refuse was now deposited on the sanddrifts near the slaughter houses, seeing that it was not required at the manure depot. A communication had, in the meantime, been received from Messrs Forrest Bros., Manchester, relative to their new apparatus for

⁵⁹ Mayor's Minute, July 31st 1877

⁶⁰ Mayor's Minute, July 31st 1878

the treating of town sewage and night soil. The Council in turn had asked for a tracing and estimate of cost.⁶¹ Despite a discontinuation of the manufacture of night soil into manure, interest was still shown by Council for a possible more effective continuation of the system. This was again commenced with at a later date.

The erection of closets

As early as 1856 a Committee of two members, Messrs Acutt and Johnstone, were appointed to report on the best means to abate the nuisance of erecting water closets without the means for reception and removal of such matter.⁶² In this respect it was found that the Natal Government was very much to blame for the bad management and consequent nuisance of the County Jail. A representation was therefore made to the Government, praying for and suggesting a remedy to protect the interests of the Borough.⁶³ In the meantime, places for depositing the night soil was fixed on the Congella Flat and near the Umgeni Mouth. Householders were forced by 1864 to make provision for soil boxes in their privies which were removed by Council from 1864 onwards. With the introduction of the pail system in 1875, Council provided the night pails and saw to their regular removal from the privies. The place for depositing the night soil was then changed to be on the Eastern Vlei. Up to 1876, the night soil was buried but with the introduction of the process of converting the soil into manure, this was changed.

By 1874 it was estimated that there were approximately 600 privies in Durban which number increased as the population grew. During 1877 two additional men were engaged which made up the number of men employed to be 23 for the removal of soil from the properties of ratepayers at the Point and Cato's Creek.

⁶¹ Mayor's Minute, July 31, 1879

⁶² Minutes of Adjourned Municipal Meeting, November 24 1856

⁶³ Minutes of Adjourned Municipal Meeting, September 14, 1857

The Resident Engineer for the Natal Government was also communicated with to ascertain in what way it was proposed to provide latrines and urinals for the new railway works at the Point.⁶⁴ This was accordingly seen to by the Government when building operations began.

By 1878 the Council itself saw to the necessary measures to be taken to provide public urinals and latrines. The Inspector of Nuisances was instructed to order six screens of galvanized iron on frames and to report on the best places for the erection of 6 public urinals as a temporary measure either on public or private property for the use of the Indians and Natives. Council at the same time decided that a pattern urinal be first designed in Durban prior to the ordering of further urinals.⁶⁵

In the meantime, two new latrines were built upon the barrack reserve - one for Indians and one for Natives.⁶⁶ The other six urinals were on arrival erected in different parts of the town. The old urinal at the Market House was also at the same time replaced by one of these new ones in 1879.⁶⁷

The Natal Mercury could not withhold criticism in 1878 on the ordinary construction of the closets in Durban. They declared them to be "dens of contamination and hot-beds of disease".⁶⁸ The spread of a prevailing epidemic was blamed on them rather than on the Eastern Vlei or the slopes. It was emphasized that even if the contents were removed every few days constant poisonous effluvia were arising which the close system of construction compelled the occupant to inhale. As a solution was offered that the ventilation or circulation of air should be as complete as was consistent with privacy. Up to then the effort of the Constructor in the erection of closets had only been to give them a mere apology of ventilation. The ordinary

⁶⁴ Minutes of Special Municipal Meeting, April 24, 1877

⁶⁵ Minutes of Special Municipal Meeting, January 23, 1878

⁶⁶ Minutes of Ordinary Municipal Meeting, February 5, 1878

⁶⁷ Mayor's Minute, July 31st 1879

⁶⁸ The Natal Mercury, Article, May 28 1878 p.3, col. 5

construction was of brick, iron sheets or wood with a few bricks left out, or one opening under the eaves, or a few perforations in the door or side. Many had none at all. Even the closet attached to the premises of the Corporation, which should have been a model of sanitation, furnished an appropriate illustration of defective ventilation. Three new substantial erections of brick were to be found in the open space in the rear at the Royal Hotel. These, no doubt, were intended to be first-rate. Unfortunately, the doors were closed and a few round holes drilled in the top of the door were the only means of ventilation. The closets at the Price of Wales Hotel were of even worse construction. On passing down Smith Street a close box of galvanized iron sheets, apparently erected in the rear of Mr Shepstone's office seemed to be an oven. The worst, however, came when one passed through the passage from West Street to Pine Terrace where on the left two or more boxes without any provision for ventilation stood. They were simply horrid. The remedy was seen to be very simple. Down with the solid walls of the closets to within four feet of the ground; substitute louvres to allow the fresh circulation of air; open below large areas of opening to promote an upward draught; a large hole to be cut in the door top and bottom and to be covered with perforated zinc; the height of the roof to be raised as well. Constant Disinfecting Powder were to be applied in default of charcoal and ashes sifted.⁶⁹

With this criticism in hand, a clear picture on the erection of closets in Durban can be obtained. Provision had been made for the reception and removal of soil, but the construction of the closets were at large far from desirable.

The Council did pay heed to this criticism by a new Bye-law put in force as to the submission of plans of all buildings for approval prior to erection. A check was immediately placed upon the erection of buildings defective from a sanitary point of view.⁷⁰

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Ibid

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Mayor's Minute, July 31st 1879

Whether the erection of closets were hereby to be modernized were not stated. One can, however, assume that Council would have been from that period onwards more strict in the erection of closets.

The pressing need for sewerage

It is noteworthy to mention that the need for sewerage was for the first time mentioned in 1871 in a report on the sanitary improvement of the town attached to the Mayor's Minute. The Town Committee was of the opinion that the removal of night soil had been provided for on a satisfactory basis. The most unsatisfactory part of the whole question was the disposal of the urine and liquids from the kitchen. These were disposed of in ways that tended to delay, more or less, the evils that had to result from them. But the radical fault was that they were allowed to sink into the soil of the town. The accumulation of decaying vegetable and animal matter had to be a constant source of weakened health and would fearfully increase the ravages of an epidemic. This was something they could not always hope to escape and which would soon be at their doors. A thorough system of sewerage appeared to be the only remedy. This could be provided with stinktraps, combined with habits of cleanliness enforced by the willing co-operation of the Burgesses and an organized system of inspection. But a system of sewerage was beyond the means of the Borough, unless carried out with fresh loans. The existing drains at the time only carried off the surface water.⁷¹ The lack of funds once again postponed this venture to a later date.

In 1874 The Natal Mercury warned Council that under a tropical sun with no facilities for the drainage of liquid matter and a more frequent removal of night soil, most offensive and horrible results would occur. A continued defiance of the laws of health, would cause this city to be scourged by both fever and cholera.⁷² The subject was brought up again by the Mayor in 1875 when the importance of good sewerage from a sanitary point of view was gone

⁷¹ Mayor's Minute, July 31st 1871

⁷² The Natal Mercury, Article, February 12, 1874, p.4, col 3,4

into. The Mayor was of the opinion at that stage that the subject could not be over estimated. Home experience had shown that in towns where there were subsoil drains or where special arrangements had been made for drying the subsoil, the death rate was considerably diminished. Here unfortunately, the levels, unless pumping could be made available, totally precluded deep drainage, whilst the absence of control of water supply for flushing purposes rendered the advisability of surface drainage by gutters questionable. Should it be eventually decided that pumping had to be resorted to as the only means by which water could be brought into Durban (not that Council held that opinion) - it had occurred to the Mayor whether the same machinery could not be employed for discharging the town sewage into the Indian ocean. But then the question arose in how far the current or eddy during flood tides might not return some of the putrid matter into the inner Bay and perpetuate the existing nuisance in a different form.⁷³

Accompanying another Mayor's Minute in 1878 was a report by Mr Collins, C.E. on drainage including sewerage for Durban and the difficulties that it presented as a whole. He was of the opinion that if a general system of pumping was decided upon for drainage, the Council would have difficulties as to what to do with sewage. They would have to consider firstly then the "water-carriage system", that was to say, that the sewage of every description, except dustbin refuse, was allowed to go into the sewers which would be connected with each house. This would then have to be continued to a common depot where it might be converted into manure and used on a sewage farm, either on the irrigation system or on that of the intermittent downward filtration, or it might be forced into the sea. Converting water-carried sewage into manure was attempted with chemicals by a precipitating process and had in every case proved such a failure that it was scarcely necessary to take much notice thereof. Unless a ruinous amount of chemicals was used, the effluent water would be highly impure and even then the value of the manure would be less than the chemicals used. Again, the most valuable constituent of the manure

⁷³ Mayor's Minute, July 31st 1875

was a nitrogenous organic matter which these processes failed to intercept and which, therefore, ran off in the effluent water. For these reasons, chemical treatment of this sewage used independently might be considered impracticable, for should the manure be manufactured at a large expense, it would probably prove quite unsaleable in this colony.

Another method of dealing with water-carried sewage was apparently by instituting a sewage farm which had been frequently done by Corporations and private Companies in England. They had their experience to go upon. This experience only taught to beware of a system which was enormously expensive, which was often a cause of the greatest nuisance and which in more than nine cases out of ten was a complete failure. There was, however, much to be said for the plan of pumping the sewage into the sea and it had often been recommended where it was practicable by sanitary engineers. Perhaps, if they were quite sure of permanently getting rid of the sewage by those means few, if any, better plan could have been adopted. Unfortunately experience had also taught them that it was extremely unsafe to allow sewage even to run into the sea. It almost invariably oscillates with the tide for some time and finally settles on the shore, forming a thick bed of mud, which emitted the most dangerous and obnoxious odour upon being disturbed. It was more than probable that the most extensive works would fail to discharge sewage from the Back Beach sufficiently far to prevent it oscillating between the Bulff and Umgeni River - the consequence being a large settlement of putrescent mud in the vicinity of Durban Harbour. Large intercepting sewers had been provided by other countries at great expense to cope with this problem and their sewage was removed a few miles from the town. The probable result of this, however, would be that the shores near the outfalls at the time, would in course of time become equally offensive to the immediate neighbourhood as they were formerly to the respective towns. In short, experiences of the past proved that the system of marine or tidal outfalls was highly objectionable, except in very exceptional circumstances. This also had to be regarded with an eye on economy, particularly as it had to go hand in hand with the still more expensive undertaking such as water supply.⁷⁴ Once

⁷⁴ Mayor's Minute, July 31, 1878

more Council had to postpone the venture to a later date when adequate funds would be available to undertake the task.

Householders, in the meantime, were continuously warned that the already existing brick drains were meant exclusively for stormwater. On no account were sewage water to be allowed to enter these. This was unfortunately for the health of those people living near the outfalls or gratings of the drains, not strictly attended to. Sewage water not being provided for, found its way into these drains and on the Beach. Several cases of fever had been reported caused by this nuisance. Up to this stage, it was the opinion of Council that they had dealt very advisedly with night soil, refuse and storm water. The only sewage which had not received any attention whatsoever, were the "slops". By this term was meant the greasy, soapy vegetable and otherwise dirty water with a small proportion of urine. It was scarcely necessary then to remark upon the unhealthy, obnoxious and dangerous means then adopted of throwing slops into the streets, gardens and yards. The back premises of many houses were so saturated with filth that the earth refused to hold any more and the water was putrifying on the surface. The evil of this was not only confined to the ground near the house, but the sub-soil of the whole of Durban was saturated with this filth. The line of saturation apparently rose nearer the surface each year, till it would be unable to hold more. Then the water would simply lie on the surface and putrify as described above. The only proposed system of sewerage advised by Mr Collins, C.E. on the removal of slops was the use of earthenware pumps and tanks which could allow the water to run into the Bay free of objection. Discussion on this proposal was once again postponed to a later date.⁷⁵

At the end of the Municipal Year of 1879 the Mayor could just report on the method to be adopted for the disposal of house slops as becoming more and more urgent. He pressed the matter on the incoming Council to deal with.⁷⁶ Once again much was spoken about the adoption of a system of sewerage but very little done. Between the years 1854 and 1879, therefore, very little was achieved in solving this problem.

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Ibid

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Mayor's Minute July 31, 1879

The sewerage system as such was only inaugurated in 1896 in Durban and extensions of the system continues to this day. Night soil pails were still extensively used for many years afterwards. This was due to the continuous building of houses outside the area where sewerage only later became available.⁷⁷

(ii) The removal of refuse

Place of deposit

The portion of the Western Vlei, meaning the lower Congella, situated at the Bayside, was fixed by Council in September 1855 to be the place for the deposit of refuse.⁷⁸ During the course of 1861 Burgesses were requested to deposit their refuse opposite Drew's Corner and opposite Field Street. From there it was collected and taken to the appointed place for deposit. Notice boards were placed on these two spots to make sure that Residents knew where to place the refuse.⁷⁹ Another meeting held in 1863 made provision not only for the lower Congella as a place of deposit, but also at the mouth of the Umgeni River or outside the boundaries of the Town Lands at the option of the Contractor. Council confirmed in 1864 that two acres of land had been set aside in the neighbourhood of the lower Congella near the leased lots 1, 2, 3 and 4 and two acres on the piece of land formerly known as "Downe's Brickyard" in Umgeni Road for the deposit of refuse. Any other place outside the boundaries of the Town Lands was still left to the Contractor to decide on.⁸⁰ Care was taken by Council in 1864 that the refuse, once removed, were to be spread over the ridges and sand drifts, instead of it being placed in the hollows as was often to be found the case.⁸¹ The Mayor reported with satisfaction in 1865 that the stoppage of the sand drifts on the Congella Flats had progressed well. Ten acres of land had been reclaimed at a comparatively small cost. It was stated that it was the intention of the Council to continue that important work. Hope was expressed that the barren waste lying to the North of the town would also be likewise eventually

⁷⁷ Mayor's Minute, July 31 1891. Report by Borough Engineer J. Fletcher on the Sewerage of the Borough of Durban, Natal
⁷⁸ Minutes of Adjourned Municipal Meeting, September 19, 1855
⁷⁹ Minutes of Special Municipal Meeting, November 28, 1861
⁸⁰ Minutes of Special Municipal Meeting, April 26, 1864
⁸¹ Minutes of Special Municipal Meeting, January 12, 1864

reclaimed by the Council. Refuse was also deposited to the North side of the Cemetery, following the request of Mr I. Churchill in 1866, then Honorary Secretary to the Public Cemetery. This was done to stop the sand drift there, without the Council being put to any expense.⁸³

By 1867 Council resolved that the Contractor was to be at liberty to sell refuse and to dispose of it in any lawful place in such a manner as not to become a nuisance in the opinion of the Council. Refuse had then to be placed by Burgesses at the edge of the road next to the footpath and only on days when the cart went round by rotation.⁸⁴ When the hardening of streets began, complaints were continuously made to Council about the nuisance caused by the depositing of refuse in the streets of the town for this purpose. Council then decided that all refuse were to be deposited on the previously fixed place in future, viz. on the sandy flats North of the town. The underscrub from the bush would be used for hardening and filling up the streets where required instead. Stone from the Umgeni Quarry would also be used for hardening purposes.⁸⁵ Refuse were now no longer to be placed in the streets by Householders for collection, but to be kept on their premises for removal. This new arrangement, needless to say, was supposed to do a lot for the improved appearance in the town.⁸⁶ Unfortunately, however, co-operation was not given at all times by Burgesses and refuse still continued to disfigure the streets.⁸⁷

During 1871 the acting Town Clerk was given the authority to define the locality for the deposit of refuse. Greatest care was also to be exercised to prevent accidents from broken bottles and other dangerous refuse.⁸⁸ From 1876 onwards, places for the deposit of broken glass, tins, etc. were fixed by the Inspector of Nuisances, Mr H.V. Ellis.⁸⁹

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- ⁸² Mayor's Minute, July 31st 1865
⁸³ Minutes of Special Municipal Meeting, March 27 1866
⁸⁴ Minutes of Special Municipal Meeting, May 14, 1867
⁸⁵ Minutes of Special Municipal Meeting, January 11, 1870
⁸⁶ Mayor's Minute, July 31st 1870
⁸⁷ Mayor's Minute, July 31st 1874
⁸⁸ Minutes of Special Municipal Meeting, November 21, 1871
⁸⁹ Mayor's Minute, July 31st 1876

With a view to making the streets of the Borough as clean as possible under existing circumstances, the gang of Indian scavengers were instructed to sweep West Street every alternate day instead of just twice a week as before.⁹⁰ To facilitate keeping the streets generally in better order, small slips printed in red ink, were distributed by the Police among the Burgesses, particularly requesting them not to deposit or allow their servants to deposit in the streets the sweepings of their offices, shops or dwellings. Neither were they to permit the debris of their packing cases or similar litter to be left therein. The Superintendent of Police was instructed to see this regulation strictly enforced.⁹¹

During 1875 the Hide Curing premises of Messrs Ballance & Goodliffe on the Eastern Vlei was purchased at a cost of £250. The Eastern Vlei then became the place for the deposit of refuse⁹¹ and remained to be so till 1878 when it was once again deposited on the sanddrifts of the Congella. The depot created on the Eastern Vlei started with the manufacturing of manure late in 1876. House and stable refuse collected were burnt there to ashes and mixed with night soil to manufacture profitable fertilizing matter. By 1878 the Mayor had to report that the manufacture of manure had been discontinued as there was little or no demand for it.⁹² Refuse were then, as stated before, deposited on the sand drifts near the Slaughter Houses on the upper Congella, being no longer required at the depot.⁹³ Interest, however, still remained at a continuation of the manure manufacturing process which was again commenced with at a later date.

The appointment of a Contractor

The appointment of a Contractor for removing the refuse was only inaugurated in 1866. Before that date a Mr W.H. Stonell was appointed in January 1861, by the Sanitary Department to act as

⁹⁰ Ibid

⁹¹ Mayor's Minute, July 31st 1875

⁹² Mayor's Minute, July 31st 1878

⁹³ Mayor's Minute, July 31st 1879

Town Constable, Streetkeeper and Inspector of Nuisances, but even more so for the purpose of enforcing the Bye-laws. His salary was fixed at £2 per week and he was yearly issued a summer and winter suit.⁹⁴ He had to see to the deposit of refuse by Burgesses on the appointed places for removal and in the event of the non-compliance thereof, to take immediate steps to punish the offender or offenders.⁹⁵

By 1863 the Council purchased a cart and oxen to remove refuse and ashes from the town. Such refuse were spread over the sand drifts of the Congella Flat. The Burgesses were by advertisement informed that a cart would call for removal free of cost upon application to the Streetkeeper. The Foreman of Town Works was instructed to purchase the cart on sale as well as the span of oxen.⁹⁶

By 1865 two new carts were completed which brought the number to three carts for the removal of refuse. Twenty more oxen were also purchased to the additional span of ten for the more satisfactory continuation of this Department of Town Works.⁹⁷

During 1866 contracts were called for the removal of refuse from the town and such other carting as might be required by the Corporation. Such Contractor was to be employed for a period of twelve months and the Corporation carts and oxen were to be sold as soon as the contract was completed.⁹⁸

The successful tenderer for the removal of refuse had to find two securities of £25 each for the due fulfilment of the contract. The tender of Messrs Edmund and George Haynes were accepted at £10.15s. per month or for the lump sum of £129 for twelve calendar months. This included the supply of oxen and carts viz. ten oxen, a forelooper and driver to each cart at the rate of 10s. 6d. per diem for each and every cart so supplied for a period of twelve months, conditional on their finding the necessary securities.⁹⁹

⁹⁴ Minutes of Special Municipal Meeting, September 19 1859

⁹⁵ Minutes of Special Municipal Meeting, June 14, 1861

⁹⁶ Minutes of Special Municipal Meeting, September 1, 1863

⁹⁷ Mayor's Minute, July 31st 1865

⁹⁸ Minutes of Special Municipal Meeting, April 10, 1866

⁹⁹ Minutes of Special Municipal Meeting, May 8, 1866

At the end of the Municipal Year in 1866 the effective removal of refuse had been found to act most beneficially on the health of the Borough. The oxen and carts being no longer required were sold at very fair prices.¹⁰⁰

During 1867 tenders were again called for the removal of refuse. The Contractor was not at liberty to sell such refuse and to dispose of it in any lawful place in such a manner as not to become a nuisance in the opinion of the Council. He was empowered to refuse to remove broken glass and crockery. Refuse was to be placed at the edge of the road next to the footpath and only on days when the cart went round by rotation.¹⁰¹

Fresh tenders were called during June of 1868. In the meantime the Town Clerk had to arrange with the present Contractor to continue the contract to the end of July, if practicable. A specification in the new contract had to state that the hour for removal of refuse would commence at 7 a.m. and the work therein be completed by 11 a.m.¹⁰² Mr Joseph Harris, the Contractor, agreed to continue his contract to August 1, 1868. This was gladly accepted by Council.¹⁰³ The tender of Messrs Edmund & George Haynes for a contract of twelve months ending July 31st, 1869 was accepted. The removal was to be commenced with each and every weekday at 9 a.m. and completed with all dispatch done. It was now to be the property of the Corporation once again. Payment of £12.10s. was made per calendar month and additional cartage at 12s. per diem. Mr Craig, a Confectioner and Mr Clayton, a Butcher, were named as sureties for the due performance of both descriptions of contract.¹⁰⁴ Two sanitary circulars were issued during 1868 in which the hearty co-operation of the Burgesses was called upon in the efficient carrying out of the removal of refuse.¹⁰⁵

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- 100 Mayor's Minute, July 31st 1866
 101 Minutes of Special Municipal Meeting, May 14, 1867
 102 Minutes of Special Municipal Meeting, June 23, 1868
 103 Minutes of Special Municipal Meeting, June 30, 1868
 104 Minutes of Special Municipal Meeting, July 28, 1868
 105 Mayor's Minute, July 31st, 1868

From August 1, 1869, the tender of a Mr N. Sally at £9 was accepted for the removal of refuse.¹⁰⁶ After the expiration of his contract in 1879 a Mr Michael Lally was appointed at £13 per month or £156 p.a. For all extra cartage 10s. per diem was charged.¹⁰⁷ This was an increase of £48 p.a. on the previous contract. The Mayor did not consider this increase to be excessive, taking into account the extra duties that had to be performed, viz. keeping the streets clean in addition to having to remove the dust and refuse then from the premises of Householders.¹⁰⁸

During 1871 the tender of Mr C. Swales at £18 per month or £216 p.a. and 15 shillings per day for extra cartage was accepted.¹⁰⁹ This was an increase of £60 p.a. on the previous contract. The town of Durban was then divided into six sections. The refuse from the houses in each section was to be removed on a given day in each week. This system was supposed to considerably lighten the labour of the Contractor.¹¹⁰

The acting Town Clerk was given the authority to define the locality for the deposit of refuse.¹¹¹ A gang of scavengers were also employed to sweep West Street twice a week and later on every alternate day.¹¹² Council took over the contract in 1875 after renewing it for a period of five years in succession with Mr Swales. They purchased carts and horses and employed Indians to do the work. The Inspector of Nuisances and Superintendent of Police were in turn authorised to supervise the proceedings.

(iii) Provision made for slaughter houses and cemeteries
Places of slaughtering

Lots for slaughtering cattle were put up for public occupation in 1855 on the upper side of the Congella near the cemetery, eventually comprising a little more than 10 acres. These lots

¹⁰⁶ Minutes of Special Municipal Meeting, July 27, 1869

¹⁰⁷ Minutes of Special Municipal Meeting, July 26, 1870

¹⁰⁸ Mayor's Minute, July 31st 1870

¹⁰⁹ Minutes of Special Municipal Meeting, July 25, 1871

¹¹⁰ Mayor's Minute, July 31, 1870

¹¹¹ Minutes of Special Municipal Meeting, November 21, 1871

¹¹² Mayor's Minute, July 31, 1875

were leased for a term of three years at an upset price of £1.10s. per lot. This amount was to be paid in advance with the tenant paying expenses and dues. The occupant was confined to using such lots for slaughtering only. Under penalty of forfeiting his lease at any time during his term of three years, he was allowed to remove any buildings he might have erected thereon. For the future all applicants were required to deposit a sufficient amount to meet the Surveyor's expenses on the same terms as adopted by the Local Government upon their sales of land.¹¹³

After expiration of these leases, the lots for slaughtering were submitted to competition in 1859 at an upset price or a rental of £3 per lot. The advent of the Corporation obliged the Butchers to move to these proper slaughter-places at the West End of town, for which a stand license was charged. Richard King had given up his business in Smith Street East, and for a time Mr James Kinghurst was at the head of the trade. His slaughter-place was on the Beach. He claimed to utilize the Admiralty Reserve, but occupied as a cattle kraal a site on the Flat Westward of Albert Street. He relinquished business in 1856, on being elected a member of the Legislative Council for Durban County. Mr W. Leathern also moved to one of the new stands. Mr Paul Henwood disposed of his Butchery business to Joseph Mason, which in turn was taken over by Richard Baynes, the latter disposing of his business in 1857 to Robert Surtees. He advertised himself off Field Street, and specially laid himself out for the sale of Colonial produce, in addition to beef, mutton and pork. Poultry was apparently disregarded as every Burgess kept his own stock, while the Natives brought in fowls in bunches, hawking them about.¹¹⁴ Robert Surtees was also forced to take up a lease in 1859 on the newly appointed Slaughter Places on the upper Congella. Much slaughtering, however, still took place on private properties and Council had to take measures to enforce the bye-laws on offenders.

¹¹³ Adjourned Municipal Meeting, May 25, 1855. See also: Minutes of Special Municipal Meeting, October 23, 1855

¹¹⁴ Minutes of Special Municipal Meeting, August 22 1859. See also George Russell, History of Old Durban, pp.293-294

Mr Councillor G. Cato, not satisfied with the newly chosen spot, still endeavoured to obtain the removal of the slaughter houses to a spot on the Bay-side. Slaughter houses in a warm climate were necessarily nuisanced and were to be placed away from the population altogether.

The Natal Mercury¹¹⁵ commented thereon that any spot along the Durban side of the Bay would unavoidably be in the line of prevailing winds, particularly the South-west wind. Effluvia would then be brought over the town whenever that wind blew and would be an intolerable nuisance to those who lived nearest. As the Bay was dry at low tide over the greater part of its extent, slaughter houses on its margin would be doubly obnoxious. This would be due to the fact that the offal would remain on the moist sand during the recess of the tide to reek in the sun and would be thrown up by the tide in corrupt masses on the beach. They were quite satisfied with the present position of the slaughter houses as it was out of the line of the prevailing winds and no odour from them reached the town. If a water-site was necessary, the only feasible one would be at Cato's Creek. There the water was always deep and near the outfall into the Bay. There were also no winds that would bring the effluvia to the town. The Eastern Vlei as such was also out of the question as land in that part would in time be made of great value for residential sites. Such a nuisance would entirely destroy that value and those who already lived in that neighbourhood would have ground of action against the Corporation if they thus brought pestilence to their doors.¹¹⁶

In 1866 a Committee was appointed by Council, consisting of Messrs Councillors Currie, Beningfield and Vialls to select a site for the slaughter places at the East End of town for the convenience of the Butchers there.¹¹⁷ Nothing, however, came from their decision made. Two further large sized plots of land on the Congella were leased to individuals in 1873 for slaughtering and Council was then of the opinion that their rights should be

¹¹⁵ The Natal Mercury, August 25, 1859 Article, p.3 col.3

¹¹⁶ Ibid

¹¹⁷ Mayor's Minute, July 31 1866

respected. The whole subject would be reconsidered again and settled upon a broad and liberal basis in view of the obligations for their suitable accommodation and of the rights of parties.¹¹⁸ This, needless to say, led to further postponement.

The Natal Mercury complained in 1874 that the slaughter houses were a centre of peril which were too near the town and too near a stagnant marsh. Until railways came into this operation, it was difficult, if not impossible, to have the meat supplies brought in fresh from any distance. The question was posed whether any point along the Umgeni line or nearer the Berea, might not be a more preferable site? The subject, they were of opinion, was well worth enquiring into.¹¹⁹

With the introduction of a manure depot in 1875 on the Eastern Vlei, Council once again contemplated the advisability of removing the slaughter places to the same neighbourhood. All the refuse from these establishments would then be removed on the spot and manipulated into manure.¹²⁰ The question of removal of these places was, however, put at the doorstep of the incoming Council to take action on,¹²¹ which they never did. Further alterations were made to the existing slaughter places by Butchers placing cement floors in their slaughter houses, by the Council placing a well there convenient for all the slaughter houses, as well as the introduction of an open drain.¹²² With these alterations effected the selecting of a new site for the slaughter places was once again postponed. The Mayor reported favourably in 1877 on these alterations made to the slaughter places. He further stated that cemented drains had been built at each slaughter house and that a tank had been placed at the back of each to collect all the blood when the animals were being slaughtered. This was removed every evening by the night soil Indians.¹²³

¹¹⁸ Mayor's Minute, July 31 1873

¹¹⁹ The Natal Mercury, February 12, 1874, Article, p.4 col. 3,4

¹²⁰ Minutes of Special Municipal Meeting, March 16, 1875

¹²¹ Mayor's Minute, July 31, 1876

¹²² Minutes of Ordinary Municipal Meeting, November 7, 1876

¹²³ Mayor's Minute, July 31, 1877

The Sanitary Committee took up the matter again in 1879 and recommended that the Butchers be conferred with as to the possibility of their being removed to a less dangerous locality. Notices were at the same time served upon them for the uncleanly state of their slaughter houses.¹²⁴

The matter of the removal of the slaughter houses dragged on well after 1879, and it was only in 1887 that the Butchers were given six months notice to close down the slaughter houses. They were then to be removed to a proposed selected site on the Back Beach Hills.¹²⁵

In 1979 the Durban Abattoir, which opened in 1914 on part of the original Slaughter Place site in the approximate area of the upper Congella then, was closed down. Slaughtering was then moved to Cato Ridge where the present Abattoir has been opened.

Inspector of Slaughter Places

The necessity for an Inspector of slaughter places was brought up in Council in 1855. The Town Clerk had up to then performed the duty of making daily inspections to the slaughter houses. Applications were made for the post and a Mr Boast was eventually appointed under the Corporate Seal at a salary of £10 p.a.¹²⁶ All slaughtering of cattle had to be done daily in the morning up to one hour after sunrise and in the evening up to one hour after sunset. No carcass was to be cut up or removed unless duly passed by the Inspector of slaughter places. Should any Butcher be desirous of killing any cattle at any other hour during daylight, he could only do so upon giving notice in writing to the Inspector. The Inspector also had to be paid by the Butcher one shilling for such an attendance, provided the detention was not more than one hour. If detained, the Inspector had to be paid sixpence for every extra hour. All parts of hours were regarded as full hours. Any contravention of this

¹²⁴ Minutes of Ordinary Municipal Meeting, October 7, 1879

¹²⁵ Mayor's Minute, July 31, 1891

¹²⁶ Minutes of Special Municipal Meeting, October 23, 1855

resolution would subject the party or parties to the fine and penalty as was laid down in the 73rd section of the bye-laws of the Borough. A copy of the above resolutions was served on each of the Butchers and instructions were issued to the Inspector accordingly.¹²⁷ Council also instructed the Town Solicitor to proceed legally against parties contravening the resolution and fine them accordingly.¹²⁸ Two bye-laws were framed in pursuance of the resolution adopted respecting the slaughtering of cattle and regulations respecting slaughter houses. Bye-laws No.'s 46 & 47 of the Borough were rescinded and the bye-laws then framed substituted¹²⁹ and confirmed by the Lieutenant-Governor in January 1856. It was accordingly published in the Government Gazette on the 25th January, 1856¹³⁰ and the necessary certificate forwarded to Council. For extra labour performed by the Inspector of Nuisances, Mr Boast, at the end of 1855, a gratuity of £5 was rendered to him.¹³¹

Reports by the Inspector of slaughter places were handed in from February 1856 onwards to Council. These stated the number of cattle slaughtered to be approximately 50 a week and the number of those affected by the lung-sickness to be minimal.¹³² The cleanliness of the slaughter houses were also from time to time referred to in these reports.¹³³

From September 1860 however, the Meat Inspector was instructed to keep a diary which had to be presented daily for inspection to the Town Clerk. He was also instructed to report parties who were killing sheep and pigs on private property and to give parties notice under the bye-laws to discontinue such practices.¹³⁴

The office of Inspector of Meats was abolished in 1860 and Mr Boast was given notice to discontinue his services on the 27th day of December, 1860 under the Corporate Seal.¹³⁵ A

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| 127 | <u>Minutes of Adjourned Municipal Meeting, November 6 1855</u> |
| 128 | <u>Minutes of Special Municipal Meeting, November 15, 1855</u> |
| 129 | <u>Minutes of Adjourned Municipal Meeting, November 27, 1855</u> |
| 130 | <u>Minutes of Adjourned Municipal Meeting, January 8, 1856</u> |
| 131 | <u>Minutes of Adjourned Municipal Meeting, January 8, 1856</u> |
| 132 | <u>Minutes of Adjourned Municipal Meeting, February 12, 1856</u> |
| 133 | <u>Minutes of General Municipal Meeting, April 2, 1856</u> |
| 134 | <u>Minutes of Special Municipal Meeting, August 29, 1860</u> |
| 135 | <u>Minutes of Ordinary Municipal Meeting, October 3, 1860</u> |

Mr Stonell was appointed in January 1861 as Inspector of Nuisances at a salary of £2 per week. In addition to his other duties, he was requested to make a weekly report of any unwholesome meat being sold or exposed for sale and whether any lung-sick cattle or other deceased cattle had been killed.¹³⁶ The duties of inspecting the slaughter places were from then onwards included among the duties of the Inspector of Nuisances.

Cemeteries

Before the Ordinance establishing Municipal Corporations was passed in 1854, the Natal Government granted land in the West End for burial purposes to the Church of England and the Roman Catholic and Wesleyan communities.¹³⁷

There was also a military cemetery on the Ordnance land, but only a few civilians were buried there, as well as a cemetery at the Point, used chiefly for sailors from the neighbourhood of the Port Captain's residence. Some years later it was decided to remove the remains, which were exhumed and re-interred in the general cemetery. Along Ridge Road, then outside the Borough, St Thomas's burying ground was largely used for the burying of residents from the upper part of the Berea. There was also a burying ground at Stamford Hill, controlled by a local cemetery board appointed at the instigation of a Reverend T. Goodwin. He was mainly instrumental in having the cemetery properly laid out and cared for.

The original grant by the Natal Government to the several religious bodies constituted practically separate burying grounds in the general cemetery although in juxtaposition to one another. The various bodies maintained the ground, collected fees and kept the books required in connection with a graveyard. The burial of individuals who did not belong to these religious bodies gave considerable cause for complaint. As a matter of fact the burial of individuals other than those belonging to the denominations possessing land, was looked upon as a great favour. Adjoining

¹³⁶ Minutes of Special Municipal Meeting, October 24, 1862

¹³⁷ Minutes of Adjourned Municipal Meeting, July 17, 1855

these private cemeteries in the West End, there was a plot of land which had also been used for the burial of the dead but belonging to no denomination. Memorialists appealed to Council in 1855 to survey, grant and enclose this plot as a Public cemetery open to persons of all denominations and creeds wherein services would be conducted accordingly to the usages, customs, views and wishes of the respective parties using it. They further urged that it be placed under the general management of the Mayor and Council of the Borough. 138 The Natal Mercury commented on this memorial as being, "one of such obvious public justice and so strictly within the province of the Borough Council, that we do not anticipate the slightest objection being raised to it in any quarter." 139 Reference was made to England where the General Health of Town's Act, gives powers to Municipal Corporations to provide and maintain Public cemeteries. Such institutions were rapidly taking the place of denominational burial places. The Natal Mercury further advised Council to include the unenclosed plot referred to by memorialists with the others into one enclosed area. At the same time to remove the inner sod fences which divided the separate plots and to use them as contributing materials to the general enclosure. 140

Taking these conditions into consideration, Council in 1855 granted memorialists the requested plot of land for a Public cemetery. In November 1859 another memorial was submitted to Council petitioning transfer of this plot of ground for a Public cemetery to Trustees to be appointed for that purpose. 141 This request of the memorialists was granted in December, 1859 and the land adjoining the Wesleyan and Roman Catholic burial grounds vested in Trustees elected by subscribers. Messrs. J.F. Churchill and John Sanderson were elected Trustees; Messrs. John Hunt, John Gray, Wm. Cowey, J. Brickhill, J. Blackwood, and Joseph Adlam to be the Board of Management for the ensuing year; the Mayor of Durban, the Trustees and

138 Ibid. See also Mayor's Minute, July 31, 1891.

139 The Natal Mercury, July 25, 1855, Article, p. 3. col. 1, 2, 3, 4, 5.

140 Ibid.

141 Minutes of General Municipal Meetings, November 29, 1859.

the Minister of the Congregational Church being members ex officio; the Rev. G.Y. Jeffreys acting as Secretary pro tem. 142

In 1861 a road was marked off, and taken from each side of the Public cemetery, giving access North and South to the Wesleyan cemetery. The Referend G.Y. Jeffreys, Secretary to the cemetery board, was accordingly informed that the road would be 30 feet in width and commenced with as soon as possible. 143 This was carried out 144 and completed during 1864.

In 1864 Council, however felt that it was highly desirable that the cemetery must be removed from the immediate vicinity of the town to a suitable spot on the Berea. Due care would be taken to keep the already existing graves intact. The Town Clark was authorised to ascertain whether the matter would be favourably received by the various cemetery boards and arrange with them to meet Council on this issue. It was further resolved that if this scheme should be practical, the Trustees of the church cemetery be informed that a corner of said cemetery projects with the lines of West Street. As the Council was extremely anxious to have the street from one end to the other, without a deviation, a proposal was to be put forward to see if the matter could not be arranged by an exchange of land. 145

A combined meeting of the representatives of the various cemeteries and the Town Council accordingly took place and it was decided that a Public meeting be called to discuss the question. At this meeting the wish was expressed that at least for the present nothing should be done in the matter, but the Corporation was requested to reserve sites for future cemeteries at a greater distance from the town. The matter was then referred to a Committee, 146 which eventually gave their consent to give this piece of land to the Council to build the road in a more straight line. It was only in the

142 Minutes of Adjourned Municipal Meeting, December 1, 1859.
See also: George Russell, op. cit., pp. 476 - 477.

143 Minutes of Special Municipal Meeting, September 12, 1860.

144 Minutes of Special Municipal Meeting, July 15, 1863.

145 Minutes of Special Municipal Meeting, June 17, 1864.

146 Mayor's Minute, July 31, 1865.

twentieth century, when the Stellawood cemetery was opened to the public, that the cemeteries were closed. A law was, however, enacted in 1891 which transferred the whole cemetery of ten acres, two roods and 34 perches to the Town Council to take care of for use as a general public cemetery in the years to come.

Application was made in 1865 to the Trustees or Board of the public cemetery to set apart a portion of this cemetery for the burial of Natives and Indians. 147 This was granted and plots of land were accordingly allocated to prevent the indiscriminate burial over the Town Lands of the Borough. The Government, however, did not sanction the payment of a small fee of five shillings for such interments, with the result that the cemetery board could no longer carry out their burial without payment. The Mayor expressed fear that the matter was to fall through. This was much regretted as a decided advantage was then being offered to the Coloured population at a very trifling cost. 148 This consequently again resulted in indiscriminate burial over the Town Lands of the Borough.

The burial of paupers was for many years a moot point with the Council. The question was whether it was their or the Government's liability. At last in 1874, the Government gave instructions that such burials in future would be conducted by and at their expense. 149 This relieved Council of the responsibility and settled the question.

Abatement of various other nuisances

Council was also empowered to deal with various other nuisances that from time to time made life difficult for the inhabitants. These nuisances had to be dealt with immediately

147 Minutes of Special Municipal Meeting, April 18, 1865
 148 Mayor's Minute, July 31, 1866.
 149 Mayor's Minute, July 31, 1874.

before further complications arose. This was especially the case with nuisances like stray animals, cattle-sickness, the rapid growth of weeds that were injurious to cattle and obnoxious smells. Bye-laws were also from time to time promulgated to help with the effective control of nuisances and the first Inspector of Nuisances, a Mr. W.H. Stonell, was appointed in January, 1861 to punish offenders of these laws. The Borough police naturally offered a helping hand as well.

Town Pound

The Durban Town Council was empowered by Ordinance 1, 1854, to see to the confinement or killing of animals which became a nuisance. The first recognition of the necessity for a Town pound, or enclosure for detention of stray animals was announced as early as January, 1852, when Mr. H.W. Currie was appointed Pound Master by the Natal Government. At this stage a square post and rail enclosure or cow-pen of stout timbers was erected at the Field Street entrance to the town. Much business was transacted, as whole spans would get impounded. This was in addition to the waifs and strays that careless Natives allowed to roam into people's gardens, or enclosures. It was also the practice of the Pound Master to take in cattle to herd on the Town Commange, and this proved to be a great convenience to the Zulu trader. 150

Borough Pound

In 1855 the Durban Town Council authorised the Town Committee to erect a Borough pound at the East End of the Episcopal church on the Market Square. The contract for the erection

150 This important institutuion, closely allied with commerce and agriculture, was a cherished institution of the Boers, by whom it was known throughout South Africa as the "Schut Kraal". See George Russell, History of Old Durban, p.151.

of a pound was given to George Drew and on completion the sum of £15 was paid to him. Mr. Boast was appointed as the first Pound Master in 1855. 151 This pound soon proved to be inadequate and Council resolved that a new pound be erected on the flat near the old Pietermaritzburg Road. 152 This new Borough pound was completed in 1866.

Ordinance 1, 1854, 153 gave Council the power to make regulations regarding the detention of stray cattle in the Borough pound. If not claimed in pound within a certain period, the cattle were sold with the Council benefitting by the procedure. A typical example of this procedure was in 1870 when the number of animals impounded, were as follows:-

Cattle, including oxen, cows and calves	-	707		
Horses, mules, donkeys	-	61		
Sheep	-	0		
Goats	-	14		
Pigs	-	0		
Pound fees thereon	£29	2s.	3d.	
Fees taken on cattle herded and kraaled	£ 6	13s.	9d.	
Total	£35	16s.	0d.	154

stray cattle were thus no longer a nuisance and the profits deriving from the Borough pound added at the same time to a considerable amount. 155

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- 151 Minutes of Adjourned Municipal Meeting, November 1, 1855.
 152 Minutes of Special Municipal Meeting, September 23, 1859.
 153 Law No.19 of 1872, Article 59 slightly amended the Pound Regulations as appeared by Ordinance 1 of 1854. See Borough of Durban Laws, Bye-Laws and Regulations of the Borough of Durban. Law No. 19, 1872, pp. 1 - 61.
 154 Mayor's Minute, July 31, 1870.
 155 In 1875 Law No. 27 was passed to impose a dog tax of five shillings per dog on owners. It was hereby hoped that owners would take better care of their dogs as well as limit the number of dogs in the Borough. This amount was collected by Corporation Officers and paid into the Borough fund.

Cattle Sickness

At the end of 1854, a disease, commonly known as "Glanders" or "Lung Sickness" was devastating the horned stock on the borders of the Colony. The boiling down of cattle for their tallow and bones then became an established industry in many localities, chiefly in connection with Durban firms.

The disease, once again prevalent in 1856 induced Council to make provision to prevent the spread of the disease. The Mayor and Mr. Councillor Johnstone were appointed to examine cattle suspected of being affected by the disease. They were given full power to order their destruction. An advertisement was also inserted in The Natal Mercury to inform the public of this resolution. 156

Lung- sickness among cattle at the slaughter houses were, needless to say, constantly seen to during the years 1855 to 1879 by the Inspector of Meats and later by the Inspector of Nuisances. They were immediately slaughtered and buried.

The same disease was found to be widely spread among cattle, in 1870. This was especially the case among cattle owned by Indians. 157 Council took immediate steps to order their destruction. No further mentioning of lung-sickness, apart from those in the slaughter houses, were recorded in the Minutes up to 1879.

Weeds

The rapid growth of the plant "Xanthium Spinosum", in the neighbourhood of the Colony, so dangerous to the Sheep Farmer,

156 Minutes of General Municipal Meeting, March 5, 1856.
See also: George Russell, History of Old Durban, p.219.

157 Mayor's Minute, July 31st, 1870

was first brought to the notice of the Council by a Mr. Winder in 1861. Active steps were immediately taken for its destruction. The attention of the Natal Government and Pietermaritzburg Corporation was also drawn by letter from the Durban Town Council to this destructive weed. Measures were, on their part, taken as well for its destruction. Appeal was made to the Burgesses by advertisement to assist the Town Surveyor in his task. The matter was deemed so important that a law was passed in 1861 to prevent the spread of the growth. Under this law, penalties were enforced on tenants of land on which the weed was found to be growing. 158 The Mayor reported in 1864 that the Council had done its duty in destroying this weed, but it was to be regretted that it was allowed unlimited sway in other parts of the Colony. 159 No sooner was the weed destroyed when Council had to undertake drastic measures again in 1870. The Police and Town Gang were instructed to destroy the weed within the limits of the Borough, but only with partial success. Efforts to exterminate it, proved once again to be fruitless as long as it was allowed to vegetate without molestation in other parts of the Colony. 160

To combat the growth of this weed the existing law was repealed in 1874 and re-enacted with the penalty clauses made even more severe. This proved to be of great assistance to Council and the eradication of the weed in the succeeding years met with great success. 161

Improper Driving or Loading of Wagons, Carts and Carriages

As early as 1860 the Mayor complained of the continual cracking of whips and the accompanying cruel and torturous lashing of oxen. A Street Keeper was duly appointed.

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- 158 Mayor's Minute, July 31st, 1861.
 159 Mayor's Minute, July 31st, 1864.
 160 Mayor's Minute, July 31st, 1870.
 161 Mayor's Minute, July 31st, 1876.

He was to check on this improper driving, on the inspanning of wagons and their stopping in the centre of the principal street. His duty was to enforce the bye-laws in every particular case and see to people being punished accordingly. Payment to the Street Keeper was made out of the Borough fund. 162

Outspans to the North-west of Drew's Corner and the site known as Kingshurst slaughtering place, were fixed to ease the situation somewhat further. The appointed Street Keeper had a board erected notifying the public of the above named places. A notice to the same effect was also placed in the papers, while guide boards were placed at the bridge on the Western Vlei and at the entrance to the town at the Umgeni Road. 163 The Council hoped by these measures to curtail the improper driving or loading of wagons, carts and carriages.

Obnoxious Smells

From time to time drastic steps had to be taken by Council for the abatement of nuisances like obnoxious smells. A typical example of such a matter was when the Monarch of the Sea, an American ship of 1,970 tons, laden with rice from Akyab to Liverpool, put in port on May 17, 1858 for repairs, having sprung a leak during a gale. She had nine feet of water in her hold on arrival and had jettisoned 2,000 bags of rice. The balance of the cargo of rice unloaded at the Point was sold by auction with Mr. S. Crowder being the chief buyer. Even when sold, the rice was in a decomposing condition due to the action of the sea water. An offensive smell from the fermenting grain induced the Town Council to prohibit its introduction into the Borough, considering it to be a public nuisance and likely to engender disease. The rice was there-

162 Minutes of Public Municipal Meeting, July 25th, 1860.

163 Minutes of Speccail Municipal Meeting, November 28, 1861.

fore ultimately condemned by Council and consigned to the sea from the Back Beach. 164 Mr. Crowder thereupon claimed the sum of £755 10s. for damages and loss sustained through the action of the Corporation in destroying his rice. Summons were issued by Mr. Crowder on September 15, 1858. Mr. J.D. Shuter, Town Solicitor, was instructed by Council to defend the action. At a later date the Mayor, Mr. J.R. Goodricke, who was held in high esteem as a lawyer, was asked to appear on behalf of the Corporation when the case was tried in Pietermaritzburg. 165 Judgement was given against the Corporation for £150 damages together with costs, which made a total of about £550. The Corporation, having no funds available, had to confer with Mr. Crowder to induce him to give enough time to the Council to raise the money by rates or otherwise. On May 5, 1859 an offer was made to Mr. Crowder of £30 cash and the balance in bills extending from the 1st of June to the 1st of September - the bills bearing interest at 12 per cent per annum. 166 The matter was then closed. Although Council had lost a considerable amount of money in this case, the ultimate goal of abating this nuisance was at least achieved.

During 1860 the Mayor appealed to the public to keep the town clean as it was imperative to public health and convenience. Apart from West Street being filled with heaps of empty cases, iron ploughs, pieces of machinery, piles of brick, permanent residents were often regaled with offensive smells such as refuse from Butcher shops, heaps of horse manure, unclean stables and vegetable matter in all stages of decay. 167 It is doubtful whether the public took heed of this warning because the Street Keeper with a gang of Indian

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- 164 Minutes of Adjourned Municipal Meeting, June 21, 1858.
 165 Minutes of Adjourned Municipal Meeting, June 25, 1858.
 166 Minutes of Adjourned Municipal Meeting, July 21, 1858.
 167 Mayor's Minute, March 31, 1860.

scavengers had their hands full in trying to keep the streets of Durban clean in the pursuing years. Finally Council requested Householders to leave the refuse on their premises from whence it was collected by a refuse cart once a week. More frequent removal could be done on request by Householders. Yet heaps of refuse still disfigured the streets for many years after. With the introduction of the manure depôt in 1875 on the Eastern Vlei, collected house and stable refuse together with night soil were profitably turned into manure. By deodorizing the waste matter and causing more frequent removal of it, Council hoped to accomplish even better results. A general sewerage system for the town of Durban being the ultimate answer, was often discussed but funds only became available for such a scheme in 1896. Through pressure applied by the Town Council the Natal Government instituted criminal proceedings in 1870 against the proprietors of the Congella salterns as a common nuisance. Council were notified of this by letter and acknowledged it with thanks. 168

During 1872 the dipping of hides and skins in a preparation of arsenic was viewed by Council as a nuisance contemplated by section 62 of the Borough bye-laws. A discontinuance of the practice in the vicinity of the town or near dwelling houses was therefore required from owners of Hide-curing establishments. 169 In doing so another obnoxious smell was abated in the township of Durban.

Obnoxious smells arising from slaughter houses were brought to the notice of Council in 1873. Butchers were recommended to use carbolic acid every day as a temporary measure to disinfect their slaughter houses. They were also informed by

168 Minutes of Ordinary Municipal Meeting, June 7, 1870.

169 Mayor's Minute, July 31, 1872.

the Town Clerk that unless they took some steps to abate the nuisance, they would be prosecuted. 170 Many discussions followed in Council to the effect of removing the slaughter houses out of town, but nothing constructive was contemplated in their doing so. At last in 1877 very needful alterations and improvements were made by better drainage in this neighbourhood. These measures almost entirely removed the very dangerous and offensive smells arising from the decomposing refuse which was formerly thrown upon the surface. A well was sunk close by giving an abundance of pure water which was used for cleaning the slaughter houses daily. Cemented drains carried off the water and a tank built at the back of each slaughter house collected all the blood of the animals slaughtered. The contents of these tanks were removed every evening by the night soil Indians. 171 With these measures taken, another offensive smell was partially removed.

In the course of 1879 people living at Addington suffered great annoyance from the dreadful stench which was carried by an easterly wind from the rotten cargoes of wrecked ships on the Back Beach. Not only did the unpleasant smell greatly annoy residents at Addington, but also affected persons passing through the township, in public buses or by train. It was feared that the smell emanating from the cargo of the Ziba, which ran aground on the bar some weeks before, was indeed sickening and in fact, sufficient to bring on serious illness amongst those living at the Point end of Addington. The ship gradually drifted in and her cargo of mealies became thoroughly rotten. Council immediately informed the Colonial Secretary by letter of the nuisance. 172 As the Natal Government had taken effective steps in such matters in the past, no doubt existed amongst members of the Council that it would be done again.

170 Minutes of Special Municipal Meeting, June 12, 1873.
 171 Mayor's Minute, July 31, 1877.
 172 The Natal Mercury, May 7, 1879, Notice, p.3, col.3.

In 1879 a new bye-law was introduced which made the submission of plans of all buildings for approval compulsory prior to erection. Thereby a check was immediately placed upon the erection of buildings defective from a sanitary point of view. 173 One can therefore assume that Council would have been more strict in the erection of Durban closets from that period onwards.

Obnoxious smells arising from standing water in different parts of Durban, especially after rainy seasons, were also dealt with from time to time by the construction of drains to lead off the surface water. Large sums of money were spent by Council on further improvements of these drains as the years went by. No doubt is left in the mind that much was done by Council to abate the nuisance of obnoxious smells in Durban.

General medical planning

Infectious diseases

From time to time the lives of inhabitants in Durban were threatened by the spreading of disease and Council had to take steps to abate this danger. A typical example of this was in 1858 when the Mayor brought to the notice of Council the fact that 'small pox' was raging at the Cape. He suggested that the attention of the Natal Government be drawn to the matter in order that the existing Quarantine Regulations could be called into operation. The Government re-acted swiftly by doing so and by introducing vaccination against diseases on an annual basis to the inhabitants of Durban. 174 In view of the possibility of small pox reaching Natal, the Council was of the opinion that the best way to prevent an epidemic was to increase attention to the cleanliness of the town. A Councillor from each ward was accordingly appointed

173 Mayor's Minute, July 31, 1879.

174 Minutes of Ordinary Municipal Meeting, October 6, 1858.

by Council with power to appoint an Inspector for his ward with a view to removal of all decaying animal and vegetable matter, to the execution of bye-laws as to nuisances and to advise inhabitants as to the use of other precautionary measures. The District Surgeon was requested to lend his assistance and to advise inhabitants as to the use of other precautionary measures. The District Surgeon was requested to lend his assistance and advice to parties seeking advice under the above resolutions. Members of the police board were desired to instruct the Police to take measures for increasing the cleanliness of the town as well. 175 To the relief of every inhabitant this disease fortunately never reached Natal.

With the introduction of Indians to Natal in 1860, another problem arose for the guardians of public health. It was carried by Council that a Committee, consisting of the Mayor and Messrs. Councillor Cato and Sanderson be appointed to prepare a memorial to Government on the subject of the Indian barracks at the Point and the preservation of public health. 176 Soon Mr. Councillor Sanderson handed a memorial to Government, signed by 196 inhabitants for the removal of the Indian barracks from where it had been erected on the Point. The memorial was transmitted by the Mayor to the Government. 177 In a letter, to the Secretary of Government on July 19, relative to the Indian barracks, attention was urgently called to the danger to be apprehended from landing Indians from ships arriving from India in the absence of any hospital or lazaretto for the reception of the sick. 178

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- 175 Minutes of Adjourned Municipal Meeting, December 6, 1858.
 176 Minutes of Public Meeting, July 25, 1860.
 177 Minutes of Special Municipal Meeting, August 17, 1860.
 178 Minutes of Special Municipal Meeting, November 29, 1860.

With the arrival of the Truro on the 16th November, from Madras with 341 Indians on board Dr. Holland, the Health Officer, however, granted them a clean bill of health. They were duly landed and located in the Barrack compound. Before the week was out, most of them had been assigned to sugar planters, and marched off into the country.

The second ship Belvidere arriving on November 25, was a different kettle of fish altogether. Twenty-four deaths had already occurred on the voyage and Dr. Holland placed her in quarantine outside, until the decision of the authorities could be ascertained as to the disposal of the passengers. The Natal Government on previous recommendations from the Town Council, selected a site on the Bay-side of the Bluff for a lazaretto. They even went that far as to contract for the erection of the necessary building, which was then commended with. Nobody, however, was anxious for the location of the infected people contagious to the Bluff channel which was in daily use by small craft and Natives. After much anxious deliberation, it was ultimately decided to form a Quarantine camp at the back of the Bluff, utilizing Mr. Milne's tram line to transport their stores and water. Temporary wattled huts were constructed covered with old sails. The Indians were brought ashore in a cargo boat, also quarantined and landed on the Bluff. Special Constables, European and Native, were employed as guards. With this precaution the Town Council was mollified, but insisted upon their 'filthy' rags being burnt, and new raiment issued, after their persons had received the benefit of sea bathing and their personal effects had been disinfected. This was carried into effect. 179

With the arrival in 1874 of the ship Blenheim with Indians with reported 'Cholera' on board, the Mayor stepped in once again. He persuaded Government to erect a permanent Quarantine station on the seaward side of the Bluff. 180. This was accordingly done and Mr. Jenkyn, Clerk of Works, thanked Council afterwards by letter for the services the Town Gang rendered in their helping to complete the new Quarantine station on the seaward side of the Bluff in July 1874. 181 Overcrowding was another probable source of disease, especially when the Indians were admitted to occupy erven. It was found by Council that the ever increasing number of Indians that came to live in the Borough, were wholly ignorant of the simplest and most obvious laws of sanitation and domestic cleanliness. It became clearly apparent that the sanitary bye-laws framed for a European population were not always applicable to this class of community. From 1871 complaints were numerous regarding insanitary overcrowded Indian dwellings, the unclean habits of the people producing annoyance and injury to the health of those who lived in the neighbourhood. It also showed a tendency to deteriorate the value of the surrounding property. It was hoped in 1871 to get a clause inserted in the Municipal law empowering the Council to prohibit Indian dwellings within the precincts of the town. The law was drafted, and a site for Indian and Native locations selected on the high and dry portion of the Eastern Vlei. The necessary legislation was, however, not approved. In 1872 and 1874 reference was made in the Council Minutes to the deplorable condition of Indian barracks and dwellings belonging to the Railway Company and Government. In 1875 the Indians had located themselves at the West End of West Street, the Northern portion of Field Street and on the Western Vlei. The Mayor of that year stated: "Legislation will doubtless have to be resorted to to prevent these people locating themselves in our very midst, their habits and customs being, as is well known, so completely at variance with, and repugnant to, those of Europeans". 182

180 Minutes of Adjourned Municipal Meeting, July 14, 1874.

181 Minutes of Special Municipal Meeting, July 28, 1874.

182 Mayor's Minute, July 31, 1875.

By 1877 the Mayor could, however, report that all those back buildings at the rear of the Indian stores at the West End of West Street had been cleared by the Superintendent of Police of their former occupants. These occupants were not only a source of annoyance but a disgrace to the community. During that year, with the facilities offered more especially to the working classes by the sale of Town lands and building sites on easy terms, many new dwellings had been erected there instead. New and commodious Indian barracks had also been built at Addington under the care of the Inspector of Nuisances. The old ones were later entirely demolished. 183 The crusade against the overcrowded, filthy Indian hovels continued well into the twentieth century.

It was found after a lengthy dry season, when rain eventually set in that fever and dysentery became very prevalent in Durban. Such was once again the case in 1878 when The Natal Mercury stressed the need for renewed measures in the way of sanitary improvement in the town. It was mentioned that with recent deaths Durban had never known a time in the town when so many persons of all races had fallen victims to forms of diseases as was then the case. Fever had never been as fatal; dysentery never more prevalent. What Durban was in need of and what the Burgesses had a right to claim from the Town Council were a good supply of pure water; drainage works properly carried out under professional supervision and sanitary inspection. 184

In a later edition The Natal Mercury said that interest had been revived in these matters and that the sanitary needs of the town were receiving due attention at the hands of their worthy Town Councillors'. 185 The extreme heat which marked the earlier days of the year no doubt aggravated the effects of the disease. 186 The Sanitary Committee, to-

183 Mayor's Minutes, July 31, 1877

184 The Natal Mercury, January 17, 1878, Article, p.2, col.4,5.

185 The Natal Mercury, January 21, 1878, Article, p.2, col.3, 4.

186 Ibid.

gether with the co-operation of the medical men of the Borough did their best to improve the sanitary condition of the Borough. 187 The subject, however, was a vast one, involving constant attention, besides the bestowal of much arduous labour to initiate and carry out from time to time proper measures to place the Borough in anything like a satisfactory condition. The removal of refuse and night soil was constantly carried out and attention given to keeping the town as clean as possible. Schemes at supplying Durban with pure water and proper drainage were, needless to say, contemplated all the time. With the opening of "Currie's Fountain" in 1879 pure water at last reached every household and from 1884 onwards purified water from the rivers was used. A general drainage and sewerage scheme for Durban, however, had still to wait for another couple of years until enough funds were available to see such a vast project through. Council, in the meantime, did its best to build bigger drains in the most hard hit areas. This was especially the case with the introduction of the central drainage scheme in the heart of town in 1877. Other areas were still neglected as a result of a lack of funds for years to come.

The appointment of medical officers

The first Borough Medical Officer of Health was appointed by the Town Council in 1875. He was Dr. Julius Schultz, who held the office for a period of sixteen years. 188 It was only from 1902 onwards that a permanent officer was appointed who devoted all his time to this important work. Before 1875 Council usually applied for assistance to the District Surgeons or Medical Officers appointed by the Natal Government. These, together with the Sanitary Committee carried out sanitary inspections of the Borough and made valuable suggestions

187 Minutes of Ordinary Municipal Meeting, November 6, 1878;
See also: Minutes of Special Municipal Meeting,
September 19, 1878.

188 Minutes of Ordinary Municipal Meeting, October 5, 1875.

where required. They also applied their medical skill where necessary. With this medical advice and skill available to Council, further sanitary improvements were from time to time carried out in Durban.

Hospitals

Towards the beginning of 1860, the Natal Government, after endless representations and complaints by Burgesses of Durban, recognised its obligation as regards the provision of hospital accommodation. They engaged the well-built brick residence of a Mr. James McKnight in St. George's Street at the end of March, 1860, for the use of the sick, pending the erection of a proper hospital. It was found that the Gaol accommodation was becoming a scandal, and that some separation of patients and prisoners, including lunatics, was essentially necessary. The old "Tronk" was becoming wholly inadequate for both, apart from its use as a Police Station, notwithstanding Mr. T. Dand's good management, and the transfer of long-term convicts and their clanking chains to Pietermaritzburg and Government Brick-yards. 189 A proper hospital was erected by Government the following year out of the £5000 reserved for Native purposes on its Beach Erf in Smith Street intended primarily for Seamen and Natives. It was put under the supervision of Dr. W.H. Addison, Senr. 190 This hospital was later occupied by the Boys' Model School, the forerunner of Durban High School which today occupies premises in St. Thomas Road.

In 1866 Council was informed by the Natal Government that the public revenue was no longer able to bear the expense of the maintenance of a hospital for sick persons resident in the town of Durban. Council was requested to consider the matter with the view of making some arrangement by which the Government might be relieved of the expense of the maintenance of these patients, for whose benefit it was the

189 George Russell, History of Old Durban, p.448.

190 Mayor's Minute, July 31, 1891. Report by Borough Engineer, J. Fletcher, on the Sewerage.

duty of the Municipality to provide hospital accommodation. This request the Council respectfully declined, informing the Government, that if the public revenue was in a low state, that of the Borough was equally so. Even were it otherwise, the Corporation not having been a party to the original establishment of the hospital, failed to see why the Borough should be saddled with the expense of maintaining it, when the Government found it inconvenient to do so. 191 This brought the matter to a close.

As the town developed it was found that the hospital was inadequate to meet the demands and in 1878 Government decided to erect a more suitable building at Addington, adjoining the Back Beach. The new Government Hospital, more generally known as "Addington Hospital" was opened for the reception of patients in 1879, and was first utilised by the military authorities for the treatment of the wounded during the Zulu war. 192

The erection and maintenance of hospitals thus remained the sole responsibility of the Natal Government during these years with the Town Council declining to do so.

Planting of trees

In 1874 the President of the Natal Botanical Gardens was asked by Council to arrange for the propagation of from 2 - 3000 plants or more of the "Eucalyptus Globulus" (Blue Gum trees). This was planted in due course in suitable places within the Town Lands, mainly as a sanitary measure towards improving the public health. Council naturally carried the expense of the propagation. 193 These trees were introduced into Natal from Australia shortly after 1854 and used for the making of cough medicines. It was also found later that they absorbed miasma or malarious gases in the air. Council for this reason, wasted no time

191 Mayor's Minute, July 31, 1868.

192 Mayor's Minute, July 31, 1891.

193 Minutes of Special Municipal Meeting, March 17, 1874.

in their planting of these trees on the swampy portions of the Eastern and Western Vleys 194 and continued in doing so for 195 many years to come.

Recreation

To promote health and recreation a Mr. George Archer advertised unsuccessfully during 1856 that he was prepared to erect a bathing house in the Bay, if sufficient inducement offered. That was not secured until he induced Mr. Mark Foggitt, Town Clerk, to co-operate. The latter took upon himself the venture, and advertised in June of 1860 that he had completed a bathing house opposite Mr. Wm. Cooper's residence (Orange Grove) at a cost of £120, and soliciting subscribers - Ladies £2 2s., Children 10s., Gentlemen 10s., yearly. The building was of wood on mangrove posts, about 50 yards from the dry ground. It was a sort of shed with a dressing room on a platform, approached by a plank gangway on the Bay front. A small yard for the bathers was enclosed by a reed fence, which from a boat had the appearance of a large fish kraal. The arrangement was sufficient for ladies and children, and when the tide served was well patronised during the first summer season. As the depth was only about three feet, the more ambitious men sought a wider range, so availed themselves of a small reed door left in the front to enjoy a swim in the open. They were restricted by the regulations to a forenoon dip, the ladies having the rest of the day. As the outer door was frequently left open in the morning, and neglected by the ladies' bath attendant until the afternoon tide had risen many high-spirited maidens who could swim would venture out into the open, before closing the door, if no boats were about. Self-respecting ladies objected to this frequent loss of privacy, as also to the discomfort caused by children of all ages, who abused the privileges of the place. The result was that

194 Mayor's Minute, July 31, 1875.

195 Mayor's Minute, July 31, 1876.

subscriptions fell off and it slowly fell into disrepair. It was consequently removed. This first well-intentioned attempt to promote health and recreation became known as "Old Archer's duck pond", or for variety, "Archer's hen coop". 196 Council erected two free baths at a cost of £300 to the Borough during 1863. 197 The Mayor reported in 1864 that these two baths had been most successful. During the previous summer as many as 300 to 400 bathed daily thus promoting health, pastime and decency. The male bathing house was found to be useful as a boat-jetty at half tide. It was regretted that the ladies did not avail themselves of the ladies subscription bath to the extent as was expected. The free bath, however, was crowded to excess. Swimming matches for adults and boys were arranged. Prizes were raised by private subscription. 198 Both these baths underwent repairs during 1867. 199 The ladies' subscription bath not paying, was thrown open to the public. Separate compartments were made in both baths for adults and children. 200 Council made provision for a weekly report to be made at the Town Office of the bathing houses during 1873 so that any necessary repairs might be effected immediately. 201 A slight addition was made to it in 1877 by way of a screen placed in front, thereby obscuring the view of the bathers from the shore. The improvement was a much needed one. 202. Further repairs were effected to the baths in the following years. Apart from these primitive palisade bathing stages erected for bathing in the Bay, there were no Public baths in the Borough until the year 1892. These bathing stages, nevertheless promoted cleanliness and provided recreation to the Burgesses of Durban in these early years.

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- 196 George Russell, op. cit., pp. 309 - 310.
 197 Mayor's Minute, July 31, 1863.
 198 Mayor's Minute, July 31, 1864.
 199 Mayor's Minute, July 31, 1867.
 200 Mayor's Minute, July 31, 1870.
 201 Mayor's Minute, July 31, 1873.
 202 Mayor's Minute, July 31, 1877.

Public Parks

It was a well known fact to Council that in densely populated towns (which Durban, no doubt would be at a future period) public places of recreation were essentially necessary, not only for health, but the happiness of those who could not afford to live out of town. Bearing this in mind, Council set land aside in 1865 at the West and East End of Durban. The land at the West End was named Albert Park and that at the East End, Victoria Park. 203

The Mayor reported in 1866 that titles to these parks were in the hands of the Corporation and in years to come would, no doubt, prove the wisdom of the Council in laying aside these lands.

These lands were in extent as follows:-

	A.	R.	P.	
Albert Park, at the West End	23	0	3	
Victoria Park at the East End	29	2	29	204

Nothing further on these parks were recorded in the Minutes up to 1879.

The Mayor reported in 1879 that some steps had been taken towards constituting Public parks or recreation grounds for the suburbs. With an opportunity occurring by the reversion to the Corporation of Lots 63 and 64, Block B, Berea, in extent about 33 acres, it was resolved to set these lots apart for this purpose and tree planting. At the same time the upper portion for building sites was reserved and commenced with. The portion intended for the Park was to be vested in the names of Trustees, with the understanding in the meantime that the lower portion of one of the lots be placed at the disposal of the Tree Planting Committee for horticultural purposes. The revenue derived therefrom was to be devoted to laying out the Park, which became known as "Berea Park".

203 Mayor's Minute, July 31, 1865.

204 Mayor's Minute, July 31, 1866.

With a view of providing other similar places of healthful resort, and to afford also recreation ground for the youths of the town, a plot of Land at the foot of the Berea, near the outspanning site, together with a lot near the Gaol at the East End, were also set apart accordingly. 205

Borough Census

The Durban Town Council undertook the task of an official enumeration or census of the population in the Borough of Durban from 1862 onwards on a yearly basis. Censuses, being expensive, were taken partially at infrequent intervals before 1862.

With the incorporation of the Borough in 1854, the Field Cornet's official enumeration or census of the population was:

<u>Adults.</u>		<u>Children.</u>		<u>Total.</u>
<u>Males</u>	<u>Females</u>	<u>Males</u>	<u>Females</u>	
316	263	313	312	1204 Whites

206

The segment of the Native population was ignored in this census, as well as births, marriages and deaths. The total White population showed 1,204 souls in the Borough of Durban in 1854 with 54 more males than females.

During 1855 The Natal Mercury published a notice which roughly gives us an indication of the population in the Colony of Natal at this time. It was noted as peculiar that the Colony, comprising of an area of 18,000 sq. miles, only had a population of 1,000 British-born subjects and about 2,000 Dutch inhabitants, German and other foreign descent. The Coloured, Zulu or Native populations were not aborigines, but by far in the majority. They were immigrants or refugees from the surrounding barbarous tribes and exceeded 100,000 in number. 207

Of the White population more British-born subjects lived in the Borough of Durban, whereas more Dutch inhabitants lived in

205 Mayor's Minute, July 31, 1879

206 George Russell, History of Old Durban, p. 208.

207 The Natal Mercury, Notice, October 26, 1855, p.4. col. 3, 4.

the Borough of Pietermaritzburg than in the rest of Natal. According to George Russell in his book called History of Old Durban, the total acreage of the Durban Borough was shown as 6,208 acres in 1855. 208 With the arrival of more immigrants during this year, one can only estimate that the White population in Durban with births, marriages and deaths included, probably reached the number of 1,500.

As no official census was taken until November 27, 1862, when the Town Clerk, Mr. R.H.U. Fisher, 209 voluntarily undertook the work, one can only assume that the population of Durban increased considerably during this period.

The growth of population can be tabled after 1862 as follows:

<u>Years</u>	<u>Whites</u>	<u>Natives</u>	<u>Indians</u>
1862 - 3	2,567	1,743	153
1863 - 4	3,023	1,384	231
1864 - 5	3,476	1,520	288
1865 - 6	3,178	1,349	464
1866 - 7	3,263	1,711	606
1867 - 8	3,287	1,692	729
1868 - 9	3,125	1,511	653
1869 - 7	3,147	1,766	668
1870 - 1	3,324	1,771	656
1871 - 2	3,493	1,875	908
1872 - 3	3,600	2,297	665
1873 - 4	4,129	2,252	1,860
1874 - 5	4,564	2,286	698
1875 - 6	4,836	2,903	1,450
1876 - 7	5,312	3,177	1,999
1877 - 8	5,425	3,313	2,538
1878 - 9	7,188	3,057	2,973

208 George Russell, op. cit., p. 227.

209 See photos.

Births and Deaths of Whites only were recorded and read as follows:

<u>Years</u>	<u>Births</u>	<u>Deaths</u>	
1862 - 3	71	32	
1863 - 4	165	85	
1864 - 5	177	106	
1865 - 6	186	87	
1866 - 7	163	48	
1867 - 8	149	68	
1868 - 9	128	64	
1869 - 7	135	52	
1870 - 1	113	41	
1871 - 2	126	54	
1872 - 3	140	50	
1873 - 4	145	89	
1874 - 5	160	102	
1875 - 6	184	69	
1876 - 7	188	102	
1877 - 8	211	152	
1878 - 9	384	181	210

The White population between the years 1854 and 1862 therefore doubled its number and was in the majority in 1862. The number of Indians was still small considering that they only started arriving from late 1860 onwards. The Natives as such were scattered over Natal which accounts for the smaller number of them taken up in the Borough of Durban. The White and Native populations almost tripled its number between 1862 and 1879, whereas the Indian population increased from a mere 153 in 1862 to almost 3,000 in 1879 by immigration from India and an extremely high birth rate. Emigration of large numbers of White inhabitants to Australia from 1865 onwards was responsible in decreasing the White population between 1868 and 1870, whereas immigration from England and elsewhere strengthened it again. Interesting to note, however, is that the White population in Durban exceeded that of the Native and Indian population during these years.

It is rather disappointing that only the registration of births and deaths 211 of Whites were done and not those of Natives and Indians during this period. The number of births in the White population more than doubled the number of deaths between 1862 and 1879. The number of marriages among the White population also increased considerably as the population grew. Common illnesses which caused deaths were zymotic, constitutional, local and developmental diseases, 212 as well as deaths caused by accident and suicide. More sanitary measures introduced during these years decreased the number of deaths which in turn stimulated the growth of the population in general.

The number of houses recorded by the Registrar increased as follows:-

<u>Year</u>	<u>Number of Houses</u>
1860	359
1861	458
1862	504
1863	596
1864	660
1865	700
1866	731
1867	818
1868	820

1869/.....

211 The Registration Bye-laws for Births, Marriages and Deaths were framed in terms of Law No. 21 of 1862. See Borough of Durban, Colony of Natal, South Africa. General and Registration Bye-laws, sanctioned December 22, 1862, pp. 69 - 71.

212 Zymotic diseases such as whooping cough, croup, dysentery, diarrhoea, remittent fever to typhoid fever. Constitutional diseases such as consumption and dropsy. Local diseases such as convulsions, disease of the heart, bronchitis to inflammation of the lungs, bowels, disease of the liver and to Bright's disease of the kidneys. Developmental diseases such as senile decay, curvature of the spine and premature birth.

140.

<u>Year</u>	<u>Number of Houses</u>	
1869	823	
1870	820	
1871	870	
1872- 5	Not recorded	
1876	1,028	
1877	7,092 (recorded as number of buildings)	
1878- 9	Not recorded	213

In conclusion it may be said that the Durban Town Council between the years 1854 and 1879 attempted to fulfill effectively their role as guardians of the public health. Measures were taken to provide for the removal of night soil and refuse, provision was made for slaughter houses and cemeteries, abatement of nuisances, general medical planning and recreation. Funds were not always available to carry out these measures on a more satisfactory basis, but with time certain results were achieved which contributed to a standard of public health maintained in the years between 1854 and 1879.

CHAPTER IIITHE MAINTENANCE OF BOROUGH LAW AND ORDER(a) The Borough police

This very effective function was efficiently carried out by The Durban Town Council in the following manner. A Borough police force (forerunner to the City Police) was established and the expense of maintaining the force was partly defrayed by receiving money from licences. Laws and bye-laws were framed for the better regulation of their activities and offenders were accordingly punished. The defence of the town was organised and well put to use during the Zulu War of 1879. Rules of order were also framed for the efficient running of the Council machine.

The Natal Government entrusted the maintenance of law and order before 1854 and after this date to three or more Europeans with a few Native Constables. They became known as the County Police and were directly responsible to the Natal Government. A thatched cottage of wattle and daub, surrounded by a cluster rose fence in Central West Street, having iron bars to the windows on Erf No. 14. Block E. served as the County Jail or Gaol. ¹ This was also used by the Borough police as a "lock-up" for many years.

Under Municipal Ordinance 1 of 1854, the newly formed Durban Borough police was to be placed under the jurisdiction of a police board which was formed on January 1, 1856 and comprising of the Mayor, Mr. Councillor Millar ² and the Resident Magistrate. The latter only served on the Durban Borough police board until October 1, 1861 when the Municipal

1 George Russell, History of Old Durban, p. 112.

2 The Resident Magistrate, although appointed by the Natal Government, was in practice regarded as a servant of the local Durban community. See Mayor's Minute, July 31, 1862.

Amendment Law No. 21 of 1861, enabled the Corporation to assume entire control of the force which was done in October 1861. 3 The police board controlled the conditions of police employment (appointment, promotion, discipline, compensation, etc.) through widely ranging regulations, as well as taking care of making important decisions regarding maintenance of law and order in the Borough. The Durban Town Council was at the same time enabled to partly defray the expense of maintaining a Borough police force by receiving the amount arising from licences 4 to trade (other than Wine and Spirit and Auctioneer's licences), and also money arising from Billiard, Butcher and Baker's licences within the limits of the Borough. This also directly included the licence or right to take away timber on the Town lands. 5 By another act in 1862 the Durban Town Council received the right to issue licences, other than Wine and Spirit licences and benefitted accordingly.

Effective changes were made with the management of the Police force being taken over entirely by the Corporation. A month's notice was given to the present number of the Police force and new recruits were made in 1862. The Council invited applications for the post of Chief Constable, at a salary of £150 p.a. with uniform, and forage allowance of £21 p.a., two Sergeants at a salary of £8 per month and two suits of uniform p.a. and nine "sub-constables", of whom six were white and three black at £7 per month with two uniform suits each. 6

3 He resigned later in the year and was replaced by Mr. Councillor Fergusson.

4 Licence, in law, is a permission to do an act or acts which without the permission would be unlawful. The two main heads of licence - one concerned with property, and the other with public law were handled by the Natal Government before the inauguration of the Durban Town Council in 1854. See section dealing on Licences in this Chapter.

5 Minutes of Special Municipal Meeting, January 4, 1856.

6 Mayor's Minute, July 31, 1862.

Mr. R.F. Bennett was appointed Superintendent of Police on November 6, 1861. He held office until 1867, when he was succeeded by Mr. William Hogshaw, who resigned in 1869. The Council next appointed Captain Horace Townsend at a salary of £175 p.a., but after two years working of the Department, he was succeeded by Mr. Thomas Maxwell, who held the post of Superintendent until April, 1876, when he resigned and Mr. R.C. Alexander, late of Her Majesty's Thirteenth Regiment, was appointed Superintendent of Police in May, 1876 serving an uninterrupted service of close to forty years. The original appointment of twelve people, White and Black, to make up the Police force in 1862 eventually increased to the number of 75 in 1879. 7

West Street police station

Measures were taken in 1862 for the erection of a Police station, which was to front West Street at a distance of 150 feet in the rear. A front verandah of eight feet was to be attached, supported by four neat iron pillars and stoep to match. The depth of the yard was to be increased to twenty-two feet to add two more rooms of similar dimensions to the four cells, one to be used as a kitchen and one as a lavatory. 8 The walls of the Police station was to be twelve feet high. A slate-roof with proper guttering was to preserve the rain-water to lead into a large iron tank also to be provided for. Boarded floors were to be placed throughout and the inside and outside walls plastered and painted as well. Apart from the urinal inside, a further two urinals were to be erected outside for the use of the public. An order for 6,000 Countess slates of the best quality and four

7 Mayor's Minute, July 31, 1879. Railway Constables were sworn in from 1865 onwards. The Natal Government passed a bill in 1877 that brought into being a Water Police to protect the Harbour. In 1904, the Borough force had increased to three Inspectors, 13 Sergeants, 55 European Constables, 12 Indian Constables and 300 Native Constables, in addition to which an Inspector, a Police Sergeant, three European and 30 Native Constables controlled the Tugt Department. The population during this period had increased to 67,847, which fully explains the necessity for maintaining such a large Police force.

8 Minutes of Adjourned Municipal Meeting, October 4, 1861.

iron pillars were accordingly ordered from England. 9 The Borough Police force took possession of this completed West Street Police station on March 25, 1863. 10 The building itself amounted in cost to £1,037 12s. 5d. 11 In 1870 an extra four rooms were added which cost an extra £37 10s. 0d. 12 Small openings were at the same time made in the station cell doors to enable the Police to see their prisoners without entering the cell. A small unoccupied room in the rear of the station was fitted up as a mortuary. 13 Four pairs of handcuffs and nine strong padlocks and keys were purchased by the Superintendent to be made use of in the maintenance of law and order. 14 In 1881 a second storey was added to the same building. The Gaol was then no longer used as a lock-up house by the Borough Police. As the Council, however, continued making use of convict labour from the Gaol, they agreed to provide a day and night guard. 15

Point police station

A Police station, containing guard room and cell, was erected at the Point in 1870 on a piece of land courteously granted by the Government, subject to their pleasure. The total cost of building this Police station, including furniture and fitting amounted in cost to £78 13s. 9d. 16 In 1878 the Point Police station was re-erected on a new site, lot 16 in Point Road. This station remained in use until 1903, when the present Point station was erected. 17

Berea police station

Mr. H. Currie presented the Corporation with a house in 1873 to be used temporarily as a suburban Police station along Musgrave Road in the neighbourhood of Lots 51 and 52 of

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- 9 Minutes of Special Municipal Meeting, November 28, 1861.
 10 See photo. Minutes of Special Municipal Meeting, March 27, 1863.
 11 Mayor's Minute, July 31, 1863.
 12 Mayor's Minute, July 31, 1870.
 13 Minutes of Special Municipal Meeting, June 28, 1870.
 14 Minutes of Special Municipal Meeting, August 30, 1870.
 15 Minutes of Special Municipal Meeting, March 27, 1863.
 16 Mayor's Minute, July 31, 1870.
 17 Mayor's Minute, July 31, 1878.

Block B. As Mr. Currie gave notice in 1874 that he required the house, temporarily used as a police station, 18 half an acre was leased by the Corporation on lot No. 44 B at a rental of £2 p.a. The Town Clerk was called upon to prepare plans for a Station house and call for tenders. 19 In the meantime a building was rented for the purpose. A commodious Police station was completed during 1875 on the Berea containing a room for the Sergeant in charge as well. A bell placed at the Station rang for five minutes simultaneously with the Town Bell at 8.55, morning and evening. 20 An underground tank to supply water was added to this station in 1877. 21 This Berea station, with alterations and additions made from time to time, remained in use until June, 1904, when the Berea station entered into occupation of the more commodious premises erected on portion of the old Tram Stables site on Musgrave Road.

Sub-stations

Sub-stations were rented at Umgeni in 1877 and Congella in 1880, pending the erection of Police stations in these localities. 22 In 1881 the Umgeni Police station was erected and in 1886 the Congella station was built. 23 By the creation of a Police station at the Umgeni, the Berea Police were relieved from patrolling the Umgeni district as formerly done.

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- 18 Minutes of Special Municipal Meeting, January 20, 1874.
 19 Minutes of Ordinary Municipal Meeting, March 6, 1874.
 20 Mayor's Minute, July 31, 1875.
 This addition was also made to the Point Police Station where the bell rang at these appointed times. See also: Minutes of Special Municipal Meeting, June, 1876.
 21 Mayor's Minute, July 31, 1877.
 22 See photo. Minutes of Special Municipal Meeting, August 10, 1877.
 23 No additional Police buildings were required until 1894 when the growth of the Greyville district necessitated the erection of a Police station there. Three years later a cottage and outbuildings were rented on Moore Road, the property being later acquired at a cost of £750, when additional cells and native quarters and cells were also provided at Mitchell Park and Brickhill Road.

Togt Office

A "Togt Office" was erected in 1875 by Mr. John Smith at a cost of £105. 24 Two Sergeants were at first put in charge with ten Native Constables originally, 25 which number was increased in later years to assist in this service.

Togt barracks

Togt barracks were erected on reserved land near the Coolie barracks at Bamboo Square in the vicinity of the Point. It provided accommodation for a large number of men; 26 the rooms were well ventilated and supplied with light and cooking utensils for the use of the Natives sleeping on the premises. A store-room was also provided for their use. A European Constable, and two Natives of the Borough Police were constantly stationed there to look after their interest, as well as those of the Borough. No charge was at that stage made against the Togt men for the accommodation provided. The building had been constructed at a cost of £804 12s. 9d., with the average number of Togt Kafirs in the Borough in 1878 being about 800. 27

Description of crime

From 1865 onwards the Superintendent of Police attached to the Mayoral Minute a Comparative Statement of Police cases from 1863 onwards in the Borough of Durban. Here is a typical example of such a Statement attached to the Mayoral Minute of 1870.

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- 24 Minutes of Ordinary Municipal Meeting, December, 1874.
 25 Mayor's Minute, July 31, 1875.
 26 "Togt man" means a day labourer or a person employed in service otherwise than under monthly or longer engagement, or a jobber, and applied only to Natives then.
 27 Mayor's Minute, July 31, 1878

POLICE REPORT

Comparative Statement of Police Cases for the Years
1869 and 1870, ending 31st July.

Crime	Europeans		Coolies		Kaffirs		In-crease	De-crease
	1869	1870	1869	1870	1869	1870		
Assault	11	13	31	19	49	28		13
Theft	8	17	37	35	60	76	23	
Drunkenness	68	81	56	52	39	42	12	
Desertion	2	3	17	18	17	41	26	
Contravening Bye Laws	2	2	24	13	175	84		99
Without Pass			30	24				6
Arson			1		1	1		1
Fraud	1		2					3
Indecent Exposure					2	1		1
Misconduct	11		24	25	60	47		23
Indecent Assault					1	1		
Vagrancy	1	1		1	1	2	2	
Murder				2			2	
Breach of Peace		15	6	19	10	26	54	
Battle Stabbing					2			2
House breaking				1	1	3	3	
Fishing without License			10		2			12
Highway Robbery				1				1
Perjury	1		1		1	3		
Suspicion of Theft	1			9	2	9	15	
Culpable Homicide			1			1		
Trespass		4			7	3		
Receiving Stolen Goods			1	2	5	4		
Uttering False Coin		1			1			
Rescuing Prisoners and								
Obstructing Police		7		2		2	11	
Forgery		1					1	
Horse Stealing		1					1	
Contravention of Colonial Laws								
and Mutiny Act		4				1	5	
Contempt of Court		2				3	5	
Abduction				2			2	
Refusal of Duty		9					9	
Brewing Ishimiyana						3	3	
	105	161	240	224	432	381	181	179

Total cases 1869	(Europeans	105	
	(Coolies	240	
	(Kaffirs	432	777
Total cases 1870	(Europeans	161	
	(Coolies	224	
	(Kaffirs	381	766
Decrease, 1870	11	cases

DURBAN JULY, 30, 1870

(Signed)

H. TOWNSEND
Superintendent of Police

28. Mayor's Minute, July 31, 1870

It would appear from all these Police Statements up to 1879 that the highest percentage of drunkenness was to be found among Europeans, closely followed by the Indians and to a lesser extent by the Natives. Murder as such was mostly committed by the Indians and Natives, whereas in theft the Natives took the lead, followed by the Indians and to a far lesser degree the Europeans. The Natives and Indians were mostly caught for assault and rape and Europeans formed the lowest percentage in this case. In contravening the Borough bye-laws, the Natives took the lead, followed by the Indians and lastly by the Europeans. The Indians were mostly caught for not carrying their passes, followed by the Natives. Europeans did not have to identify themselves. It seems that in general the Natives made up the highest percentage of criminal acts committed, closely followed by the Indians and lastly by the Europeans.

The duties of the Durban Borough Police varied apart from preventing and detecting crime to including inspectional, licensing and other regulatory activities to maintain public order, and safety and enforcing the law. From performing Streetkeeper's duties, street lighting, sounding the wells to estimate the water supply, to acting as a fire brigade between 1854 and 1879, Borough Police power extended to "health, safety, morals and welfare of the inhabitants of the Borough of Durban".

(b) Borough bye-laws

To assist the Durban Town Council in maintaining Municipal order, cleanliness, and general administration, Ordinance 1, 1854, authorized the Town Council to formulate Borough bye-laws and to enforce a penalty of £5 on offenders. These were framed and sanctioned by the Lieutenant-Governor of the Natal Government on July 4, 1855 and published in the Government Gazette on December 25, 1855. 29

29 Mayor's Minute, July 31, 1855. See also: Minutes of Adjoined Municipal Meeting, December 28, 1855.

Amendments to these existing bye-laws were from time to time made. A typical example was when new General and Registration bye-laws and regulations relating to the Municipality were sanctioned by the Lieutenant-Governor on December 22, 1862³⁰ and enforced from 1863 onwards. New bye-laws were added and amendments made all the time. Law No. 19 of 1872, amended Ordinance 1, 1854 even further and increased the powers of Council regarding the making of bye-laws. Existing bye-laws still continued until repealed in 1875 when new Borough bye-laws were sanctioned by the Lieutenant-Governor on February 20, 1875,³¹ which remained in force till well after 1879.

Borough bye-laws in the period between 1854 and 1879 covered mainly the following:

- A Abatement of Nuisances/Animals-cruelty.
- B Bathing (Public)/Building bye-laws/Billiard, Butchers & Baker Licences - applications.
- C Cemeteries/Clothing/Cask rolling prohibited/Cow sheds-cleanliness.
- D Disturbances/Dogs without collars - destruction/Driving/Drinking/Drainage.
- E Eating Houses/Explosives (conveyance).
- F Fighting (Public)/Fire-arms/Fires/Footpaths/Fencing.
- G Gambling (in public places forbidden).
- H Hawkers licences and badges necessary for hawkers.
Hide-curing - application for sites away from town area.
- I Impounding of Cattle.
- K Knobkieries, carrying of by Natives forbidden.
- L Lamps/Licences/Loads (limitations)/Land/Leasing/Loans.
- M Meetings/Market Regulations.

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- 30 Natal Ordinances, Laws and Proclamations, vol. 1 (3 vol.) 1845 - 1869, p. xviii. See also: Borough of Durban, Colony of Natal, South Africa, General and Registration Bye-laws, sanctioned December 22, 1862, pp. 3 - 34.
 - 31 Ordinary Municipal Meeting, March 2, 1875. See also: Special Municipal Meeting, March 16, 1875. Law No. 13 of 1884 amended Law No. 19 of 1872 and gave Extended Powers to Municipal Corporations which naturally effected the making of more bye-laws.

- N Night soil - deposit/removal.
 O Obstruction (in streets forbidden).
 P Police/Pound regulations/Parks/Public Entertainment/
 Prevention of horses bolting without anyone in charge/
 Private premises - disturbance of peace and entering.
 R Reckless driving/Roads, (obstruction of), Refuse.
 S Streets/Sunday trading prohibited/Sale of Wine and
 Spirits/Sale of Bread/Sanitary Bye-laws/Shooting on
 Town Lands/Slaughter Houses/Surveying of land/Shooting.
 T Togg Regulations/Toll Regulations/Table Money for the
 Mayor.
 U Unsanitary premises - Inspector of Nuisances to enter
 upon.
 V Vehicles and tolls/Vagrancy.
 W Water/Weeds/Whips/Woodcutting - wearing of badges/
 Weight and Measures/ Wholesale and Retail Shop Licences.

(c) Licences

1. Property Woodcutting Licences

Licences in respect of land in early Durban fell mainly into the category of some interest in the land, such as the right to take away timber or shooting on the land. Application was at first made to the Natal Government, but after the establishment of the local Durban Town Council in 1854, to the latter. 32 The Town Surveyor was instructed to order all persons licenced to cut wood on the Town Lands, to clear the roads laid out on the Berea bush and not to cut wood indiscriminately. 33 Whether these orders were always carried out by the parties licensed to cut wood is debatable. It appears from the Minutes that indiscriminate bush-cutting by all parties, licensed or not, was at the order of the day.

32 The first record of this kind appeared in the Mayor's Minutes as early as 1855 when a Mr. C. McDonald applied for a licence to cut wood in the Congella bush or in the mongrove swamp at the head of Durban Bay for the purpose of burning lime. This was granted to him. A Mr. Learholm Jnr. was also at the same time allowed to slaughter cattle and cut wood for a kraal at a spot pointed out by the Town Committee. See Mayor's Minute, July 31, 1855.

33 Minutes of Adjourned Municipal Meeting, December 21, 1855.

This is especially true, when one considers that the road spaces ordered to be reserved between blocks of leased lots were left uncleared. If the tenant wanted to convey material on to his plot by wagon, he was at liberty to select the easiest route through the thinnest bush, and cut down any tree in his way. 34 Fencing was not insisted upon by the Council as yet and it posed as no problem to the owner of a property to continue removing timber past his own boundary. By 1873 a system of licensing had been initiated by the Council for the regulation of Natives and Householders cutting wood for domestic purposes to wear Firewood-badges. A Householder, on payment of 1s. 6d. p.a. was able to obtain a badge permitting him to cut fire-wood on the Town Lands. Council gave instructions for the marking out of block of Town Lands where wood could be obtained by Brickmakers or other large Consumers on payment of a licence. 35 Blocks of land were laid off at the Umgeni and Congella from which timber and bush could be cut on payment of an annual fee of £3 and upwards (depending on the quantity and quality of the timber) per acre to facilitate the manufacture of brick and lime. 36 There were approximately 572 Firewood Badges in possession of Burgesses in 1879. A great many non-holders of Badges were, however cutting wood from the lands by simply borrowing the Badges. This indiscriminate cutting of wood continued well past 1879 as any form of ruling against by the Town Council, met up with strong opposition by the public. 37 Permits, on application to the Town Clerk, were also issued free of charge to cut wattles and stakes on the Town lands. In 1879 these were suspended for some time

34 George Russell, History of Old Durban, p. 331.

35 Mayor's Minute, July 31, 1873.

The Durban Town Council tried to increase this amount to the payment of 10s. p.a. for a Firewood-badge in 1879 but met up with so much opposition at a Public Meeting that the old Bye-law was re-enacted. See Mayor's Minute, July 31, 1879.

The privilege of obtaining Firewood Badges was granted to Whites only. Natives were only allowed to cut wood in the employment of Householders and had to be able to produce the owner's permit when doing so.

36 Mayor's Minute, July 31, 1874.

37 Mayor's Minute, July 31, 1879. See also: Mayor's Minute, July 31, 1877.

to follow. 38 Permits were granted to Whites above 16 to shoot on the Western and Eastern Vlei, Congella Flat, Race Course and Back Beach Bush only. These permits were not transferable and not to be used on Sundays. In no case were Natives allowed to shoot on the Town Lands, whether on their own account or on behalf of their employers. 39 Complaints, however, continuously reached Council on the reckless manner in which Europeans and Natives were shooting in the bush and on the Town lands 40 and bye-laws soon followed to regulate the shooting.

2. Public Law

The system of licensing to do with public law, was used mainly to regulate the activities in the public interest, sometimes primarily as a method of taxation, and often for both purposes. These activities naturally included the trading of liquor, meat and bread and the keeping of billiard tables. The Natal Government regulated these activities before 1854 and as the Durban Town Council gradually took them over, only a Government tax was still imposed.

Liquor Licences

The first law regulating the sale of liquor was Law No. 9 of 1847. This was an Ordinance issued by the Natal Government for regulating the Sale of Wines, Spirituous and Fermented liquors within the District of Natal. 41 Liquor licences, on application to the Resident Magistrate, were accordingly issued to the prospective Retail and Wholesale Dealers. Under Ordinance No. 3 of 1850 these licences were issued on an annual basis. With the inauguration of the Durban Town

38 Mayor's Minute, July 31, 1874. See also: Mayor's Minute, July 31, 1879.

39 Laws, Bye-Laws and Regulations of the Borough of Durban, sanctioned December 22, 1862, pp. 3 - 34. See also: Minutes of Special Municipal Meeting, October 26, 1869.

40 Mayor's Minute, July 31, 1870.

41 Laws, Bye-Laws and Regulations of the Borough of Durban, op. cit., pp. 3 - 34.

Council by Ordinance 1, 1854, the Town Council could benefit from all licences except Wine and Spirit licences. 42 By 1862 Law No. 21 was sanctioned 43 which made it possible that applications for licences, other than Liquor licences, be made directly to the Mayor and Councillors of the Borough. Application for licences to Wholesale and Retail Dealers in Wines, Spirituous and Fermented Liquors had still to be made to the Resident Magistrate who alone could sign such a licence. 44 The Town Council, however, imposed for the first time now a local tax on holders of the Liquor licence. The Treasurer's Balance Sheet for 1863 showed the amount received for licences to Wholesale Wine and Spirit Dealers as £270 and to Retail Wine and Spirit Dealers as £330. 45 This amount received by the Town Council steadily increased up to 1879. The Natal Government naturally imposed a Government Tax on these dealers. The selling of liquor remained solely a privilege for Europeans only. Law No. 18 of 1863 prohibited the selling of intoxicating liquors by Canteen-keepers to Natives. The Town Council also did not entertain the application made by Indians for Liquor licences. The first application of this kind was made by an Indian named Bikhoo, dated May 2, 1865, for a Retail Wine and Spirit licence for his premises at the West End. This was not granted as Council then decided that applications from Indians for Liquor licences would not even be considered. 46

A Committee was appointed in 1866 to take measures to assimilate the Wine and Spirit Ordinance as much as possible to the laws in England for the Sale of Wine and Spirits. 47

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- 42 Supplement to the Natal Mercury, May 3, 1854, Proclamation, p. 1, col. 1, 2.
 43 Laws, Bye-Laws and Regulations, op. cit., pp. 95 - 102.
 44 Minutes of Special Municipal Meeting, July 25, 1861.
 45 Mayor's Minute, July 31, 1863. See Treasurer's Balance Sheet 1862 - 3.
 46 Minutes of Ordinary Municipal Meeting, May 2, 1865.
 47 Mayor's Minute, July 31, 1866.

Although changes occurred in the Liquor licence, nothing definite was recorded as said concerning this assimilation having been carried out.

A Mr. Houghting was fined £3 6s. 8d. in the same year for selling liquor without a licence. It was resolved by Council that the Town Clerk would wait on the Resident Magistrate to have the question settled in accordance with Ordinance No. 9 of 1847. Furthermore, that His Worship be requested to enforce the payment of fines for contravention of the above ordinance or the Borough bye-laws before the parties left the court in future. 48

During the course of 1870 two applications were made to the Council for a reduction in the £20 annual Retail Wine and Spirit licence, on the alleged grounds that their licenced premises were not within the three mile radius prescribed by law. In one case the application was allowed, when immediately a retrospective claim was made by the Honourable Attorney General who advised the Council that annual Retail Wine and Spirit licences within the limits of the Borough were chargeable with a sum of £20 sterling. The result was that this application was no longer considered. 49

The Natal Government handed over all licences in 1872 to the Corporation by Law No. 19 of 1872, articles 71 to 73, without depriving themselves of the right to impose stamp duties. For the first time Council could now issue licences to Retail and Wholesale Dealers in Wines, Spirituous and Fermented liquors. Amounts of all such licences were to be paid to and for the use of the Borough fund. It was also stated as legal for the Council to make regulations from time to time with respect to such licences, and fixing the hours of

48 Minutes of Special Municipal Meeting, November 13, 1866.
49 Mayor's Minute, July 31, 1870.

business thereunder, and altering, increasing or reducing the prices of such licences. No longer were applications to be made to the Resident Magistrate for a Liquor licence, but to the Mayor and Councillors. Such a licence was to be signed by the Mayor or by any person duly authorized to do so by the Council. All fines for contravening the laws or ordinances were to be paid to the Borough fund. 50 Council thus received full power by law in 1872 to regulate the issuing of all licences to trade or do business within the limits of the Borough.

The 24th section of Law No. 9 of 1847 was enforced by Council during 1873 for closing canteens on Sundays. They also found it necessary to pass a resolution whereby Hotel Canteen-keepers twice convicted of selling intoxicating liquors to Natives were not again to have their licences renewed.. 51 The Mayor reported in 1874 that although there were still cases where the law was evaded, these measures had on the whole, a salutary effect in checking drunkenness. One or two convictions had been obtained against Canteen-keepers for contravening Law No. 18 of 1863, viz. selling spirits to Natives, but as the Council had then resolved that one conviction during the Corporate Year would be sufficient reason to the Council to refuse a licence for a Public House, canteen, etc. a check had also been placed on this illegal practice. 52

The Mayor suggested in 1878 that a fresh tariff of charges be made to place all trades on a par with each other. He found it unsatisfactory that whilst the Retail Shop-dealers annually paid a tariff of 30 shillings, the Wholesale Dealers were entirely exempt from payment. This topic was however, only dealt with after 1879. 53

50 Borough of Durban, op.cit., pp. 18 - 20.

51 Mayor's Minute, July 31, 1873.

52 Mayor's Minute, July 31, 1874.

53 Mayor's Minute, July 31, 1878.

It was found during the Zulu War of 1879 that the drunkenness amongst some of the troops stationed in Durban from time to time on their way to and from the front, were the cause of great concern. The Superintendent of Police, having reported it to the Council, pointed out that it arose mainly from the supply by some of the Canteen-keepers of Natal rum to them. Immediate measures were taken to suppress such practice and the Canteen-keepers were warned that upon any case of the nature being complained of, or being brought to the notice of the Council their licences would not be renewed. Thanks were given to Major Butler for marching his troops to the Point and embarking without camping out near the town. A considerable improvement in drunkenness was the result of this prompt action taken. 54

Butcher and Baker Licences

A licence was imposed on Butchers and Bakers for the first time in 1850 by the Natal Government. Under Ordinance No. 3 of 1850 this licence was to be payable on an annual basis. By proclamation of Ordinance 1, 1854, the Durban Town Council was enabled to partly defray the expense of maintaining a Borough Police force by receiving money arising from Butcher or Baker licences within the limits of the Borough from the Natal Government. 55 The Colonial Secretary informed Council late in 1855 that the Corporation was also entitled to the amount received by the Resident Magistrate of Durban for licences to trade beyond the boundaries. The Mayor in response applied to the Colonial Secretary for the amount of such licences and also enclosed a copy of the letter. 56 A draft for £30 was the first amount received by 57 Council from the Government for licences to trade beyond the boundaries. This amount naturally increased as the years went by.

54 Mayor's Minute, July 31, 1879.

55 Supplement to the Natal Mercury, May 3, 1854, Proclamation, p. 1, col. 1, 2.

56 Minutes of Special Municipal Meeting, December 26, 1856.

57 Minutes of Adjourned Municipal Meeting, January 13, 1857.

By Law No. 21 of 1862 application for Butcher or Baker licences had for the first time to be made directly to the Mayor and Councillors of the Borough and no longer to the Resident Magistrate. 58 Council now issued and benefitted directly from these licences as the Treasurer's Balance Sheet of 1862 - 1863 clearly shows. The amount received by Council for Butcher licences as £24 0s. 0d. and for Baker licences £18 0s. 0d., 59 which amount increased steadily in the covered period up to 1879.

Billiard Licences

Under Ordinance No. 3 of 1850, an annual licence was also imposed for the first time on Keepers of every billiard table within the Durban Borough by the Natal Government. The Town Council received an amount from these licences from 1854 onwards. Application for such a licence continued to be made to the Natal Government up to 1862 when Law No. 21 declared such an application to be made directly to the Durban Town Council. 60 The latter now issued Billiard licences and received the first whole amount of £15 in 1863 as the Treasurer's Balance Sheet of 1862 - 1863 clearly shows. 61 This amount also increased as the years went by. By 1870 an annual amount of £7 for a licence was imposed by the Town Council on Keepers of billiard tables, in addition to their payment of £5 sterling per annum to the local Government, by a recently imposed Stamp Act. This made the tax for a Billiard licence amount to £12 per annum. The result was that rather than pay this burdensome tax, the Billiard table keepers announced that their billiard tables were for private use only, and thereby evaded paying the Government and local Billiard licence

58 Minutes of Special Municipal Meeting, July 25, 1861.

59 Mayor's Minute, July 31, 1863. See Treasurer's Balance Sheet 1862 - 3.

60 Minutes of Special Municipal Meeting, July 25, 1861.

61 Mayor's Minute, July 31, 1863. See Treasurer's Balance Sheet 1862 - 3.

altogether. So far as the Council was concerned, the working of this portion of the act had been to deprive the Borough of some thirty or forty pounds of its annual revenue, while it had not added one sixpence to the revenue of the Colony. The whole matter was left in the hands of the incoming Council to deal with. 62 With the expiration of the Stamp Act the Keepers of Public billiard tables paid their licences and the newly appointed Council sought power in the proposed new Municipal Law to enable the Council to regulate within the tariff the prices of licences. 63 Law No. 19 of 1872 made it clear that a Corporation in making regulations with respect to licences and fixing the price thereof had to do so by bye-laws. 64 A revision of the schedule of licences under this power granted by the 71st section of the Municipal Law, was put into effect in 1878. The Draft Schedule drawn up by a Committee of the whole Council and published for the information of the Burgesses met with so much opposition that the subject was withdrawn. The Mayor could only suggest that a fresh tariff of charges be made and presented to the incoming Council to consider as the system of licensing was very unsatisfactory. 65 At the end of the Municipal Year of 1879 the Mayor simply reported that the matter had not been further considered and the system of licensing was left as it was. 66

Hawker Licences

A notice appeared for the first time in the local newspaper in 1865 to introduce a bill at the coming session of the Legislative Council to empower the Town Council to issue Hawkers' licences. This bill would make it compulsory for all persons hawking goods for sale within the Borough,

62 Mayor's Minute, July 31, 1870.

63 Mayor's Minute, July 31, 1871.

64 Laws, Bye-Laws and Regulations, op. cit., pp. 18 - 20.

65 Mayor's Minute, July 31, 1878.

66 Mayor's Minute, July 31, 1879.

whether White or Coloured to take out such a licence when the goods were not agricultural, garden produce or manufactured. An assessed penalty on all persons hawking without such a licence would be imposed. 67 At the end of the Municipal Year of 1865, the Mayor reported that the Town Council had introduced the Hawker Licence Bill into the Legislative Council for the special protection of the Retail shopkeeper but that it had been withdrawn. This was due to the fact that the Legislative Council had amended it in such a way that its intended purpose would have been rendered inoperative thereby. 68 Hawkers thus continued with their trade in opposition to Retail shopkeepers who had to pay for a licence. The subject of Hawker licences was again brought up in Council in 1871. Provision was now made in the new law of 1872 to empower them to levy this description of licence. 69 Hereby the Council could make regulations with respect to persons hawking within the Borough; goods, wares and merchandise (not including milk, fish, poultry or garden produce or goods manufactured by the vendor) and impose a licence duty upon such persons not exceeding thirty shillings per annum for each licence. All fines for contravening this law was made payable to the Borough Fund. 70 Application for a Hawker licence was thus introduced by the Town Council for the first time in 1872 by Law No. 19 of 1872. Provisions made by this law remained the same till well after 1879.

Wholesale and Retail Shop Licences

The Natal Government also introduced Wholesale and Retail Shop licences in 1847 together with the Liquor licence. From 1854 part of this amount was paid to the Durban Town Council. By Law No. 21 of 1862 application for such licences was made directly to the Town Council for these licences,

67 The Natal Mercury, March 25, 1865. Notice, p. 1. col.2.
 68 Mayor's Minute, July 31, 1865.
 69 Mayor's Minute, July 31, 1871.
 70 Laws, Bye-Laws and Regulations, op. cit., pp. 18 - 20.

amounting to £137 10s. 0d. 71 This amount steadily increased with the years. The Natal Government naturally still imposed a Government Tax on Retail and Wholesale Shopkeepers in addition to the local tax of 30 shillings paid by them. This was found to be very burdensome, particularly when these Dealers had to compete with Hawkers who had no shop rent or licence to pay. 72 With the introduction of Haker licences in 1872 this difficulty was partly overcome. A Draft Schedule for a proposed new tariff of licences was drawn up in 1878 but met with such opposition that it was not even considered by the Town Council in 1879. Changes in tariffs for licences were only brought in well after 1879.

In conclusion to licences it can be said that the Natal Government issued them from 1847 onwards. The Durban Town Council received part of the amount received for licences from 1854 and only issued them for the removal of timber from property at this stage. In 1862 the Council was allowed to issue licences other than Liquor licences. Only in 1872 did the Natal Government completely hand over all licences to the Corporation but did not deprive themselves of the right to impose Stamp Duties. The Corporation now made regulations with respect to licences and fixing the price thereof by framed Bye-laws. Penalties for all fines contravening these laws were made payable to the Borough fund. Although the system of licensing was far from satisfactory, changes were only made by the Town Council after 1879.

(d) Defence

The Crimean War kindled a flame of patriotic enthusiasm throughout Natal in which the horsemen of Durban took the lead with the title of "Durban Rangers". The infantry immediately followed, and distinguished themselves as the

71 Mayor's Minute, July 31, 1863. See Treasurer's Balance Sheet 1862 - 3.

72 Mayor's Minute, July 31, 1870.

"Durban Volunteer Guards". Pietermaritzburg followed suit by establishing the "Natal Carbineers". 73

Rumours were going around by October, 1855, that there was war in the Zulu Country and fear was expressed of a probable invasion. The Durban Town Council opened up correspondence with the Natal Government. Need was expressed for the establishment of a good and efficiently trained infantry corps. 74 Resolution was taken that all male inhabitants between the ages of 16 and 60 were held liable to be assembled together when required for mutual defence. 75 This Durban Town Guard or Burgess force was to be established by a bye-law. Long discussion ensued on this motion and it was ordered to stand down for six months. 76 In the meantime the strength of the above mentioned Volunteer Companies increased considerably and was considered sufficient to meet existing requirements. 77

A Zulu demonstration during 1861 led to the Durban Town Council approving of proceedings adopted for security of the Town by the Natal Government. 78 A Vigilance Committee was called to life by some of the leading gentlemen of town who met to keep an eye on any adverse developments after this Zulu agitation. When the unrest died down, Council thought it imprudent to dissolve the Vigilance Committee and merely requested them to kindly hold themselves in readiness

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- 73 The services of the "Durban Volunteer Guard" were accepted by Proclamation dated January 27, 1855. The "Rangers" had obtained authority to call themselves "Royal". The Proclamation of the "Royal Durban Rangers" was dated February 22, 1855, while the "Natal Carbineers" were proclaimed on March 6, 1855. The accidental prior proclamation of the "Durban Volunteer Guard" must not be quoted to prove that the "Royal Durban Rangers" were not the first Volunteer Corps of Natal. See George Russell, History of Old Durban, pp. 197 - 205.
- 74 The Government would furnish arms and a simple uniform and ammunition for practice. When called for active service - they would be paid and rationed. See The Natal Mercury, Article, October 12, 1855, p. 3, col. 5.
- 75 The Natal Mercury, Article, October 26, 1855, p. 3, col. 2.
- 76 The Natal Mercury, Article, December 14, 1855, p. 3, col. 4.
- 77 The Natal Mercury, Article, February 1, 1856, p. 3, col. 4.
- 78 Minutes of Special Municipal Meeting, July 19, 1861.

should they again be required. For the present, the Council recommended that their sitting should be discontinued 79 which was the case.

The Durban Mounted Rifles were called out for active service at the front during November, 1878, shortly after which an advance into the enemy's country took place. A Town Guard was enrolled as well for the defense of the town, Berea and Point. Firearms were supplied by the Government, and constant attention was paid by the members to their drill.

A Town Defence Committee sat daily for a considerable time, and, under military directions, defensive works were carried out at the Point, and elsewhere as a final refuge in case town should be overwhelmed by the enemy. 80

The arrival of H.M.S. "Shah" with the first reinforcements, forming nearly the entire garrison at the time stationed at St. Helena, was hailed with satisfaction. The Durban Town Council gave their thanks to His Excellency Governor Janisch (of St. Helena) and to Captain Bradshaw, R.N. for their prompt action. With all these reinforcements the Battle of Ulundi was won and all fear of attack on the town of Durban passed.

A Durban fund for the relief of the sufferers by the War was opened, and subsequently one also for the sick and wounded. Grateful thanks were conveyed by the Durban Town Council to the noble efforts of the ladies, who so ungrudgingly came forward and gave their assistance, as well as by Committees in Port Elizabeth and Grahamstown, in the Cape Colony.

79 Minutes of Adjourned Municipal Meeting, July 22, 1861.

80 A palisade was erected at the Point, extending from the Bay to the Indian Ocean. The idea being that from this enclosure inhabitants should escape by means of available shipping. See Mayor's Minute, July 31, 1879. Annexures C to P.

Lieutenant-General Lord Chlemsford, having resigned his command at the front, returned to Durban, where he was heartily welcomed. Owing to his hurried departure, no Address could be given to him and it was decided that it should be forwarded to His Excellency, enclosed in a suitable casket.

A very cordial reception was given to the Volunteers on their return from their arduous duties on the front, as well as a Public luncheon arranged in their honour.

The body of the Prince Imperial was received by the Mayor and Corporation on June 10, 1879. After it was conveyed on board H.M.S. "Boa dicea", an address of condolence with Empress Eugenie was passed by the Durban Town Council and forwarded to Her Imperial Highness, who a few months later visited the scene of death of her son, the Prince Imperial.

Throughout the military operations, the Durban Town Council, as far as lay in their power, granted sites for goods-sheds, stabling, and supplying water for the use of both troops and horses. 81

Rules of order

The first Rules of order to conduct Municipal Meetings by was drafted by Messrs. Councillor Evans and Johnston and approved in January, 1855. Fifty copies were printed and stitched by the printing company of a Mr. G. Hunt. 82

More additions to these Rules of order were made in the following years and after Law No. 19 of 1872 was passed, they appeared as follows:

81 Ibid.

82 Adjourned Municipal Meeting, January 19, 1855. Printing of the Rules of Order was again undertaken early in 1863. See Minutes of Special Municipal Meeting, January 6, 1863.

(e) Rules of order for the Town Council of Durban

1. The Mayor or Chairman shall maintain order and decide on all disputed points of order. (as in Section 100 of the Law No. 19, 1872).
2. Opening of every meeting at the appointed hour, or as soon after as a quorum shall be present and shall be by the Chairman presiding.
3. Duty of the Town Clerk to record the names of the Councillors present; and should during such meeting any other member take his seat, or any of those present leave the Board, to note down the name of such Councillor.
4. Minutes of the proceedings of every meeting to be kept.
5. Order of business as follows:
 - (a) The Minutes of the previous meeting shall be presented for confirmation and be signed by the Mayor or Chairman presiding.
 - (b) The submission and passing of accounts.
 - (c) All official and public communications.
 - (d) Reports of the several officers of the Corporation.
 - (e) After this the several reports, either general or special, of Committees, either standing or special, shall be read and brought under the consideration of the Council.
 - (f) Subjects which have been reserved by a former meeting.
 - (g) Subjects of which notice in writing shall have been given to the members of the Council.
6. Town Clerk to lay before the Chairman a copy of these Rules, and an Order list in which the subjects to be brought before the meeting shall be arranged in the stated order.

7. Precedence of a subject in Order list allowed.
8. Motions, not in Order list shall by no means be allowed during the consideration of any other subject, but after such matter shall have been disposed of, he shall be allowed briefly to state the subject, or the motion, and move "that the Order list be suspended".
9. When majority refuse to suspend the Order list, subject has to wait.
10. Notice to be given by the Town Clerk of such subjects as will be submitted to the meeting of the Council.
11. No discussion on any of those matters thus brought under the consideration of the Council shall be allowed, unless there shall be first a motion made thereon, with questions put or alterations made and after such preliminary proceeding, it shall be considered as passed, adopted and recorded. During such, however, the Chairman shall not allow it to assume the form of a discussion, and he shall call the parties to order, or it shall be competent for any member so to call to order.
12. If so called to order, the Chairman shall again ask whether any member objects to the motion, as it shall then be; if no objection is made, it shall be considered as passed, and adopted, and recorded as such.
13. Motions, if opposed be amendments, the Chairman shall immediately proceed to take the votes for or against the motion (after mover of the original motion having replied to amendment).

14. If, however, one or more amendments, as aforesaid, shall have been made and duly seconded, any member shall then be entitled to argue thereon, or not, as he pleases; mover shall be called upon to reply - after that, Chairman shall proceed to take the votes.
15. Member having spoken on question cannot subsequently move amendment.
16. Notice of altering or repealing former resolutions must be given by any member to the Town Clerk, four clear days previous to the meeting of Council, who shall forthwith give written notice of the same to all the members.
17. Speaker in discussing any question to address the Chairman standing.
18. The Chairman shall call on the person entitled in his opinion, to pre-audience when two members rise at the same time.
19. Speaking once only and replying on the same question.
20. No speaking after reply of mover of original motion.
21. No interruption - highly disorderly.
22. It shall be competent for any member, although he shall not have been present at the commencement of the discussion of any subject, to argue on the matter before the meeting before original mover shall have made reply.
23. Imputation of improper motives shall be checked by Chairman - member called to apologise - otherwise conduct minuted in Minutes of Council.

24. It shall be competent for any member when he is in the minority on a question decided to enter his dissent or protest in the Minutes of the Council: no dissent or protest, however, shall be allowed to be recorded, which casts any improper motives to the Council, or any member thereof.
25. It shall be equally competent for any member, upon such dissent or protest, to enter on record any contra-dissent or contra-protest as he shall think necessary, provided the same provisions be followed as in the preceding section contained.
26. Adjournment of a particular question allowed with respect to a motion for precedence in the Order List, and a majority of the members present shall decide thereon.
27. Whenever any member conceives that a particular subject should partake more of the nature of a conference than a regular discussed-motion to be put "that the Council resolves itself into a Committee" - if objected to - vote to be taken for or against.
28. Whenever the Council is sitting in Committee on any subject, the Chairman of the Council shall preside in Committee, and the 17th and 19th Rules, requiring that the members shall address the Chairman standing, and shall speak only once, shall be considered suspended.
29. If any member decided to cease being in Committee, motion "That the Council resumes its sitting" to be put - to be seconded. Objections thereto, voted for or against.
30. When the Council shall have resumed its sitting, without the subject in Committee having been finally resolved upon or disposed of, it shall be competent

for any member to make such motion or propose such resolution as he shall think fit, and the discussion thereon shall then proceed in the usual manner.

31. Order of taking votes after reply of mover or seconder of the original motion to amendment, or his declining to do so first to take votes upon such amendments, which has for its object to adjourn or postpone the meeting - if adopted, meeting to be adjourned. If not, votes to be taken upon "remaining" amendments - if all the amendments shall have been refused, the Chairman shall then proceed to take the votes upon the original motion.
32. Whenever the votes upon any original motion amendment are to be taken, the Chairman shall simply take the votes for and against each amendment and original motion, as the case may be, separate, and declare the majority for and against such particular amendment and motion.
33. Complaints against officers must be by notice of motion.
34. That when any resolution shall have been carried at any meeting, that it shall be at once carried into effect, the said resolution to be acted upon.
35. Member must be present or depute another to bring forward motion of which he has given notice - otherwise such notice or notices to be struck off the Order list.
36. Every member must vote - The Mayor or Chairman shall have a second or casting vote in cases of equality

of votes, except as provided for in clause 44 and 47 of Law 19, 1872. 83

83 Laws and Bye-Laws relating to the Borough of Durban, 1898,
pp. iii - xi.

Extra Rule of Order as passed at Council Meeting, held August 26, 1897 as follows:

30a) There shall be a Committee consisting of the whole of the members of the Council to discuss and report upon matters referred to it at any convenient time; and such Committee shall have further power to take into consideration any matter which it shall deem urgent or important, whether remitted by the Council or not, but shall report thereon to the Council before any action be taken on such report, no action of the Committee being binding on the Council unless specially authorised by the Council.

A.

APPENDIX

Mayors of Durban 1854 - 1879

1. George Christopher Cato 1854 - 5 - 6
2. Edward Snell 1856 - 7 and 67 - 8
3. S. Pinsent 1856 . 7 and 59
4. A.W. Evans 1857 - 8
5. J.R. Goodricke 1858 - 9
6. W. Hartley 1859 - 60
7. A. McArthur 1860 - 1 - 2
8. H. Gillespie 1863 - 4
9. J. Hunt 1864 - 5 - 6
10. R.W. Tyzack 1866
11. A. Harvey 1866 - 7
12. J. Millar 1867
13. W. Field 1868 - 9 - 70
14. J.D. Ballance 1870
15. R. Vause 1870 1 - 4 - 8 - 83 - 84
16. W. Palmer 1871 - 2
17. J. Goodliffe 1872 - 3
18. E. Pickering 1873 - 4 - 82 - 3
19. B.W. Greenacre 1875 - 6
20. W. Arbuckle 1876 - 7 - 8 - 81 82
21. H.W. Currie 1879 - 80

Governors of Natal

Martin West	Lieutenant-Governor	1845
Benjamin C.C. Pine	Lieutenant-Governor	1850
John Scott	Lieutenant-Governor	1856
J. Maclean	Lieutenant-Governor	1864
Robert W. Keate	Lieutenant-Governor	1867
Antony Mustgrave	Lieutenant-Governor	1872
Sir Benjamin,		
C.C. Pine	Lieutenant-Governor	1873
Sir Henry E. Bulwer	Lieutenant-Governor	1875
Sir Garnet		
J. Wolseley	Lieutenant-Governor	1880

Town Councillors of the Borough of Durban

1854 - 1879

Acutt, R.	1856, 1858, 1859
Acutt, Wott,	1862
Arbuckle, Sir. Wm.,	1873, 1874, 1875, 1876, 1877, 1880, 1881
Adams, Stanhope,	1877, 1878, 1882, 1883
Blackwood, James,	1854, 1855, 1857
Baynes,	1857
Brickhill,	1860
Beningfield, S.,	1860, 1861, 1862
Brunton, W.,	1856, 1863
Beningfield, F.S.,	1866
Ballance, J.D.,	1867, 1868, 1869, 1870, 1878, 1879, 1881, 1882, 1883
Butcher, S.,	1869
Baxter, B.,	1872,
Cato, G.C.,	1858, 1859
Currie, H.W.,	1858, 1863, 1864, 1865, 1866, 1870, 1871, 1872 1873
Cowie, W.B.,	1861
Churchill,	1861
Dacomb,	1858
Dill, F.F.,	1865
Evans, Alfred Winter,	1854, 1857
Escombe, E.,	1861, 1870
Edmonds, T.W.,	1871, 1872, 1878, 1879, 1881, 1883, 1885
Evans W.H.,	1874
Fergusson, Archibald,	1855, 1856, 1858, 1859, 1860
Field, J.T.,	1867, 1868, 1869
Flack, T. Sutton,	1873, 1874, 1875, 1876, 1888
Fisher, R.H.U.,	1876
Gavin,	1856, 1859
Gillespie, Hugh,	1857, 1858, 1861, 1862, 1863, 1864, 1866, 1867
Goodficke, J.R.,	1857, 1858, 1866, 1873, 1874
Gelder, R.,	1860
Grant, W.,	1866, 1868, 1869
Goodliffe, John,	1871, 1872, 1873
Greenacre, Sir B.W.,	1871, 1872, 1874, 1875, 1876, 1889, 1890, 1891, 1892, 1897
Green, M.,	1879, 1880
Harwin, Richard,	1854, 1855, 1857
Hartley, W.,	1857, 1858, 1859, 1870, 1871, 1873
Henwood, Paul,	1861, 1862, 1863, 1864
Hunt, J.,	1860, 1863, 1864, 1865, 1866
Harvey, A.,	1864, 1865, 1866.
Hope,	1871
Johnstone, Dr. C.,	1854, 1855, 1856
James, Joseph,	1871, 1872
Jameson, Hon. R.	1876, 1877, 1878, 1879, 1880, 1881, 1889, 1890, 1891, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1901, 1902, 1903, 1904.
Kermode, E.,	1857, 1869, 1872, 1873
Knox,	1863, 1864, 1865
Kenion, J.A.,	1866.
Lampont, E.P.,	1857, 1859, 1867, 1868, 1869
Millar, John,	1854, 1855, 1856, 1867
McArthur, Alex,	1857, 1859, 1860, 1861, 1862, 1863

Murray, W.A.,	1866, 1869, 1870
Millett, A.,	1877, 1878
Pinsent, S.,	1856, 1858, 1859, 1870
Palmer, Wm.,	1860, 1861, 1862, 1863, 1864, 1865, 1879, 1871, 1872 1873, 1874, 1875, 1876, 1877, 1892
Pickering, E.,	1866, 1873, 1874, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1889, 1900, 1901.
Parker,	1867, 1868, 1869
Payne, J.,	1875, 1876, 1892
Raw, Robert,	1854
Randles, Wm.,	1878
Reeves, Capt. C.,	1893, 1894
Sanderson, John,	1855, 1867, 1868, 1869
Snell, Edward,	1855, 1856, 1867, 1868
Smerdon,	1858
Salmon	1860
Spring, A.,	1865, 1874, 1875, 1876, 1879
Steel, J.S.,	1867, 1877, 1878, 1879, 1880, 1882, 1883, 1884, 1886, 1887, 1888, 1889, 1890, 1891
Savory, W.H.,	1870
Vialls, W.J.,	1865, 1866
Vause, R.,	1870, 1871, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1885, 1886
Wirsing, G.H.,	1854, 1866
Winder, Geo.,	1860, 1861, 1862
Welch, T.R.,	1865, 1869
Wheeler, W.W.,	1867, 1868, 1878, 1879

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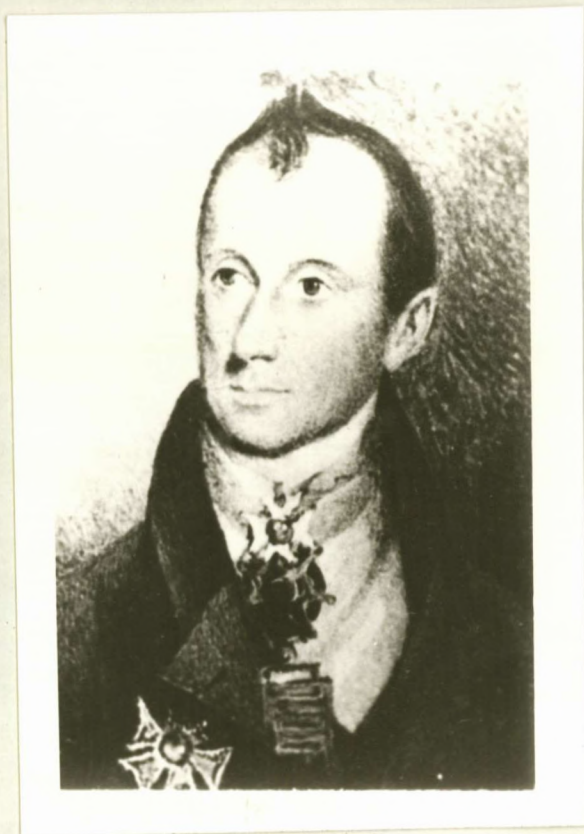
The Julia
Photo. (Copyright: Local History Museum).



Francis Farewell
Photo. (Copyright: Local History Museum).



In this painting 'Birth of Natal' by R. Caton Woodville, the famous artist of the South African War, the first Natal Settlers are pictured discussing with Chaka the granting of land around Port Natal. The central figure of the group is Lieutenant Farewell with Henry Fynn on his right and Thomas Halstad, another of the first arrivals, on the extreme right.



Sir Benjamin D'urban

Photo. (Copyright: Local History Museum)



Capt. Allen Gardiner

Photo. (Copyright: Local History Museum).

S U M M A R Y

THE HISTORY OF THE DURBAN TOWN COUNCIL 1854 - 1879

The early history and administration of Natal is largely dealt with as introduction to the history of the Durban Town Council. This covers speculatively the rule of a Stone Age and possibly an Iron Age culture. Natal was, nevertheless, in or before the year 1300, inhabited by Bushmen. The nomadic Hottentot, after entering the Cape Province, more than likely, moved later all along the coast of Natal. Men of Bantu stock, mainly of the Southern Bantu group, penetrated Natal in waves of migration from approximately the 14th century. Many shipwrecked sailors were also in later years absorbed in the Black life-style. It is under the powerful Black rule of Chief Chaka of the Zulus in Northern Natal that the first White Traders, under Farewell and company, were originally allowed to settle themselves at Port Natal and open up a trading station in 1824. The coming of the Voortrekkers to Natal, marked the end of Black rule over Whites. Voortrekker rule was in turn displaced by that of British rule in their annexation of Natal in 1843. Large scale immigration to Natal from Britain mainly between the years 1848 and 1852, added to the number of Whites in Natal. Immediate progress was made in the social, economical and political spheres of living. All the foundations of the two future cities of Natal, namely Pietermaritzburg and Durban were laid and the inhabitants became more civic minded.

This led to the establishment of the first Durban and Pietermaritzburg Town Councils in 1854. Various powers were entrusted to these bodies and Durban and Pietermaritzburg were from that date onwards to administer their own local affairs. These powers were in later years amended and increased by approval of the Natal Government. The first twenty five years of functional history of the Durban Town Council covered public works, public health and maintenance of Borough law and order. Public works entailed mainly the making of roads, streets, bridges and embankments, drainage and water supply, fire protection and lighting, the establishment of a market and assizing. As man is born to thrive with pure air to breathe, pure water to drink and a pure soil to live on and the impurities which tend to render air, water and soil unfavourable for his best development are the produce of his own life, the removal of this source of impurity has to be effected by his own act. The carrying out of the removal of these health hazards were seen to by the Durban Town Council. Not only did they see to the regular removal of night soil and refuse, but also the abatement of various nuisances, general medical planning, recreation, made provision for slaughter houses, cemeteries and keeping record of Borough census. The maintenance of Borough

law and order was efficiently carried out by the establishment of a Borough Police Force (forerunner to the City Police). The expense of maintaining the force was partly defrayed by receiving money from licences. Laws and bye-laws were from time to time framed for the better regulation of their activities and offenders were accordingly punished. The defence of The Town was organised and well put to use during the Zulu War of 1879. Rules of order were also compiled for the efficient running of the Council machine.

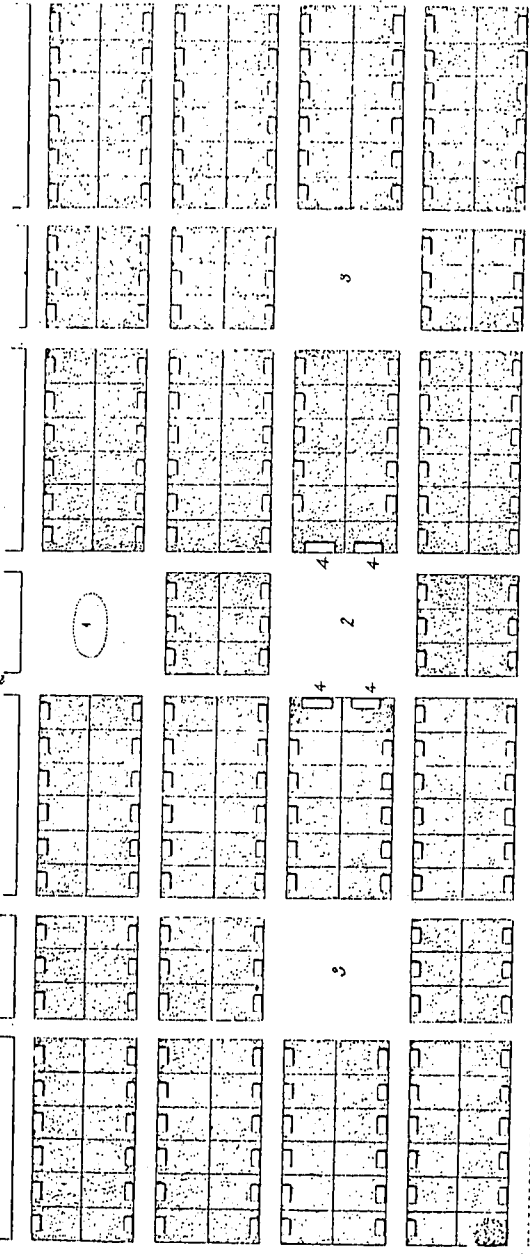
If a Durbanite of the present time could have been set down in Durban as it was before the inauguration of the Town Council, he would feel rather ill at ease. The well-paved and electric lighted streets with which he is familiar, would have been transformed into sandy tracks, unlit at night and bordered by huge trees and dense jungles. No removal of health hazards would have as yet been effected. The Durban Town (now City) Council made a definite start in 1854 in attempting to effect changes and has continued ever since to improve and maintain our present standard of living.



Berea, the Mission Station of Captain A. Gardiner, established in 1835 on the heights above the town of D'urban, approximately on the ridge above where Berea Park is today. The grave of his daughter, Julia, can be seen in the old St. Thomas's cemetery. Photo. (Copyright: Local History Museum).

PLAN OF THE TOWN OF DURBAN. (1835)

Port S^d
Union S^d



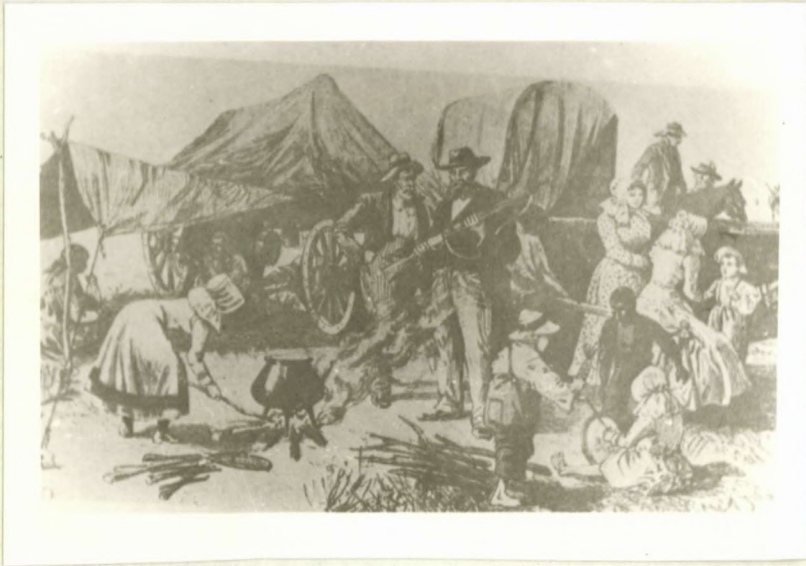
Adelaide S^d
William S^d
Wellington S^d
King S^d
Brunswick Terrace

- 1 Church
- 2 Forewell Square
- 3, 3. Markets
- 4, 4, 4. Public Buildings.

The Church stands in a square of 2 acres.
Each house is rather less than 1/4 of an acre
Squares 500 feet wide.
Streets 80 feet

C. Edinborough Esq. Proprietor

Printed by W. G. & Co. Durban



Boer Wagon Encampment with the arrival of the Cape Dutch Emigrants to Natal.

Photo. (Copyright: Local History Museum).



This watercolour sketch of the British camp was made by Capt. Smith while he was waiting for reinforcements. Capt. Smith has included himself in the centre of the group.

Photo. (Copyright: Local History Museum).



The arrival of the Conch in Port Natal, bringing with it troops to relieve Captain Smith's forces in 1842. The painting is by Thomas Baines. Photo. (Copyright: Local History Museum).



Temporary British Camp on Itafa Amalinde Flats (Congella) 1842. Photo. (Copyright: Local History Museum).

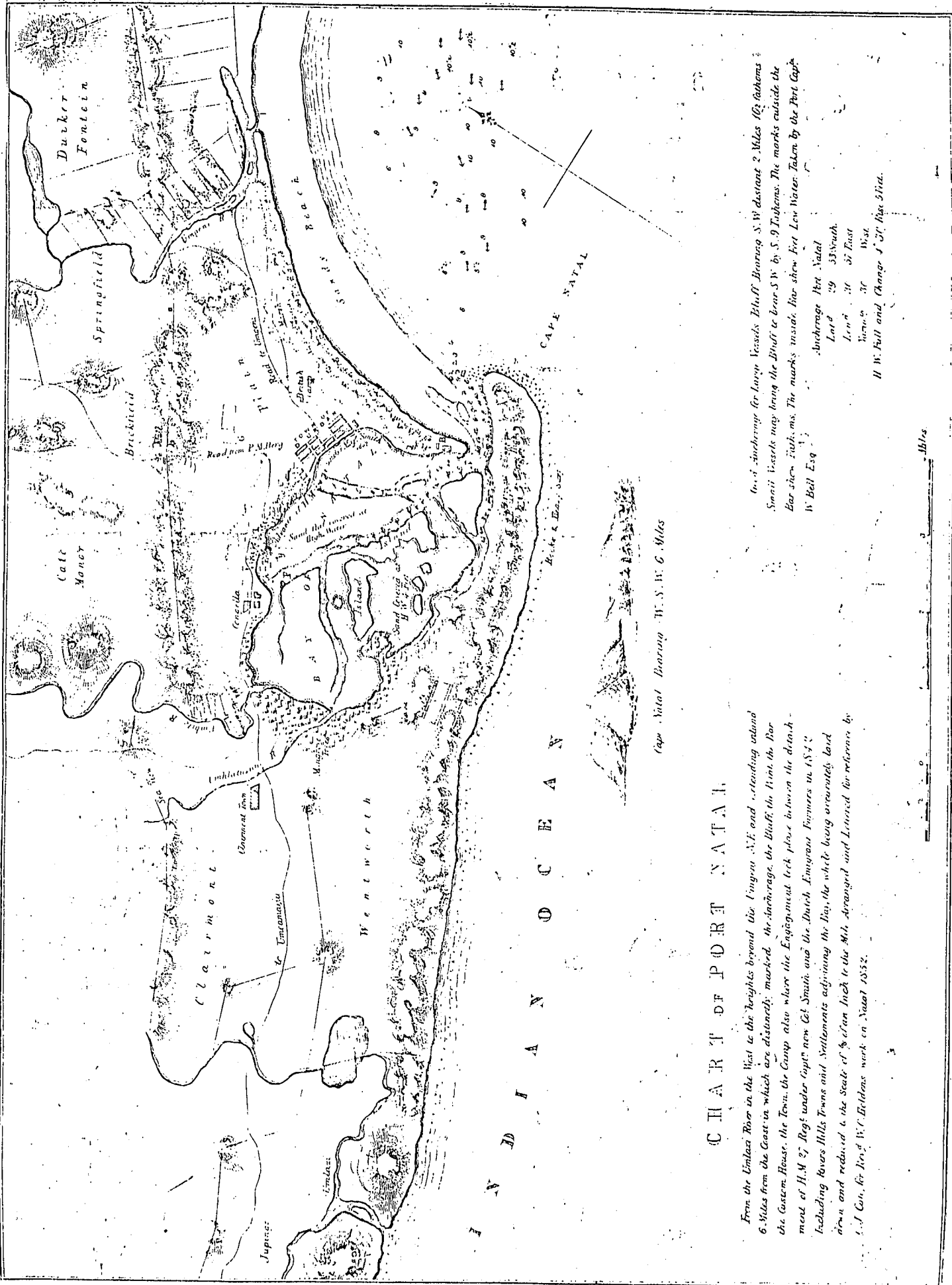


CHART OF PORT NATAL.

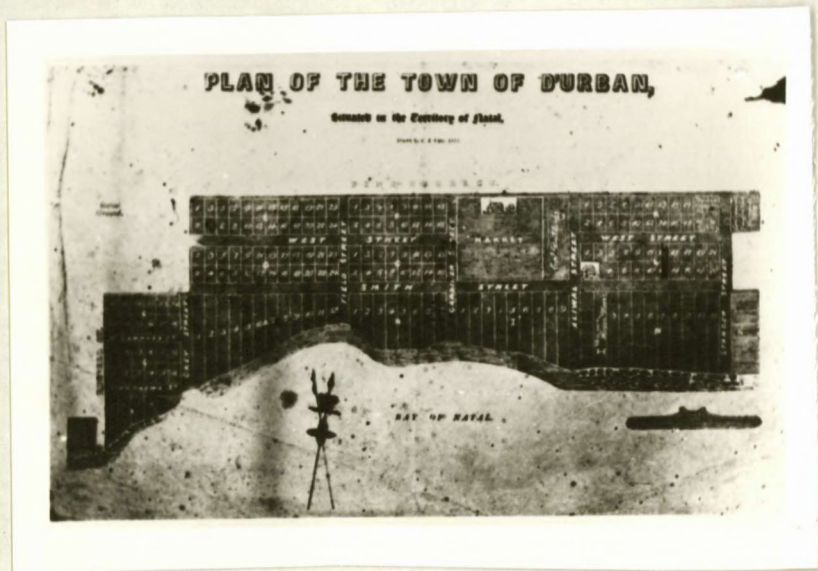
From the Umlazi River in the West to the heights beyond the Umlazi N.E. and extending inland 6 Miles from the Coast in which are distinctly marked the anchorage, the Bluff, the Point, the Door the Eastern House, the Town, the Camp also where the Engagement took place between the detachment of H.M. 27 Regt under Capt. Genl. Smith and the Dutch Emigrants Farmers in 1847 including Favers Hills Farms and Settlements adjoining the Bay, the whole being accurately laid down and reduced to the Scale of 1/2 of an Inch to the Mile, Arranged and Limited for reference by G.D. Cox, for His Majesty's Hydrographic Office, London, 1852.

Cape Natal Bearing W. S. W. 6 Miles

Good anchorage for large vessels Bluff Bearing S.W. distant 2 Miles 1/2 fathoms Small vessels may bring the Bluff to bear S.W. by S. 9 Triangles. The marks outside the Bar show 20 fms. The marks inside show Five Feet Low Water Taken by the Port Capt. W. Bell Esq.

Anchorage Pt. Natal	
Latd	29 33 North
Long	30 37 East
Bearing	30 West

W. Bell Esq.
H. W. Full and Changer J. J. Five Stia.



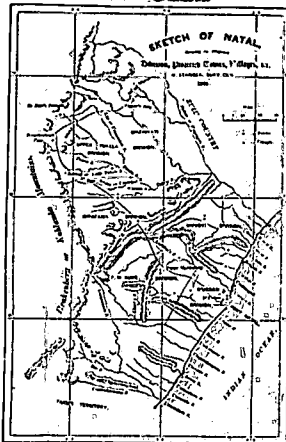
Plan of the town of D'urban by C.J. Cato 1851.
Photo. (Copyright: Local History Museum).



Sea Cow Lake, Umgeni, so called from the fact that it was the haunts of hippoptami. The last hippo was killed there in 1897.
Photo. (Copyright: Local History Museum).

EMIGRATION TO NATAL.

Under the
Sanction of
Her Majesty's
Government.



ARRANGEMENTS having been made with HER MAJESTY'S GOVERNMENT for the transportation of Emigrants to Natal, the following are the conditions of the arrangements herein set forth, by which they may proceed to, and settle in, that Colonization and Trade Colony.

1. The Emigrants shall be conveyed to Natal by the Company's Steamships, which are to be fitted out for the purpose, and shall be provided with the necessary provisions, fuel, and other necessaries, for the voyage.

2. The Emigrants shall be conveyed to Natal by the Company's Steamships, which are to be fitted out for the purpose, and shall be provided with the necessary provisions, fuel, and other necessaries, for the voyage.

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8. The Emigrants shall be conveyed to Natal by the Company's Steamships, which are to be fitted out for the purpose, and shall be provided with the necessary provisions, fuel, and other necessaries, for the voyage.

9. The Emigrants shall be conveyed to Natal by the Company's Steamships, which are to be fitted out for the purpose, and shall be provided with the necessary provisions, fuel, and other necessaries, for the voyage.

10. The Emigrants shall be conveyed to Natal by the Company's Steamships, which are to be fitted out for the purpose, and shall be provided with the necessary provisions, fuel, and other necessaries, for the voyage.

The first page of a pamphlet giving information on the Byrne Emigration Scheme, with a map of Natal and instructions as to the articles required by each settler for the passage.

The footnote reads "To save freight, all ploughs, carts, etc. and other baggage, should be packed into as small a space as possible.

Photo. (Copyright: Local History Museum).



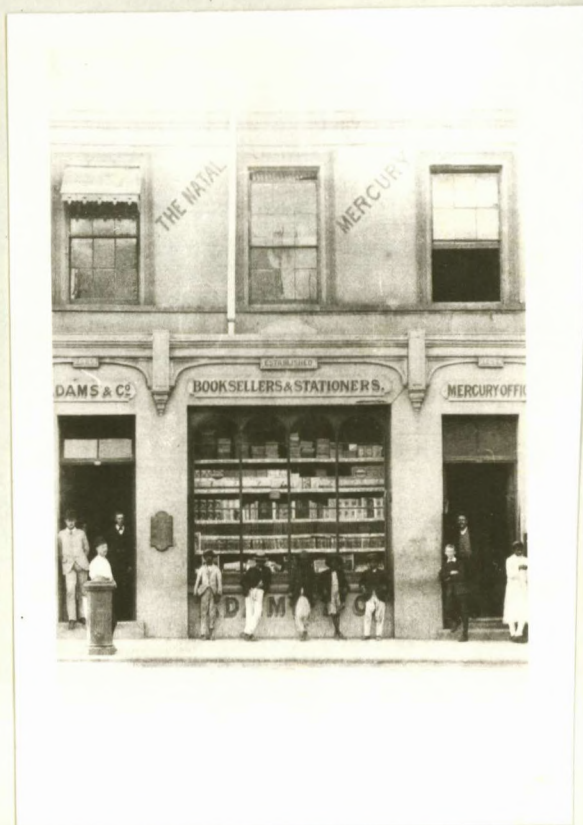
Drawing by Mrs. Strutt showing the 1850 Settlers landing at the Point after a voyage lasting about 100 days.

Photo. (Copyright: Local History Museum).

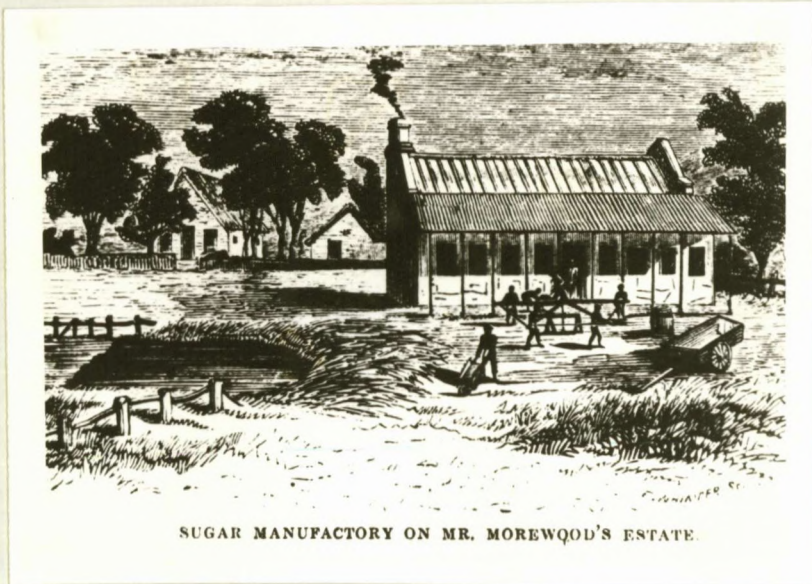


This water colour of Fynnlands by James West shows ships at the Point in about 1851. This picture, with others, was exhibited at Durban's first art show about that time.

Photo. (Copyright: Local History Museum).



A photograph taken in the late 1860's of The Mercury's third home which was in West Street at the corner of Mercury Lane. Adam's bookshop, founded in 1865 by Francis Adams, occupied the front ground floor. Photo. (Copyright: Local History Museum).



SUGAR MANUFACTORY ON MR. MOREWOOD'S ESTATE.

Sugar Mill on Mr. Morewood's Estate at "Compensation" near Umhlali.

Photo. (Copyright: Local History Museum).



The Durban Public Library and Reading Room on the corner of West and Church Streets, opened on Monday, July 7th, 1879.

Photo. (Copyright: Local History Museum).



The British and other Emigrants Encampment at Port Natal in 1850.

Painted by John Sanderson.

(Copyright: Local History Museum).



Durban Bay from the former Roman Catholic Cathedral, showing the (1) Masonic Hall and (2) High School in Smith Street.

Photo. (Copyright: Local History Museum).



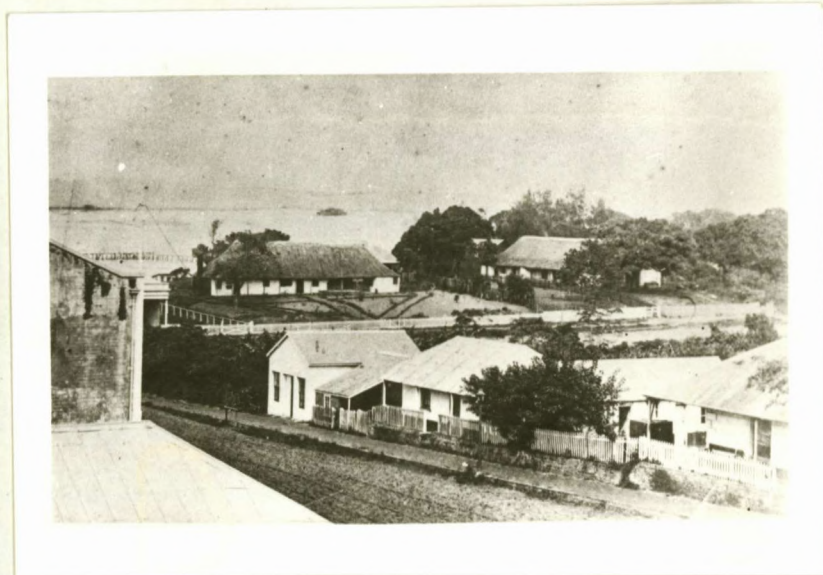
An oil painting, in possession of W.J. Chapman Esq., copied from an original water colour belonging to the Acutt family.

The first double storey building on the corner of Smith and Gardiner Streets in Durban, was built for Messrs. Middleton, Acutt & Wirsing in the 1850's. A small portion of the ground floor was then used as the Post Office. The upper floor was rented by the government for use as a magistrate court and offices. In this room the first meetings of the town council were held by permission of the magistrate, viz. from 1854 to 1861, when offices leased in West Street were used. Premises on the extreme right were occupied by the firm of Robert Acutt & Sons.

Photo. (Copyright: Local History Museum).



The Windmill on the top of the Berea.
Photo. (Copyright: Local History Museum).



On the left: The first Government School Room in Field Street, Durban, which stood on the site of present day Stuttafords building.

Photo. (Copyright: Local History Museum).

NOTICE

.....

A Public Meeting will be held

On Friday,

The 27th of July next,

At 10 o'clock in the Forenoon.

“For the purpose of considering the propriety of forming a Municipality in the Town of D'Urban and the District thereof, (by and with the consent of His Honor Martin West, Lieutenant Governor of the Colony of Natal, and the Executive Council thereof,) for the welfare and benefit of the Resident Householders, and of the Owners of Property in the said Town and District”

The Chair will be taken precisely at 10 o'clock.

A full attendance of all parties interested is most earnestly requested
D'Urban, June 25, 1849.

.....

Copy of a notice to householders and property owners calling a meeting to consider the formation of a Municipality in D'urban to be held on 27th July, 1849. Nothing came of the meeting and the municipality was not formed until 1854 under the provisions of Ordinance No. 1 of 1854 "for establishing Municipal Corporations within the District of Natal", dated 21st April, 1854.

Photo. (Copyright: Local History Museum).



The first election of members of the Legislative Council at Durban in February 1857 as sketched by John Sanderson. The Polling Office was at A. Clarene's Auction Mart - the late Government Schoolroom in Field Street, upon which the present Stuttaford's building stands. Four candidates were nominated, viz. John Millar; John R. Goodricke; Savory Pinsent and Donald Moodie, former Colonial Secretary. The election took place approximately the 19th or 20th February, 1857. The results were as follows: Millar 113; Moodie 108; Goodricke 101; Pinsent 97.

The Poll was considered good, bearing in mind the adverse conditions of the sandy roads with the only means of conveyance being on horseback, or by ox cart.

Photo. (Copyright: Local History Museum).

The First Borough Seal of the Durban
Town Council.



A number of enthusiastic citizens submitted designs for a Borough Seal, and that submitted by Mr. C.J. Cato, the Mayor's brother, was approved.

The Borough Seal was presented to the Durban Town Council on July 19, 1855 by the Mayor, G.C. Cato, having in prospective the Bluff, Point, Town of Durban, surmounted by a five-pointed star (taken from the design of Mr. George Russell, one of the unsuccessful competitors) intended as an emblem of the Star of Bethlehem and typifying the Nativity and the East. The design was cut in silver and attached to a handle of native ivory in a silver band, on which were inscribed the names of the Councillors. It was to be used at all times as the Seal of the Borough of Durban in terms of Ordinance 1, 1854 and was deposited in the custody of the Mayor. It continued in use until September 19, 1882, when the present Seal was adopted. The old Seal was then handed to the Durban Local History Museum.



"Cato Manor". G.C. Cato's farm residence. This photo was taken in 1868.

Photo (Copyright: Local History Museum).



Overport House, Durban, built 1860 for wealthy merchant, William Hartley, Mayor of Durban 1859 - 60, member of Legislative Council. House demolished 1938. Photo. (Copyright: Local History Museum).



Durban as seen from the residence of Mr. Currie by Thomas Baines in one of his many paintings of Natal. Photo. (Copyright: Local History Museum).

THE CITY OF
Durban



OFFICIAL GUIDE

Present Coat of Arms of the Durban City Council.

The shield is divided into four quarters. The top right and the bottom left quarters have against a black background a silver chevron and three leopards' faces in gold. This is an adaptation of Sir Benjamin D'urban's bearings. The other 2 quarters are adapted from the arms of Sir Benjamin Pine and each quarter is divided into 2 horizontal bands of blue and silver with a small upright red lion on the silver. The shield is surmounted by a knight's helmet from which a decorative scrollwork flows down in blue and silver on each side of the shield. A stylised mealie plant in natural colour tops the helmet and above that is a five-pointed star.

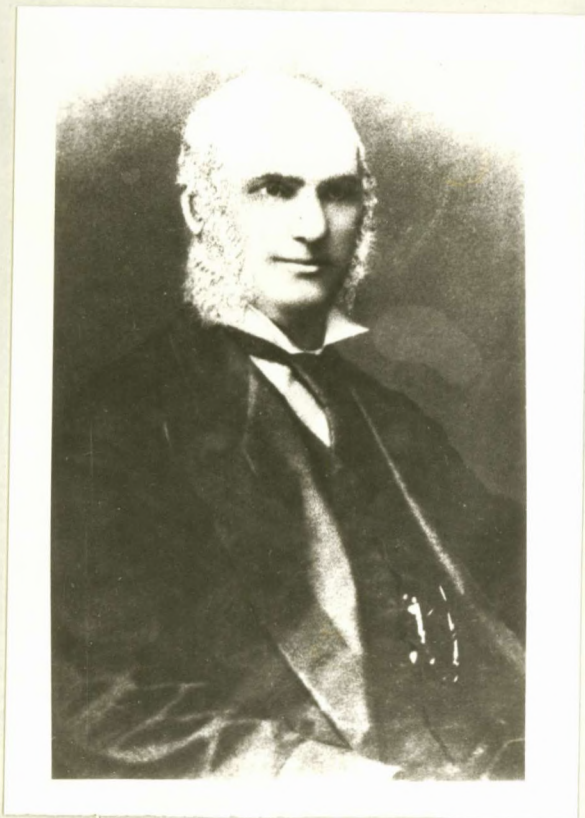
The motto translated from the Latin has the following meaning:

"Better fortune will follow a weak beginning"

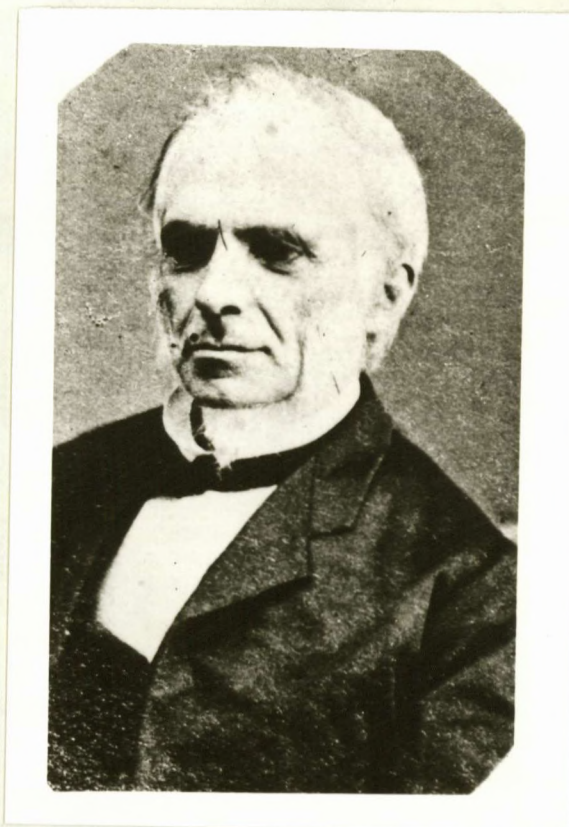


Photo. George Christopher Cato.
The first Mayor of Durban.

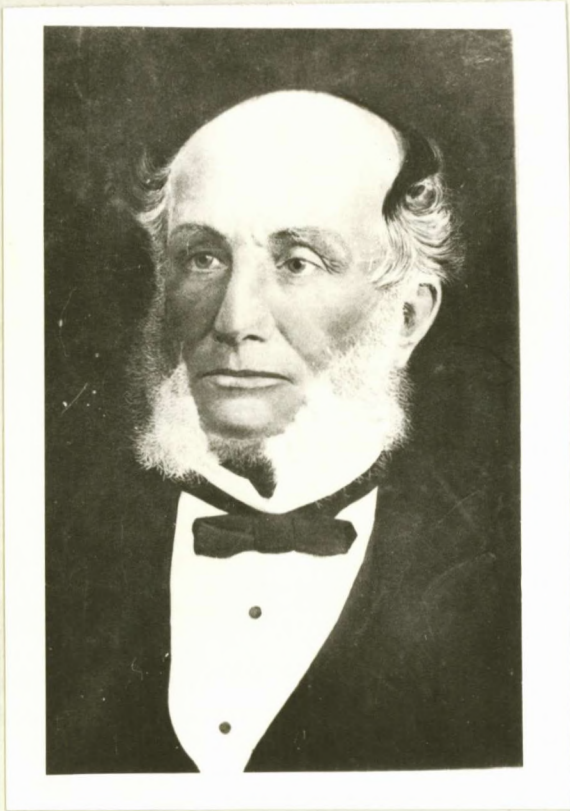
(Copyright: Local History Museum).



Edward Snell.
Mayor of Durban
1856



Savory Pinsent 1857
Re-elected 1858



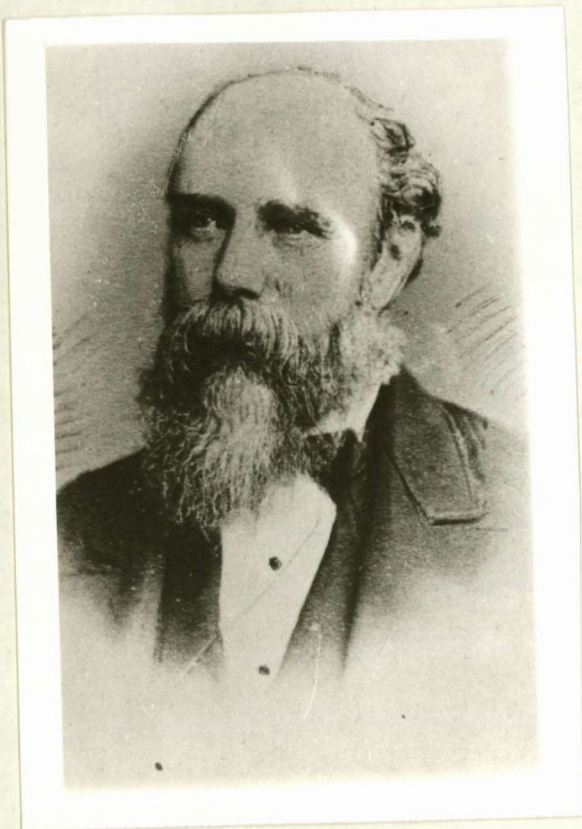
A.W. Evans 1857

(5)



J.R. Goodricke 1858,
1859.

(6)



William Hartley 1860
Re-elected 1861.

(7)



Alexander McArthur
arrived in Durban
circa 1850.
Mayor 1862.

(8)



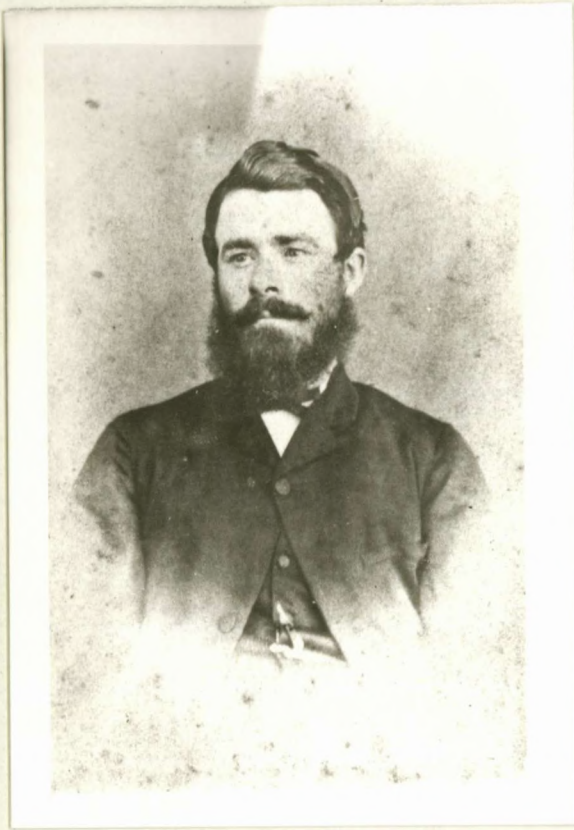
Hugh Gillespie 1863 - 1870

(9)



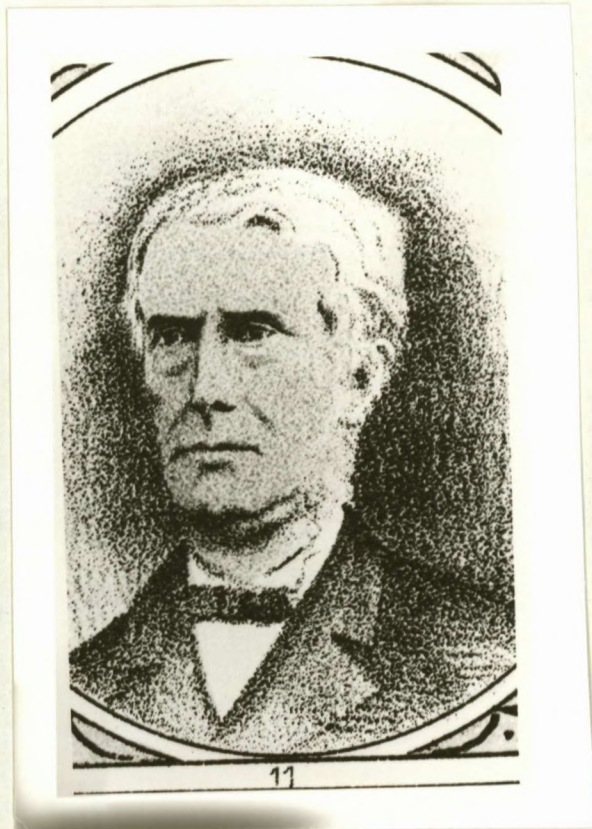
J. Hunt 1864 - 5 - 6.

(10)



Richard W. Tyzack 1866

(11)



A. Harvey 1866 - 7.

(12)



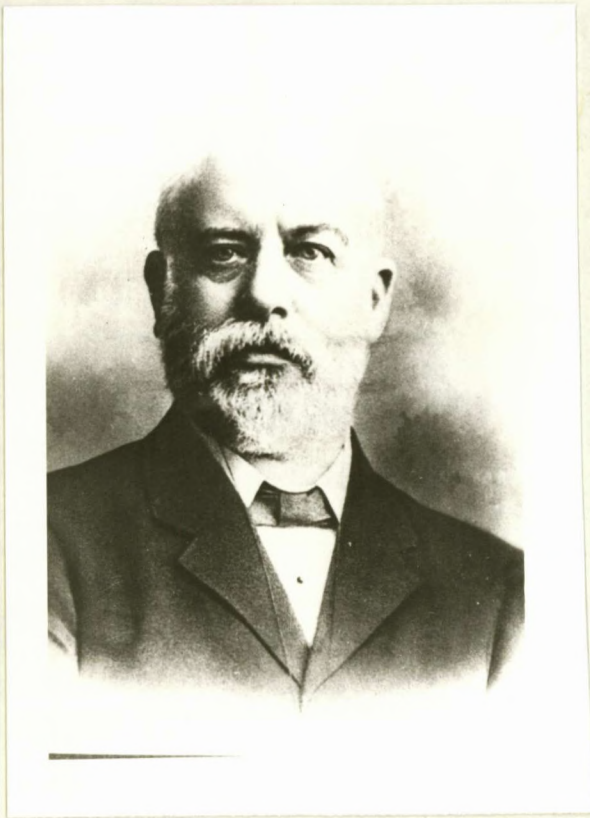
John Millar 1867
Held office for three
weeks only.

(13)



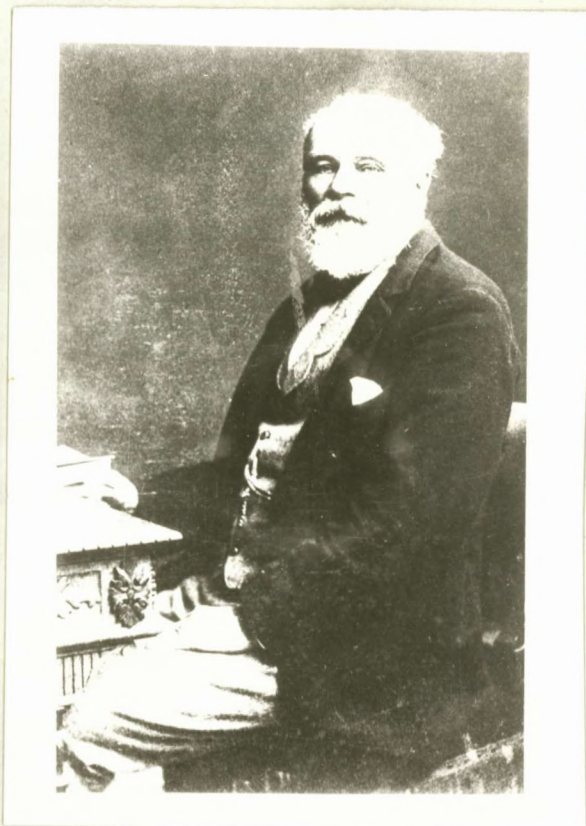
William Swan Field
Mayor 1868 - 9 - 70.
(Second Acting Collector
of Customs).

-(14)



J.D. Ballance 1870.

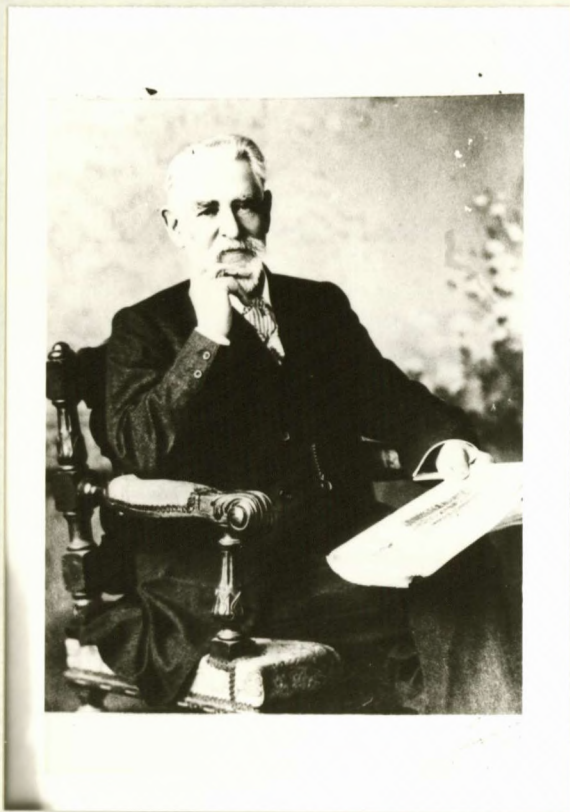
(15)



Richard Vause 1870, 74, 78,
1883.

He died in 1886 at the age
of 84.

(16)



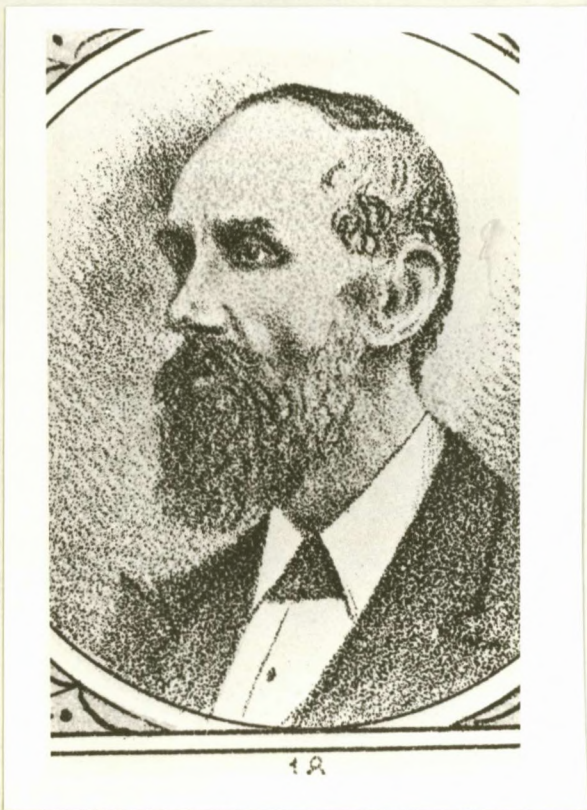
William Palmer 1871 - 1872.

(17)



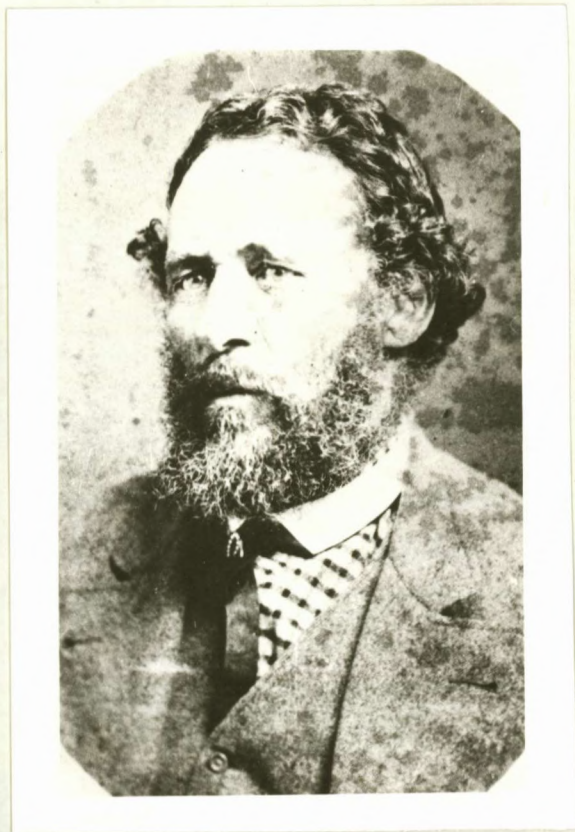
John Goodliffe
1872 - 73.

(18)



Edward Pickering
1873 - 1874

(19)



Sir Benjamin Greenacre
1875 - 6.



Mr. William Arbuckle Junior
(afterwards Sir William)

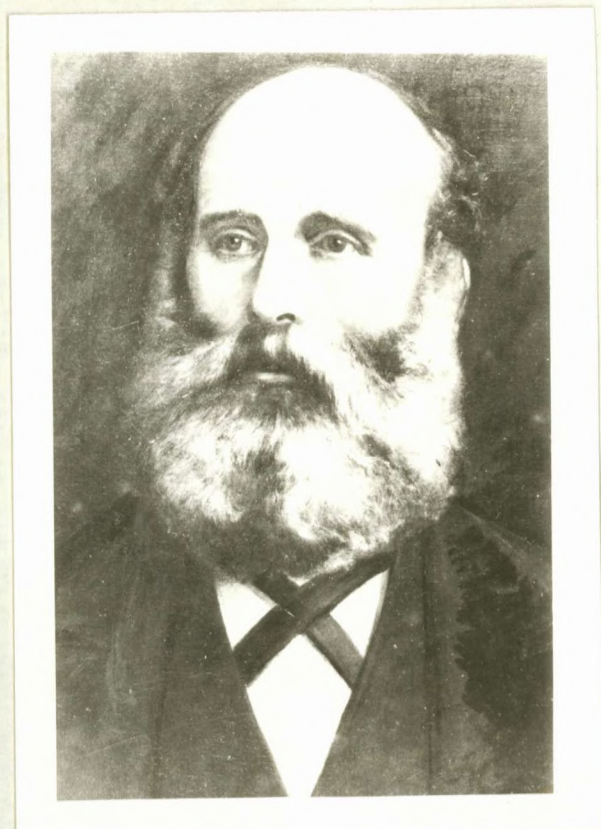
1876

Re-elected 1877 - 1878

Re-elected 1880 - 1881

(elected Robert Jameson
180, ineligible).

(21)



H.W. Currie 1879.

Top Row: From left to right:

Alexander McArthur
 1860 - 1 - 2
 J.R. Goodricke 1858 - 9
 Edward Snell
 1856 - 7 & 67 - 8
 G.C. Cato
 1854 - 5 - 6;
 S. Pinsent
 1856 - 7 - 59;
 A.W. Evans
 1857 - 8;
 William Hartley
 1859 - 60.

Second Row:

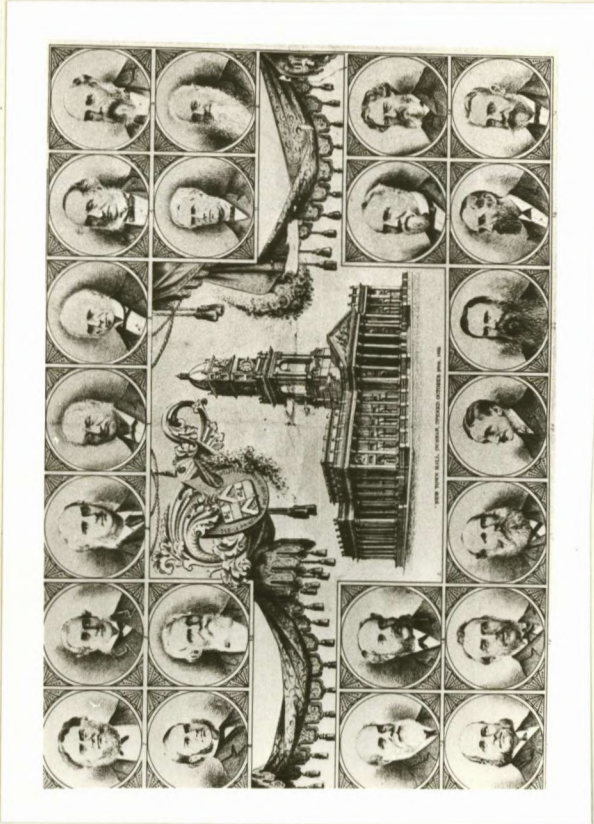
Hugh Gillespie
 1863 - 4;
 William Palmer
 1871 - 2;
 A. Harvey
 1866 - 7;
 J. Hunt
 1864 - 5 - 6.

Third Row:

Richard Vause
 1870 - 1 - 4 - 8 -
 83 - 84;
 J.D. Ballance
 1870.
 John Millar 1867;
 Sir Benjamin W.
 Greenacre 1875 - 6.

Missing:

R.W. Tyzack
 W.S. Field



Fourth Row:

John Goodliffe 1872 - 3; ? H.W. Currie 1879 - 80; ?
 Sir William Arbuckle 1876 - 7 - 8 - 81 - 82; E. Pickering 1873 - 4 - 82 - 3.
 J.W. Stranack 1885.

HISTORICAL MAP OF DURBAN

SHOWING RECONSTRUCTION OF EARLY SITE

(After Dr. R.J. Davies)

--- BOROUGH BOUNDARY

— PRESENT ROADS

••• SWAMP LANDS

⊕ MANGROVE SWAMP

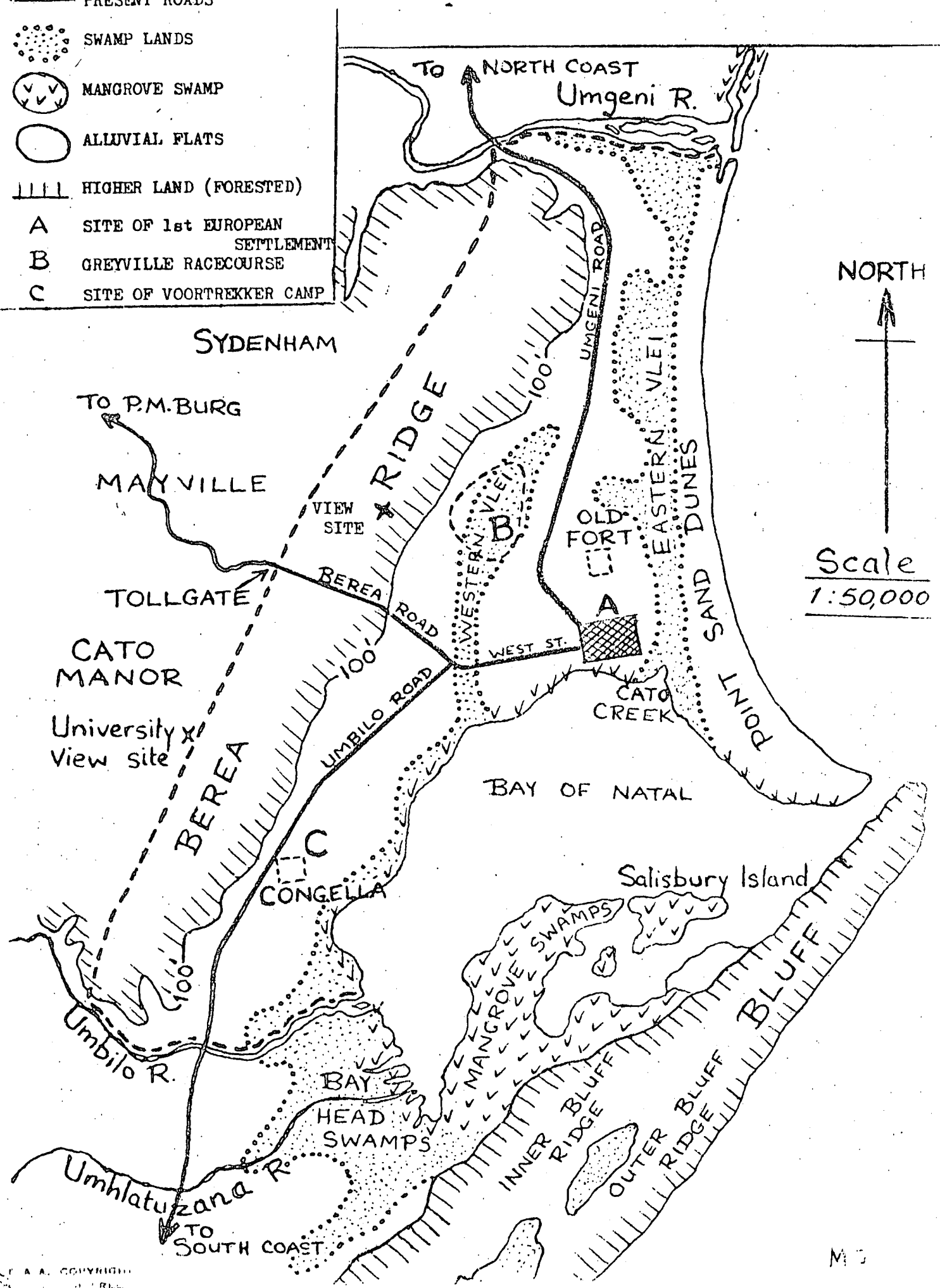
○ ALLUVIAL FLATS

|||| HIGHER LAND (FORESTED)

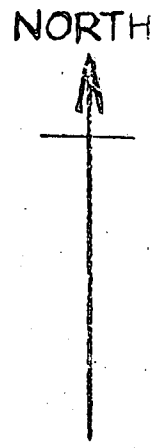
A SITE OF 1st EUROPEAN SETTLEMENT

B GREVILLE RACECOURSE

C SITE OF VOORTREKKER CAMP



Scale 1:50,000



Reciprocating Pump (Fig. 1)

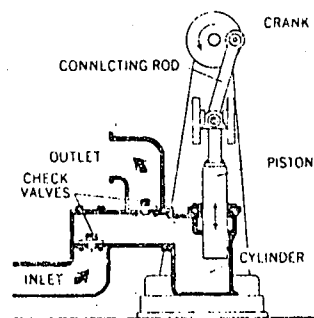
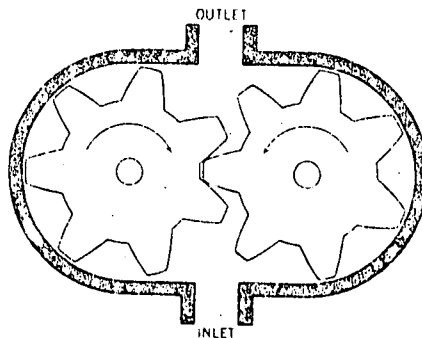


FIG. 1.—RECIPROCATING PUMP

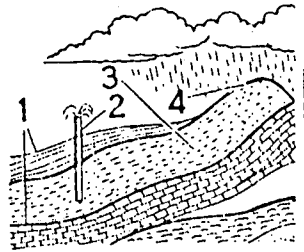
A single-acting pump, in which fluid is pumped only by one side of the piston is here illustrated. This could be turned into a double-acting pump in which both sides of the piston are in contact with the fluid, and both sides pump - simply by adding inlet and outlet pipes, with suitable valves at the other end of the cylinder, and providing, of course, a proper seal at the opening where the piston rod enters the cylinder.

Rotary Pump (Fig. 2)



The rotary pump is classed as a positive displacement pump, although its action is one of rotation, not reciprocation. Rotary pumps are most suitable for applications requiring only low and medium delivery pressure.

Artesian Well (Sketch)

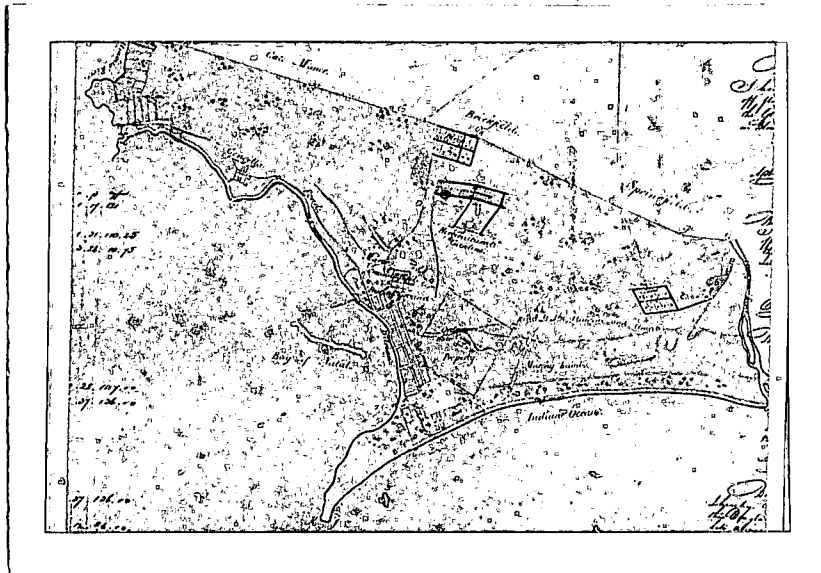


1. Impervious layers.
2. Well.
3. Inclined water-bearing strata.
4. Catchment area.



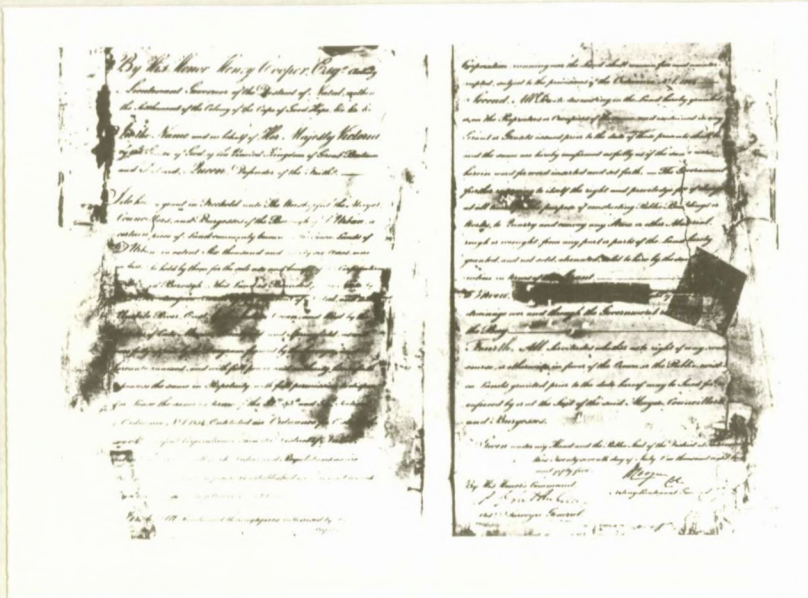
Just a small printed photo copy of the first survey of the Durban Borough Lands made by Thomas Okes, Government Surveyor, in 1846. An original enlargement hangs in the Local History Museum. This same survey was undersigned by Thomas Okes in 1855 when the Natal Government handed over the Title Deeds to the Durban Town Council.

Photo. (Copyright: Local History Museum).



An enlarged printed copy of the first survey of the Durban Borough Lands made by Thomas Okes, Government Surveyor, in 1846.

Photo (Copyright: Local History Museum).



Small print photo taken of the grant of some of the Crown Lands of Durban to the Borough by Covenant in 1855.

Photo (Copyright: Local History Museum).

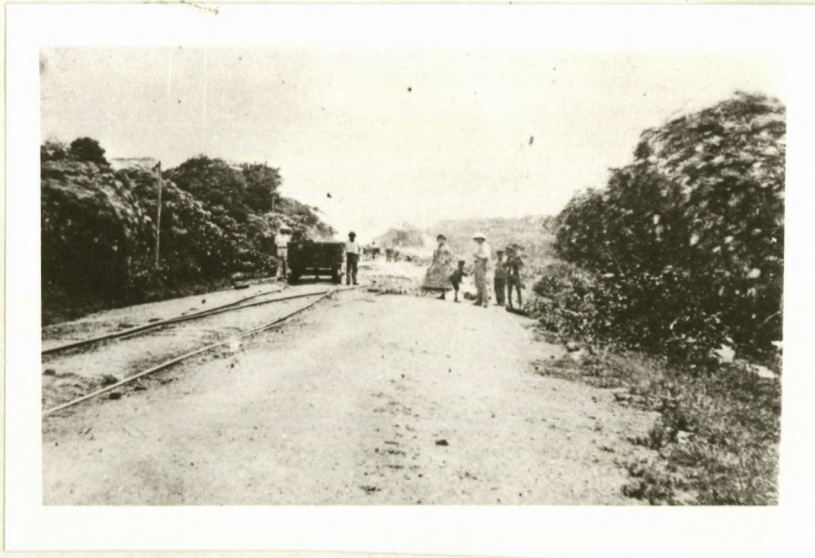


Natal Bank at the corner of Gardiner and West Street.
Photo (Copyright: Local History Museum).



Building of Berea Road.

Photos. (Copyright: Local History Museum).



Building of Berea Road.

Photos. (Copyright: Local History Museum).



Berea Road looking towards Pietermaritzburg and showing the old Toll House.

Photo. (Copyright: Local History Museum).



Part of the Berea from the Western Vlei near the old "Maritzburg Road" c. 1860.

Photo. (Copyright: Local History Museum).



St. Thomas Road looking towards town from Currie Road
in the "Seventies".

Photo. (Copyright: Local History Museum).



Musgrave Road in the late "Seventies".

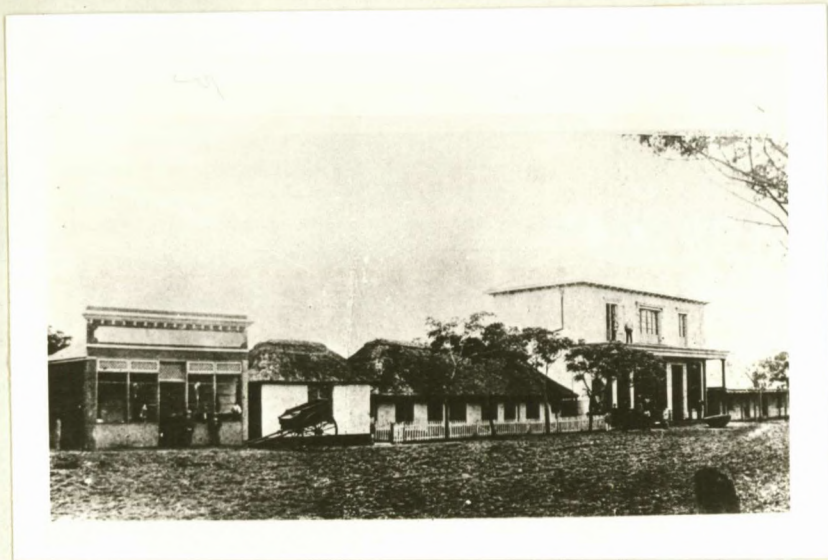
Photo. (Copyright: Local History Museum).



Botanical Gardens - Durban, circa 1880.

The Natal Government laid 50 acres off for the Botanic Gardens in 1848 and it was originally controlled by the Durban Botanic Society.

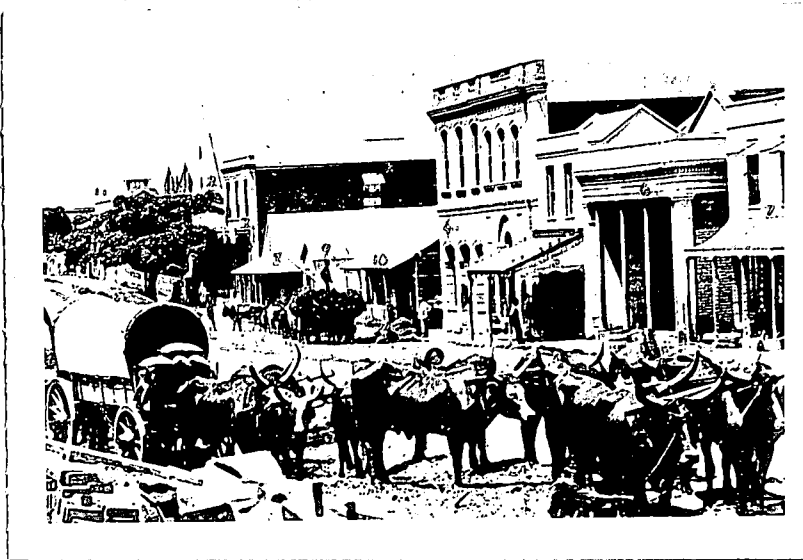
Photo. (Copyright: Local History Museum).



A Portion of lower West Street about 1865.

The large thatched building was a boarding establishment kept by Mrs. Moffat. The two storied building on the right was Blackwood and Cooper's grocery business destroyed by fire on 1st May, 1864. The butcher's shop on the left belonged to George Brown in 1859 and subsequently passed into the hands of Matthew Burns and later William Slatter.

Photo. (Copyright: Local History Museum).



West Street on the South side, between Murchie's Passage and the Old Court House in the "Seventies".

1. Old Court House
2. Wesleyan Church, erected 1851.
3. Adams & Co. The Standard Bank, opposite the large tree between 2 & 3. Mercury Lane runs between 8 & 9.
4. Schenk's Forwarding Agency.
5. Atkinson's Kaffir Goods Store (present J.F. King Ltd., 345 West Street).
6. "Paris House."
7. E. Pickering's (No. 349 West Street).
- 8 & 9 Unknown.

Photo (Copyright: Local History Museum).



Durban, West Street with Mr. John Nicol, Mayor, in the Mayoral Chair in the carriage on the right in the 1880's.

Photo. (Copyright: Local History Museum).



Gardiner Street in the "Sixties".

Photo. (Copyright: Local History Museum).



West Street facing the Beach from Field Street in the early "Seventies".

A typical Street Lamp is shown on the left.

Photo. (Copyright: Local History Museum).



Field Street between West and Pine Street in 1879, showing the Railway Line constructed in 1874 for carrying goods to stores.

Photo (Copyright: Local History Museum).



West Street, circa "Seventies", looking West between Gardiner Street and Berea. Field Street runs across centre of picture.

Photo (Copyright: Local History Museum).



Aliwal Street as seen, looking towards the Bay, from Smith Street, showing Mr. E.P. Lamport's new Iron Store and Dwelling on Block 1, no. 9 in 1850.

The meeting to form the first Durban Club took place in Mr. Lamport's Store on June, 12th, 1854.

Photo. (Copyright: Local History Museum).



Aliwal Street, looking towards the Bay from West Street, showing the Court House on the right and a thatched cottage on the site then (1936) occupied by Metro Theatre. On left, the large tree which grew outside the old Natal Bank.

Photo. (Copyright: Local History Museum).



Photo taken before 1861 of the premises of Richard Harwin (later Harwin & Brenham), then T.M. Harvey, later in 1869 Harvey & Greenacre.

Photo. (Copyright: Local History Museum).



Grey Street, between Smith Street and the Victoria Embankment. The name of the portion of Grey Street between West Street and the Embankment was changed early in the twentieth century to Broad Street. The building on the left, occupied by T.C. Brown, Grocer, was situated at the corner of Smith Street (on the site then, 1959, occupied by Hutchings Service & Repair Station - No. 74, Broad Street). The building next to it was the Jewish Synagogue. Photo. (Copyright: Local History Museum).



B.W. Greenacre's premises after 1861 and before 1869. Before 1861, both Harvey & Greenacre were employed by R. Harwin, who retired and then left the drapery business to Harvey and outfitting to Greenacre. In 1869 Harvey and Greenacre went into partnership in Harvey's (Harwin's premises). Photo. (Copyright: Local History Museum).



Pine Terrace (now Pine Street) between Gardiner and Field Street showing residences of Captain Jervis (far left), W.R. Parker (middle), J.S. Steel and Hunt (right); circa 1870.

Photo. (Copyright: Local History Museum).



Pine Street in the "Seventies" looking West and facing Church Street. A portion of (1) St. Paul's Church on the extreme left is shown, as well as the (2) Market House beyond.

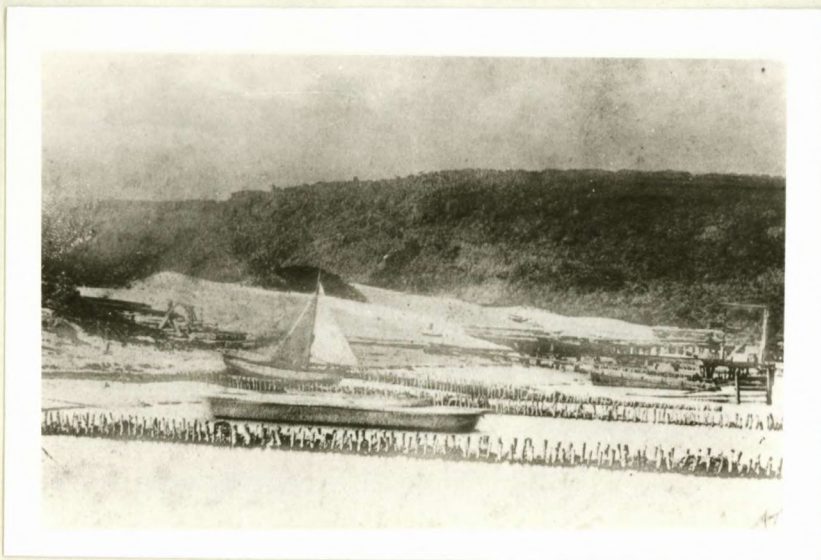
Photo. (Copyright: Local History Museum).



The Bluff circa 1879. The photo was taken before the construction of wharfage took place which commenced in 1901.

Photo taken from the Estate of Mnr. E.M.B. Gemmel.

(Copyright: Local History Museum).



Durban Bay, where Wharves A, B & C now stand.
The photo was taken on April 5th, 1873.

(Copyright: Local History Museum).



The Point and sailing ships in the early "Sixties".

Photo (Copyright: Local History Museum).



Durban Docks - circa 1887.

Extremity of Point Wharf - showing original Wharf Shed "A" erected in 1881 (with curved roof) and the sheds erected at the end of the main wharf - the total length of which, at this period, did not exceed 1500 feet. In the left foreground is a craft known as "Anchor Boat" used for tying moorings about the Bay. The funnel of one of the paddle tugs (probably "Forerunner") can be seen in front of the ship in full sail. To the right of "A" Shed is the Customs House.

Photo (Copyright: Local History Museum).



Copy of a water-colour painting by Ashe Windham in the possession of the Africana Museum, Johannesburg, - depicting a view of Durban Harbour near Cato's Creek.

Photo (Copyright: Local History Museum).



Berea Road, circa 1880's looking towards town and showing the old horse trams at the 4th Stage from the Town Hall.

Photo (Copyright: Local History Museum).



Photo. (Copyright: Local History Museum).
Durban: Cato Creek.

The area shown here was created by the suction dredges "Beaver" and "Water-rat". It is the area (then 1932) occupied by the Railway goods sheds and offices at Cato Creek, and was formerly a mangrove swamp, covered by water at high tide. In the centre is (1) the Transvaal Cold Storage, erected under a lease granted it in 1899. The Union Government ultimately resumed the site and the buildings were pulled down. The area was used as the timber depots prior to construction of the Congella wharves.

(2) Stanger Street.

(3) Court House.

(4) First Town Hall (today the Post Office).



The toll-gate erected by the Natal Government of the Victoria County side of the Umgeni.

The Bridge is the temporary one erected to replace the Victoria Bridge destroyed by floods in 1868. The building on the left is the Umgeni Railway Station.

(Date photographed circa 1869).

Photo. (Copyright: Local History Museum).



The Village of Umgeni.

Photo. (Copyright: Local History Museum).



Photo taken of

"Up the Umbilo River near Durban"
circa 1879.

From album presented by W.E. Parker
(Copyright: Local History Museum).



Victoria (Queen's) Bridge over the Umgeni River. It was erected in 1864 and destroyed by floods in 1868.

Photos. (Copyright: Local History Museum).





Temporary pile bridge erected over the Umgeni River to replace "Victoria Bridge" destroyed by floods in 1868. The photo is taken from the Victoria County Side.

Photo. (Copyright: Local History Museum).



The Umgeni Railway Bridge, built in 1877, destroyed by floods in 1917 and later replaced by a concrete and steel bridge. This Bridge was completed in December 1877. The first train to run over it from Durban to Avoca left Durban on 21st August, 1878. Its span was 1,040 feet, consisting of 26 spans of 40 feet cast iron screw piles with iron lattice girders.

Photo. (Copyright: Local History Museum).



Looking down the Umgeni Valley towards the sea from the sea above the quarry near Ridge End Beacon from a more recent photograph. The Bridge in the foreground is:

- (1) the Railway Bridge.
- (2) the Connaught Road Bridge opened in January, 1906
and
- (3) the Athlone Bridge to Durban North opened in
November 1927.

Photo. (Copyright: Local History Museum).



Vetch's Pier. The outer anchorage showing Vetch's Pier
in the "Seventies".

Photo. (Copyright: Local History Museum).



Durban Bay as seen from Albert Park looking towards
Congella before an embankment was made out of this area.

Photo. (Copyright: Local History Museum).



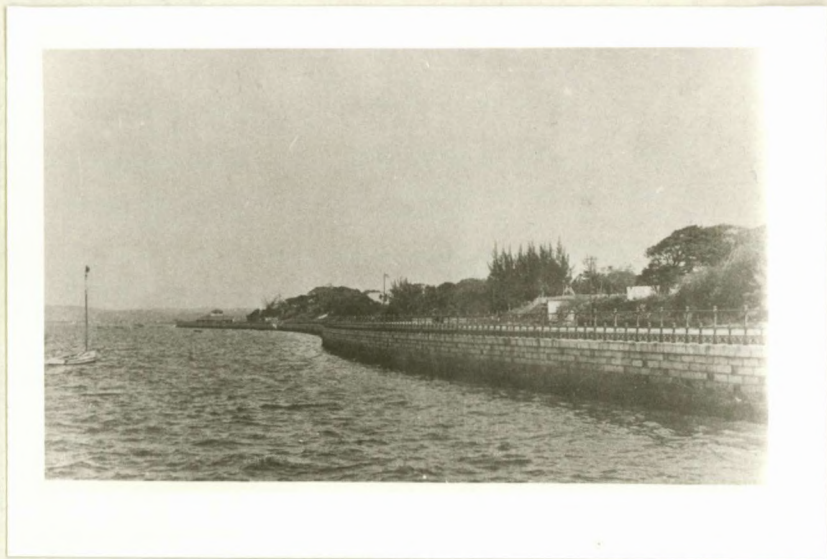
Durban Bay from about 1870 opposite the present (1933) Law Courts showing the mangrove trees which fringed the Bay before the Victoria Embankment was built. The old jetty and bathing stage opposite the present Fenton Road is seen on the left. The railing in foreground enclosed the late Sir Harry Escombe's residence.

Photo. (Copyright: Local History Museum).



Durban Bay from the present Victoria Embankment before the retaining wall was built. The Embankment was commenced in August 1896 and was completed between Cato's Creek and the Albert Park at the end of 1902. The pier shown in the photograph was approximately opposite Field Street.

Photo. (Copyright: Local History Museum).



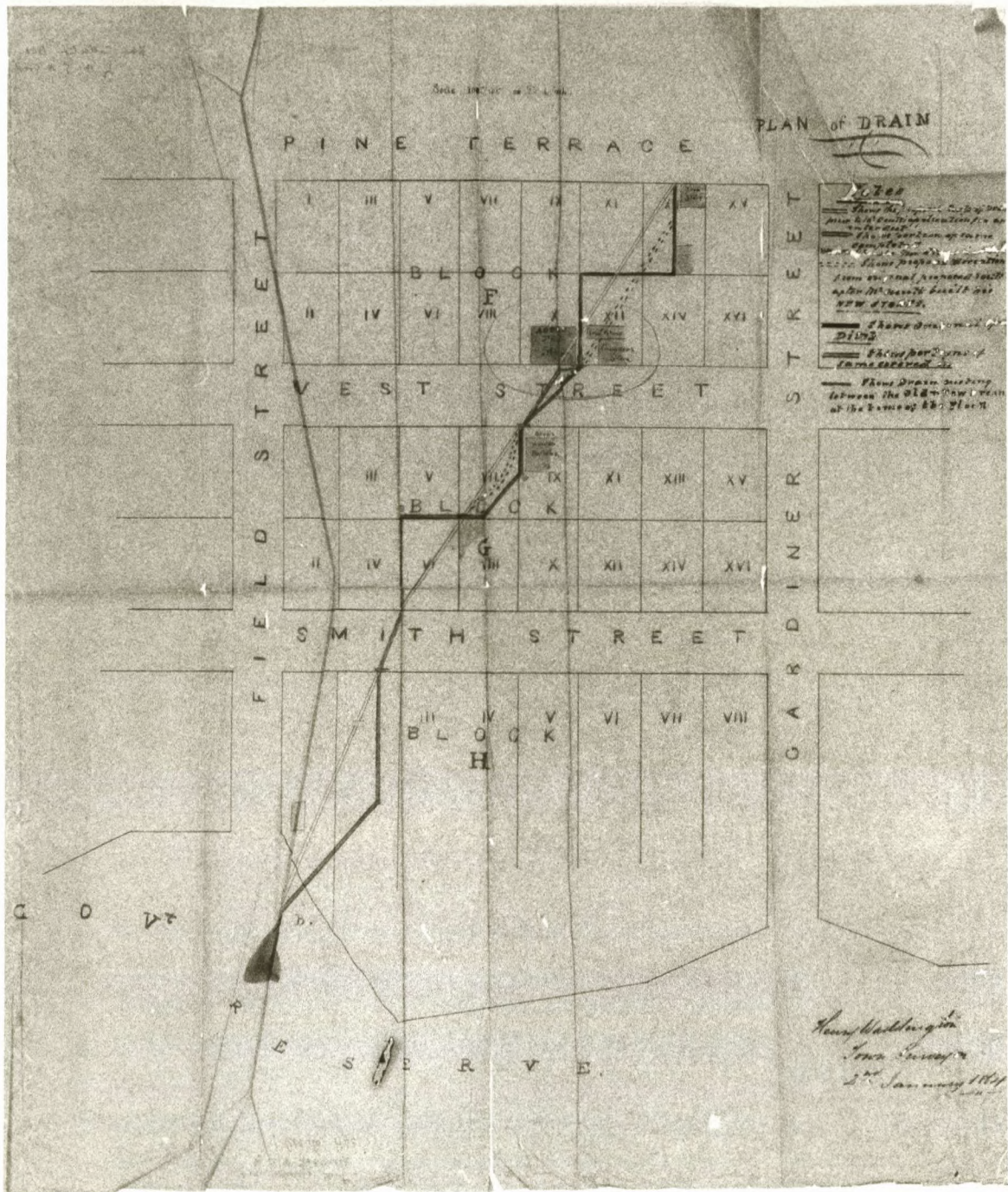
The Victoria Embankment from opposite Parry Road, showing Boat House (opposite Albert Park) in distance, The Embankment, which extends from Cato's Creek to Albert Park is 5,800 feet long and cost, including the making of the path and roads and riding track, £83,000. It was commenced in August, 1896 and completed in 1902 being built departmentally - first the building of the wall, footpaths, turf riding track and then the road.

Photo (Copyright: Local History Museum).



A section of John Milne's Drain from Old Fort Road as seen in 1930.

Photo (Copyright: Local History Museum).



An original plan of drainage, signed by Henry Waddington, Town Surveyor, dated 2/1/1864, showing the Field Street Drain on the left and Adlam's Drain on the right with the Bay as outlet. The latter became known as "Central Drain" when it was reconstructed.

Photo. (Copyright: Local History Museum).



A funeral procession.

The guttering of the pavements is here very noticeable with the road on a higher level.

Photo. (Copyright: Local History Museum).



The old Borough "Parish Pump" in Smith Street between the two buildings in the foreground. This pump continued in use until long after the Umbilo Waterworks were opened in 1884. At one time it was suggested that the site of the ancient pump should be purchased and the pump preserved as a curiosity, but the site became too valuable and this old landmark was removed.

Photo. (Copyright: Local History Museum).



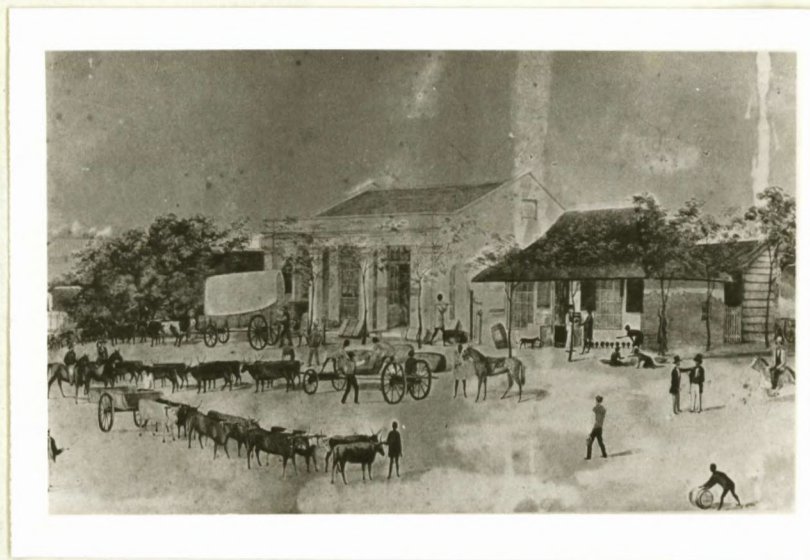
A photo taken in Pietermaritzburg in 1931 of an old brick well with pump affixed to it to draw water. Similar brick wells were built in Durban.

Photo. (Copyright: Local History Museum).



A Public Well in Berea Road, opposite Noble Road, near Old Dutch Road intersection. It was built in 1863 and 1864 and made of alternate double rows of brick and single rows of slate and discovered during 1968 excavations.

Photo. (Copyright: Local History Museum).



Messrs. Evans & Churchill's Store circa 1855 at corner of West and Field Streets. (Corner of ABC Shoe Centre building today).

Photo. (Copyright: Local History Museum).



The two-storied building on the far right in lower West Street was Blackwood and Cooper's grocery business destroyed by fire on 1st May, 1864.

Photo. (Copyright: Local History Museum).



The Durban Fire Brigade, showing Superintendent R.C. Alexander of the Borough (seated on the box). Standing behind the Superintendent is the Chief Clerk, D. Goodwin. Seated behind the Superintendent is P.C. Lambeth, and standing, Sergeant Natts (on left) and P.C. Hines (on right).

Photo. (Copyright: Local History Museum).



Darby's store at the corner of West and Field Streets is said to have stocked everything, from an anchor to a needle. In the left foreground is one of Durban's original oil street lamps. This photograph was taken in 1874. The present site is now occupied by the ABC Shoe Centre.

Photo. (Copyright: Local History Museum).



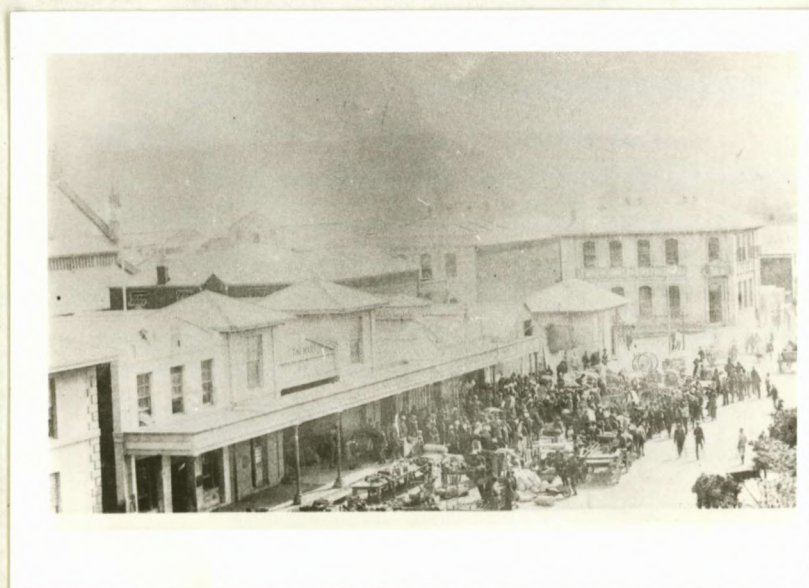
The Botanic Gardens circa 1870's, showing clearly one of the early oil lamp standards.

Photo. (Copyright: Local History Museum).



The first Borough Market House facing Gardiner Street between Church Lane (right) and Pine Street (left) erected in 1875 and opened on the 1st of January, 1876.

Photo. (Copyright: Local History Museum).



Gardiner Street between West and Smith Streets. (circa 1883). Saturday Morning Market outside Acutt & Son's premises. The Town Gardens are on the right.

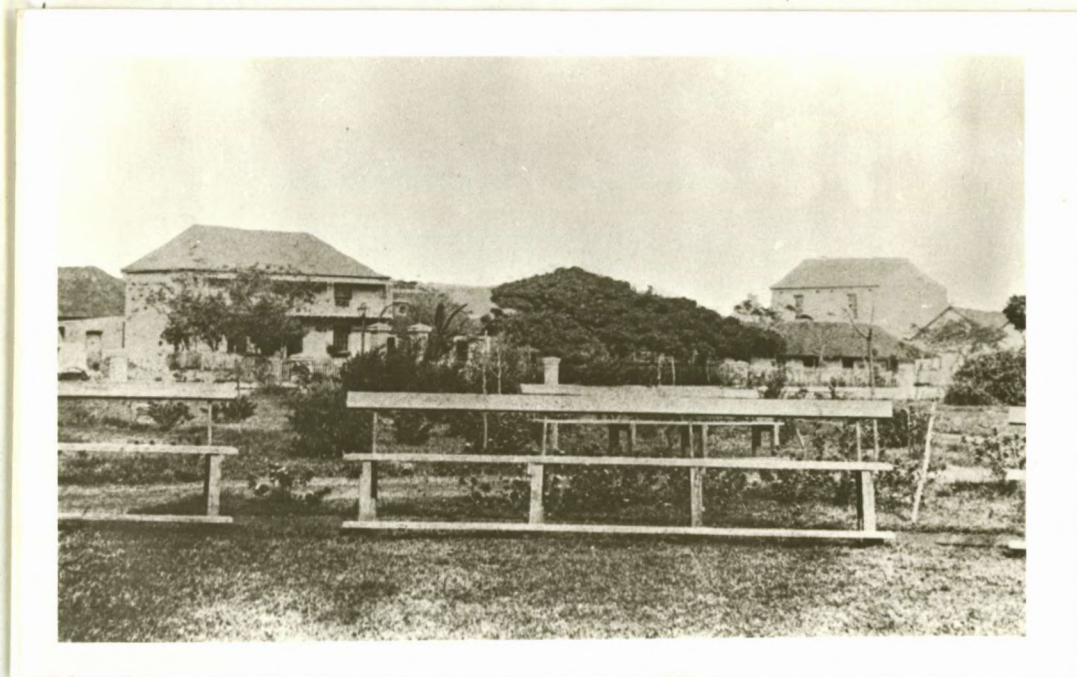
Photo. (Copyright: Local History Museum).



Durban 1862. From right to left:

1. Wesleyan Chapel.
2. Benningfield's Mart.
3. New Baltic Buildings.
4. Steel Murrays Old Building (Smith Street).
5. The Market Square (Gardiner Street).

Photo. (Copyright: Local History Museum).



The Town Gardens and the Royal Hotel beyond them on the far right in 1870. They were laid out as an ornamental garden and fenced in between 1860 and 1861.

Photo. (Copyright: Local History Museum).



Loading meat at the Abattoir at Congella in Durban, showing unhygienic manner in which the meat was handled and lack of supervision. A light covering was afterwards thrown over the meat and the underside left bare to pick up the dust, etc. from the wheels.

Photo. (Copyright: Local History Museum).



Views of the Durban Military Cemetery. The original entrance was behind the palms, on the left in Ordnance Road, but when the Old Fort Road Bridge was built and access to Ordnance Road from Railway Street (now known as Soldier's Way) closed, the entrance was removed to Wyatt Road. Slightly to the right of the centre are the graves of the soldiers killed at the Battle of Congella on May 23rd, 1842.

Photo. (Copyright: Local History Museum).



Old St. Thomas Churchyard.

Photo. (Copyright: Local History Museum).



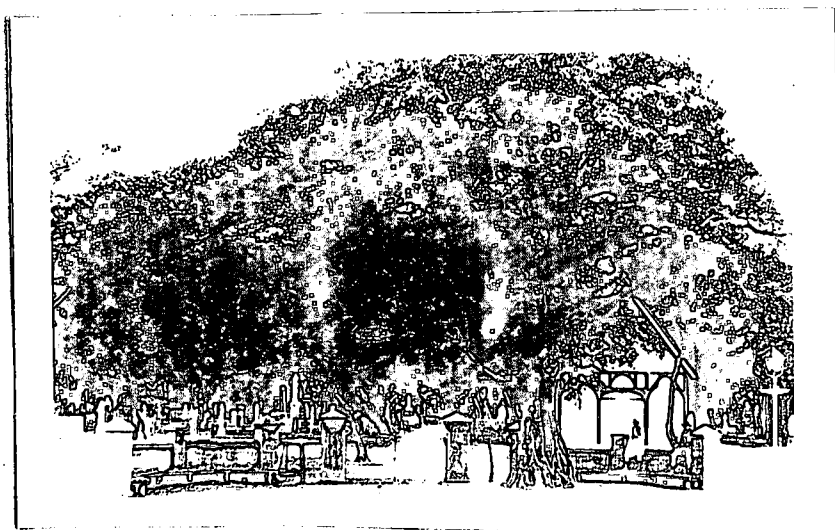
Entrance to the Cemetery in Ridge Road.
Photo taken in August, 1974.

Photo. (Copyright: Local History Museum).



Stellawood Cemetery in Block O & P and opened for use
in 1930. The cemetery was laid off in 1903 as the site
chosen at Congella in 1895 was considered too near the
town and too valuable.

Photo. (Copyright: Local History Museum).



Main entrance to General Cemetery, West Street. Prior to the formation of the Municipality in 1854, the Natal Government made a grant of land for burial purposes to the Church of England, Roman Catholic and Wesleyan communities. In 1864 the Corporation made a grant of 10-3/4 acres, adjoining the above-mentioned ground for other denominations and vested it in a Board of Trustees. In 1891 the control was transferred to the Town Council. A Mortuary was erected in 1890. Total area was about 16 acres.

Photo. (Copyright: Local History Museum).



The premises of Charles E. Tod, Leather and Hide Merchant at the corner of Commercial Road and Albert Street, Durban.

Photo. (Copyright: Local History Museum).



Bamboo Square situated on the Beach behind Smuggler's Inn between Bell Street and the North Pier. The unsavoury and unsightly location of Indians and Natives within the Government area at the Point, known as Bamboo Square was the subject of many representations made to the Natal Government by the Municipality for the removal of the objectionable inhabitants and improvement of the insanitary conditions of the neighbourhood. The alteration was not made until the outbreak of Bubonic Plague in 1903 when under the Public Health Act it was possible to demolish the hovels and replace it with Native Compounds.

Photo. (Copyright: Local History Museum).



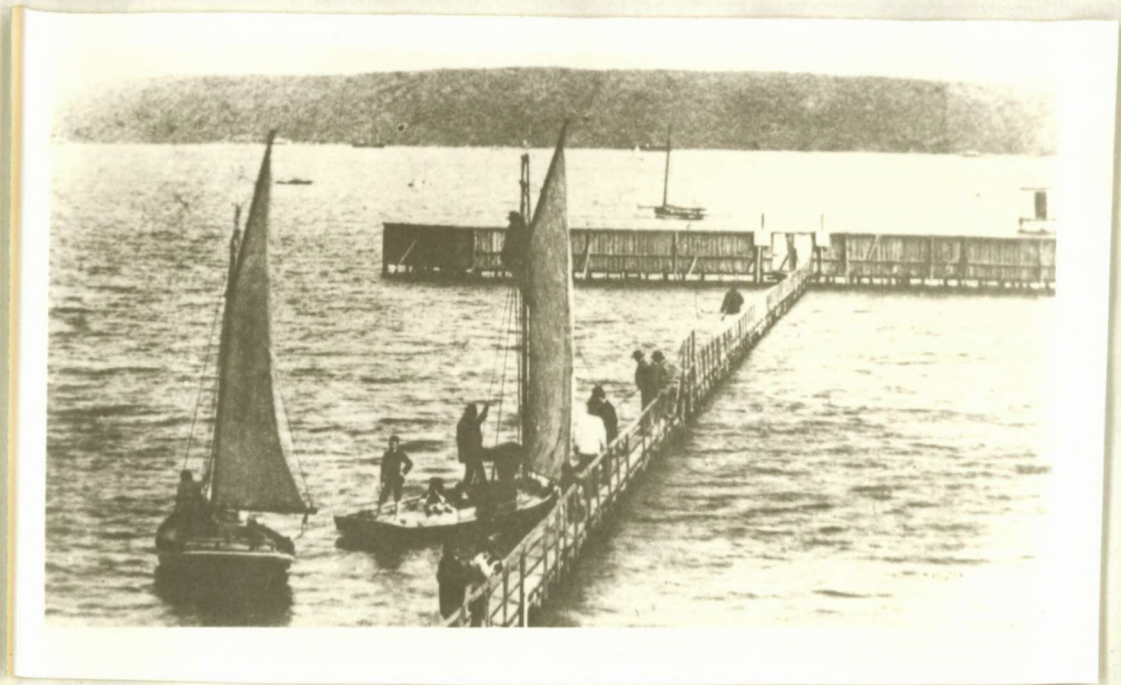
The Government Hospital situated on the Bayside, on a near site now occupied by the Law Courts. The photo was taken well before 1879.

Photo. (Copyright: Local History Museum).



The Addington Hospital was erected at the corner of Hospital Road and Prince Street facing the sea in 1879. It was first used by the Military authorities for treatment of the wounded during the Zulu War.

Photo. (Copyright: Local History Museum).



One of the two Bathing Stages erected by the Town Council in Durban Bay in 1863 with the judges box for yacht races beyond. The bathing stages were situated near Albert Park.

Photo. (Copyright: Local History Museum).



The Bayside c. 1870

Photo. (Copyright: Local History Museum).



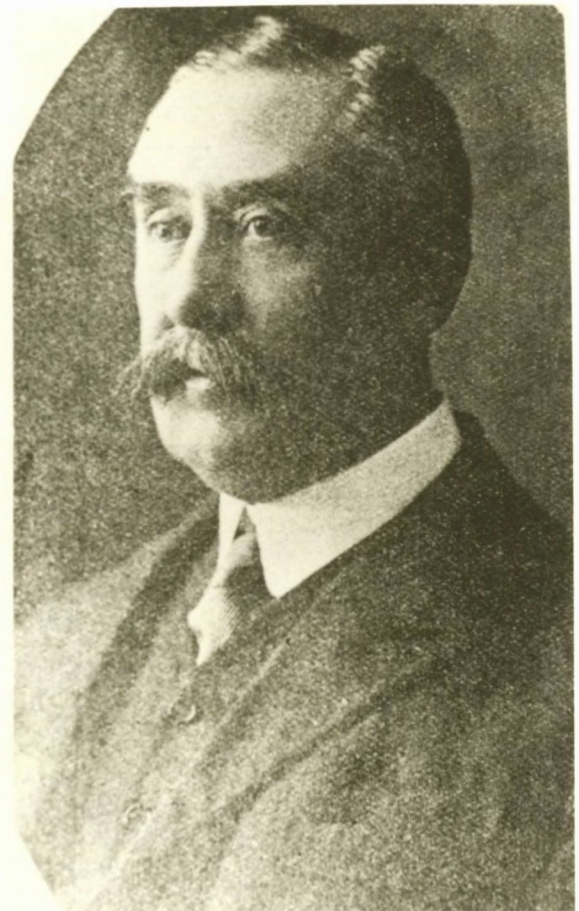
A Fig Tree in Albert Park (1875)

Photo. (Copyright: Local History Museum).



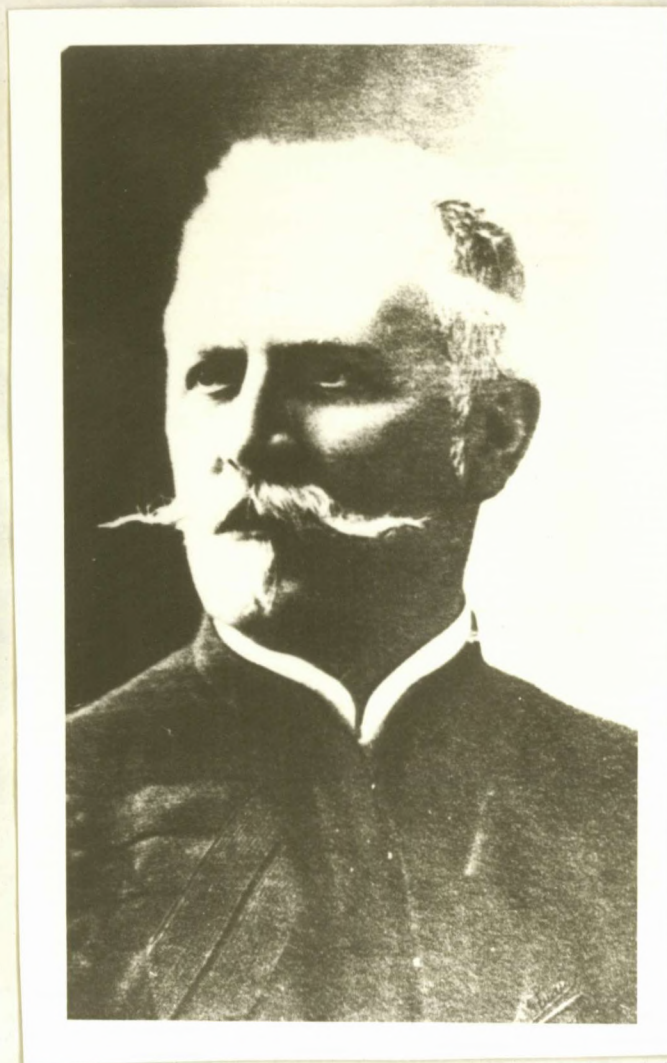
R.H.U. Fisher, second Town Clerk of Durban from 1860 - 1876 and Registrar of Births, Deaths and Marriages from 1862 - 1876. He died in England at the age of 80.

Photo. (Copyright: Local History Museum).



Mr. William Cooley. Third Town Clerk of Durban and Registrar of Births, Deaths and Marriages from 1876 onwards.

Photo. (Copyright: Local History Museum).



R.C. Alexander, late of Her Majesty's Thirteenth Regiment was appointed Superintendent of the Durban Borough Police in May 1876.

Photo. (Copyright: Local History Museum).





The Borough Police in 1878, showing the Police Station erected in 1863 on portion of the Market Square facing West Street.



The Umgeni Police Station was erected in 1881 at the corner of Umgeni Road and Athlone Drive.

Photo. (Copyright: Local History Museum).