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MISS COLENSO

AS AN AID TO JUSTICE AND PEACE IN ZULULAND.

In so far as Englishmen concern themselves about the fate of Dinuzulu, they all profess an agreement upon one point; he must have a fair trial. But having once understood that there are charges against him of High Treason and Murder, and that these will be dealt with by the regular Criminal Courts of the Colony, most people very naturally have felt disposed to await, without misgiving, the result of a trial "in due course of law."

A flagrant disregard of the most elementary principles of justice disgraced the Natal Government of 1874* and the Zululand Administration of 1888-9†. But reminiscences of the irregular tribunals of those years may be dismissed from our minds when we think of a trial before the Supreme Court of Natal, which maintains, in 1908, an unbroken tradition, as an honourable protector of the subject's rights.

With a judge of that court to preside, the possibilities of the reception of hearsay evidence, and still more, of a conviction without any legal evidence at all, may be left unhesitatingly out of our reckoning.

But the truth is, that the mischief which has been brewing against Dinuzulu for several years past, will have done its worst long before counsel for the prosecuting Natal Government is in the position to submit that there is "a case" to go to the jury.

* See "Tribunal of Kaniyalobele, Moseno, and his people."—*Parl. Papers C*, 111 of 1875.

† In "A Declaration upon behalf of the Zulu Chief," drawn up by Mr. James Rennie, M.L.C. afterwards Premier of Natal, and signed of the Privy Council, and Mr. Adolphe Dumas, it is declared of the proceedings which led to the exile of the King and Dinuzulu and his two Thakas to St. Helena for nearly eight years, that "the Constitution of the Supreme Court . . . and the trials in which the trials were conducted, were 'a serious stain of paralytic.'"—

Chief Thibelo was sentenced by Court Martial, in August, 1905, to six years' imprisonment with hard labour, and to pay a fine of 500 head of cattle. His counsel, in laying the complete record of the Chief's trial before the Judicial Committee of the Privy Council, secured permission to show that there was a complete lack of any legal evidence to support the charges against him. But their lordships held that they were bound by the final sentence of the court, and that the official status of witnesses before them.

Thibelo, who executed a verdict of "guilty," and accordingly sent to St. Helena, has since been called to St. Helena. It is quite certain that every effort will be made to undermine the confidence of the unhappy Zulu's government. But it is, nevertheless, an insuperable barrier to a South African failure, immigration across the sea, and away from his country and people, is a fate hardly less dire than that which now on this point the Zulus of Natal, had June, 1905.

Except for an Act of Indemnity, then, Thibelo would have been declared an innocent and a legally-ordered man. The Secretary of State, in accepting the 5 and Mosander's plea of necessity, and consenting to the perpetration of a further wrong upon him, recognized the fact, too hardly, it is thought the degree, of the additional penalty involved in this title of a British subject, one, whose guilt is, unquestionably, nearly the reverse of Thibelo, and should without delay be obliterated by the same means. The competence of the Parliament Power to achieve such a result appears to be a fact.

Those who have read the telegrams from Miss Colenso to this country of the last few weeks, will have realised that the accused chief is in a position very different from that of an ordinary criminal charged with the commission of a heinous offence. His is the case of a Zulu Chief who is being hounded to death or captivity by a political faction. Some of its members have survived from the days when Mr. H. Escombe, M.L.C., raised his indignant voice against a persecution which had their approval, and which resulted in the perpetration of a judicial outrage upon Dinuzulu, then a mere lad, and his two uncles. This anti-Dinuzulu party has at length succeeded in applying to its purposes all the resources of a Colonial Ministry; while the representative of the Sovereign, having first proclaimed Martial Law, against his own convictions, and notwithstanding the general Royal Instructions on the subject, permits it to continue, with results that are described, with appalling effect, in the protest, addressed to His Excellency the Governor of Natal, and closely paralleling the Escombe revelations of 1889, with which Mr. E. G. Jellicoe has now abandoned his belief for the ill-fated Chief.

His advisers of the local bar, and his friend Miss Colenso, must now do what they can for him without the help of an English barrister of tried skill and long experience of criminal jurisprudence. They will assuredly do their best; but it will be obvious to all how terrible must be the handicap under which Dinuzulu's defense is being conducted.

We are told by the Under-Secretary for the Colonies that the preliminary investigation is taking place with closed doors; yet all this time, every sort of allegation against the chief, hearsay and other, is being pressed upon the public, both here and in Natal, by newspaper telegrams and Parliamentary Papers; while he is deprived, without scruple, of his best means of exposing the fabrications against him, and bringing out the facts that make for his innocence. Under these circumstances, the most important person in the universe for this persecuted, and, as his friends believe, perfectly innocent man, is the Englishwoman who, 20 years ago, unquestionably saved his life from the gallows.

I have been asked to put together a few data to explain, for those who have not followed Zulu history, the special relation in which she stands to her Zulu fellow-subjects.

It must be remembered, in the first place, that when we are told to listen to "men on the spot," we have in Miss Colenso, not only an exceptionally well-informed

woman on the spot, but one who finds no lack of sympathy among her fellow colonists.* And many who deprecate some of her public utterances, appreciate the sincerity of her motives, and recognise the importance of her influence upon the Natives. Thus, the *Natal Witness*, while emphatically condemning her for the despatch of a telegram to England, in which she gave her views respecting the recent military incursion into Zululand, expressed itself as follows:—

"Of Miss Colenso's personal and intellectual qualities we have the highest opinion, and it has always been a matter of regret to us that one so gifted should be so prejudiced. There is probably no person in the Colony whose influence on the Natives is greater, and there is none who, did she but exert her powers in that direction, could exercise a more pacifying effect upon the Native mind. Miss Colenso is strongly endowed with the judicial faculty, and we make no secret of it that her grasp of intricate points of trials and cases in which Natives have been involved has often astonished able and experienced lawyers."²

Miss Colenso took up her father's work for the Zulus at his death on the 20th June, 1853. A very stringent demand had been made upon his energies since the day when he first directed his attention to the attacks which astute politicians were making upon the rule and character of the Zulu King. The Bishop's labours on this subject commenced, as far as printed matter was concerned, with the correspondence to which he had been expressly invited by Sir Bartle Frere. The correspondence led to a minute examination of statements respecting Zululand, in official documents and local newspapers, as well as of evidence obtained directly from Zulus. The result of this examination was put into print by him at the Bishopstowe Press, with the help of his Zulu printer, Magema, in the shape of a digest.

A copy of this work has been deposited in the British Museum library, two parts being bound up in one volume. The digest was distributed in pages, as it was printed, among friends of the cause, and was never otherwise published. The collection in the British Museum possesses, therefore, no index as a whole, though an imperfect one, hastily prepared by the compiler's younger son, is bound up with the second part.

* See also the kindly allusion in the *Natal Witness*, my remarks in "The Press in Natal." By Colenso. Fisher Street. Price 6d.
† 20th December, 1857.

With regard to these trials and their result, Mr. Escomb's considered opinion was expressed deliberately in a communication to the Secretary of State for the Colonies, in the following terms:—

"Dinuzulu and his uncles were persecuted and hounded into an appearance of seeming rebellion, in order to cover the wrongs done [to the people]. . . There is not in the whole of Her Majesty's possessions a race more loyal and more wronged than the Zulus. . . [If facts had not been officially concealed] these Chiefs [Dinuzulu and his uncles] would have been thanked in the name of the Queen for "maintaining order amongst their people in the face of wanton and wicked persecution." C. 5892, p. 311.

Miss Colenso's visits to England and St Helena during the Chiefs' exile, are fresh within the memories of many here.

In addition to representations, by word of mouth and in writing, to Secretaries of State, she pursued an unwearied campaign throughout England, never refusing an invitation to lecture upon Zulu affairs. Utterly destitute of any liking for public speaking, she schooled herself to deliver her story quietly and clearly to her countrymen in plain English, upon innumerable occasions. Upon one she addressed an assemblage of legislators in a House of Commons Committee room: upon several others she was sympathetically listened to by business men at Manchester during the lunch hour, and carried away a keen appreciation of the combination of heart and head which she found in Lancashire. I have before me a pile of some 20 pamphlets and leaflets in which she analysed Blue Books and delivered her mind respecting events which she was in an excellent position correctly to interpret.

The part that Miss Colenso played in connection with the Chamberlain-Escombe policy of repatriating the exiled Chiefs must be passed over here. Her contention, on evidence which appears to be irrefutable, that in a vital particular, and gravely to the detriment of the Zulus, Natal failed to observe the conditions of Dinuzulu's appointment, doubtless will receive due consideration.

In the remarks which have been cited above from the *Natal Witness*, reference is made to the ability displayed by Miss Colenso in dealing with intricate questions arising in connection with the trials of Natives. The editor had in his mind, no doubt, recent cases in which she had devoted herself to the task of supplementing the defences of Natives who had been convicted of capital offences. In

longer as strong physically as she was, and also has no pecuniary resources at her command. Twenty years ago, as a heavy case, she stopped into the kitchen to save the lives of Dinanah and her uncles. Mr. Escombe acted as counsel pro Deo; but the cost involved in those trials, nevertheless, ran into four figures. Under ordinary circumstances a collection by the Zulus would seem a natural solution of such a difficulty. But, unfortunately, my attempt of that nature would expose the educator to the danger of prosecution for sedition, and would be quite out of the question. And in her most recent letter he told Miss Coburn says, with reference to an application which was made by Dinanah to his friends last year for help in connection with a civil action:—

“Carter’s remarks about Dinanah’s levy of money
“exhort to show friends in England some of our
“difficulties.”

Thason will certainly not be asked by the influence available on the spot, and Miss Colenso, carried away by the desecration of sedition entrepreneurs, such as that described in the following extract, may well be in perplexity at this cruel juncture of events. Writing to me on the 25th November last she says:—

“Do you remember that a Chief named Tika settled
“at Isaloposwe in the 70s? One of his men,
“Mibombo, a doctor, moved up to Zululand in the
“80s. Not a fortnight ago I learnt that he was in
“goal at Shanger, and that from his statement, dated
“16th August, was committed on a charge of
“sedition and public violence, that he had asked
“that Miss Colenso should be sold? And I was told
“Mr. H. C. A. Samuelsen, who is deceiving him,
“sent down and found him very ill. So we [i.e.,
“Miss Colenso] bailed him out, £100, and took him
“to Dr. Campbell Watt, who said that his heart was
“going at a terrible rate, and he must keep quiet, and
“not exert himself. This order he has been obeying
“at Isaloposwe since the King’s birthday, and now
“we hope that he may be able to stand his trial at
“the Natal High Court at Pietermaritzburg on 3rd
“December.”

Mibombo was convicted by two of his judges, but the third, the Judge President, was for his acquittal.

“So,” says Miss Coburn, “the £100 with which I had bailed Mibombo remains jail for three months, while we decide if we appeal; and if we do not, it pays the fine.”

This is but a very imperfect sketch of Miss Colenso's long-continued activities on behalf of a "loyal and much-wronged race." But there are many true patriots among our Colonists to whom she is personally well known, and who keenly appreciate her unswerving integrity, faithful purpose and unswerving experience. These, we may be sure, will resent very strongly a policy which denies to a man in Dinuzulu's position the untrammelled assistance of his boyhood's friend.

FRANCIS E. COLENSO.

21, CAVENDISH ROAD WEST,
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