

Confidential 486

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THE
PRESENT POSITION
AMONG
THE ZULUS,

(1893)



WITH SOME SUGGESTIONS
FOR THE FUTURE.

London:

PRINTED BY BURT & SONS, 68, PARCELERS ROAD,
WESTMINSTER GROVE, W.

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I.—*Mischiefous Suggestion concerning the Exiled Chiefs.*

When the case of the Zulu chiefs in exile at St. Helena was brought before the House of Commons eighteen months ago, by Mr. Alfred Webb and Mr. J. A. Picton, Mr. T. E. Ellis quoted Mr. Bradlaugh's "strong and decided opinion" that

"there was a clear and complete case on the side of these Zulu chiefs, that the only fair policy towards these three chiefs—the only wise and just policy towards the Zulu people, and in the interest of that part of South Africa—was to liberate the prisoners, make them subjects of the Queen, and remove the soreness that must exist until the young King* and his uncle are restored to their people."

Mr. Ellis, who had recently visited South Africa, said also

"If any appreciable number of Members on either side would look into these matters, I am certain there would be such a pressure of opinions that the Government would be induced to reconsider their decision in this matter."

Hansard, July 25, 1891, p. 207.

Mr. Bryce said

"I think a division ought to be taken, so that we may have an opportunity of recording our protest against the policy which has been pursued. If the protest be unsuccessful at the present time, I hope that those who have brought the question forward will lose no chance of doing so on subsequent occasions."

Hansard, July 25, 1891, p. 207B.

In reply, the Under Secretary for the Colonies, Baron H. de Worms, said

"... There is no immediate intention of remitting the sentences, and though I cannot say what may be done hereafter, I can give no pledge at the present time.†"

Hansard, July 25, 1891, p. 207C.

* The uSutu and Miss Colenso do not claim this title. See *The Zulu Impoverished Campaign*, p. 25.

† They [the Government] might reconsider the matter, with a view possibly of the remission of the sentences.—*Times*, July 14, 1891.

"The Government... would reconsider the matter, possibly with a view to a diminution of the sentences."—*Daily News*, July 14, 1891.

"Promised that the whole matter should be reconsidered, with a view to the possible remission of the sentences."—

Daily Telegraph, July 14, 1891.

"When Zululand quieted down, it was not improbable that Lord Knutsford would reconsider this matter of the sentences with a view to their remission."—*Standard*, July 14, 1891.

If any steps were thereafter taken in this matter, they have not been made public. But Sir Charles Mitchell's remark, "I need scarcely point out how undesirable it will be even to consider the question of returning Dinuzulu to Zululand," suggests that he had been requested to consider the matter. ^{C 574, p. 11.}

At the time of the Debate, Mr. Commissioner Osborn was in England on leave. On his return to Zululand, a Commission, of which he was President, was appointed

"to define and mark off, where necessary, the boundary lines between the various tribes to the north of the Black Umfolosi river." ^{D. p. 5, enclosure in No. 1.}

A glance at the map which accompanies the Report of this Boundary Commission, shows the largest division in the district marked "Zibebu's location," and next to it an "uSutu location." The following extract from a Natal paper shows the notion circulated among the handful of Europeans (most of them officials) in Zululand—

"What is the meaning of the energy just now in marking off boundaries in the Ndwanwu district? It is the country of the uSutu and Mandhlakazi, of Dinuzulu and Zibebu, and it seems to indicate that preparations must be made for the return and location of the St. Helena exiles, in fact, there seems to be a pretty strong opinion that it will not be long before Zululand sees them again."

Our own correspondent, Natal Witness, Sept. 17, 1891.

There have also been indications of a proposal to send back Dinuzulu only, leaving his uncles in exile, and to place him in this "uSutu location" as a "petty chief" under the present system of administration.

That the present local officials should entertain the proposal implies that it is held to be not inconsistent with the policy, which has prevailed since 1879, of breaking up the Zulus by dividing them against themselves.* It is not too much to say that it would be less cruel—and not more impolitic—to leave things as they are, and to let the exiles die at St. Helena.

* See "Mr. Commissioner Osborn on Our Cause of Confusion in Zululand."

Such a proposal assumes—

1. That the present system is satisfactory.
2. That the "uSutu location" is large enough to accommodate Dinuzulu's following, the so-called "uSutu party."
3. That the uSutu leaders deserve disgrace, though some excuse (presumably his youth) may now be accepted in Dinuzulu's case.

II.—*Is the present system satisfactory?*

The system of government inaugurated in British Zululand on annexation to the Empire in 1887, and now being enforced and developed there, is essentially the same as the system in force in Natal: it is designed to bring the Zulus to the same condition as the Natal natives; and if continued, must inevitably do so.

As Natal has now been a British colony for fifty years; and as, ultimately, the two countries are likely to become one, this may at first seem a natural and proper intention. But there are few thinking colonists who, were it possible, would not gladly restore the Natal natives to the present moral condition of the Zulus; and who do not hold that the system under which the Natal natives have passed these 50 years, is largely responsible for their general deterioration.

1. This system attempts to combine in the person of one European the definite position and duties of a magistrate, and those of more than one or two native chiefs administering the unwritten native law of their several tribes; and with an indefinite extension, in the white official's case, of the powers supposed to be inherent in an actual native chief.

One result is that hereditary chiefs are slighted, and an opposition thereby created, most unnecessarily, seeing that at the same time much of the administration is devolved on native hirelings (some of them introduced from Natal), who are created "petty chiefs" or headmen, while the hereditary chiefs—those not actually disgraced or exiled—are reduced to the same level. Of these "petty chiefs" there are now from 20 to 30 in each of the eight

districts of British Zululand, with no other source of income than the fees and fines of office.

Jan 21, 1853. "It is easy enough to understand how effectually these centres of . . . authority [magistrates in Zululand] exercise a weakening and erosive influence upon the forces of native chieftainship and native authority."^{C 101, p. 21, line 27 from top}

Ed. Natal Mercury, Jan. 23, 1853.

Of the results of forty years of the system in Natal the Attorney-General* for Natal, in 1887, wrote that in evidence given before him† in 1882,

"the exercise of civil jurisdiction [by so-called 'chiefs,' hirelings] was declared to be corrupt, rotten, and partial."

Similar complaints—by others than the uSutu—are now made in British Zululand.

July 1892. "[In Zululand] the Governor is supreme chief, the magistrates are his deputies, they have their subordinates, and along with them are the native chiefs, *rowas*, and headmen, who are petty chiefs under the supreme chief, but who do very much as they like, being for their own benefit, under their own imperfect, and often unfair, system of trial, perfectly irresponsible, and free of all enquiry or review. Several instances, gathered from a small locality, can be given of gross unfairness and tyranny, and this is only one side of the iniquitous system that seems to be the pride of those that have to administer it."^{C 101, p. 21, line 27 from top}

Our own correspondent in Zululand, Natal Witness, July 6, 1892.

3. The law administered in British Zululand is either Zulu law, or Natal-law-for-natives, which latter may be enforced,^{C 101, p. 21, line 27 from top} "so far as applicable."

Concerning Natal law-for-natives.

The Zulus, before they were annexed to the British Empire, obtained a legal opinion (from Mr. W. Y. Campbell, since employed by the Natal Government to assist in codifying Natal-law-for-natives) that

May 11, 1851. "(d) I advise the Zulus that they have good reasons to pray the Queen to leave them under Zulu law, as opposed to the system known as Natal native law."^{C 101, p. 21, line 27 from top}

* Sir M. H. Gallwey, K.C.M.G., now Chief Justice.

† As a member of a Commission on Native Affairs.

Quotation begins

Before European intervention native law in Natal was one with Zulu law. In the paper quoted above, Sir M. Gallwey continues:—

1882. "What our natives [witnesses before the Natal Commission, 1882] desired . . . was, that the native law prevailing in civil cases in Zululand should be administered unaltered by any changes in that law prevailing in Natal. . . ." C. 5419, p. 96, lines 47-53, from 109.

The context implies Sir M. Gallwey's approval of the preference thus expressed, and "our natives" examined by the Commission included representatives of converts to Christianity, and other more or less civilised natives.

In preparing for the annexation of Zululand, Mr. Osborn had declared the Natal law unsuitable for the Zulus—to begin with.

Nov. 25, 1886. "I would point out that Native Law, as administered in Natal, is not, in many respects, the same as that prevailing in Zululand. . . . It appears to me very doubtful whether these altered conditions could be suddenly extended over the people in Zululand without considerable dissatisfaction to them, and without incurring the serious risks attaching to such conditions. If Zululand be joined on to Natal, it will be necessary that the laws and customs of the Zulus be not interfered with at once; any changes thereof should be effected gradually." C. 5419, p. 121, lines 4-10, from 109.

Colonel Cardew too had written

Feb. 3, 1885. "I am certain that they [the people of Zululand] would not willingly accept the Natal native laws." C. 5419, p. 96.

Mr. Osborn did not describe the "changes prevailing in Natal" as had in themselves, but as "of about 35 years' gradual growth. . . ."

Nov. 25, 1886. "many alterations and additions . . . from time to time . . . made in the native laws and customs, by local enactments, special orders from the supreme chief, rulings in the native high court and inferior courts, and by customs acquired by long contact with civilised Europeans in the colony." C. 5419, p. 101, line 24-26.

The following statement* by Mr. W. Y. Campbell, throws further light on the situation; though it does not disclose the whole mischief, for which see pp. 11, 12.

Dec. 25, 1885. "Native law, as affecting the tribes inhabiting the littoral of S. E. Africa . . . has many underlying vital principles in

* Memorandum, replying to question of Miss Colenso's.

" common, but there are many details of differences according
 " to the two or three hundred tribes which inhabit that stretch
 " of country . . . When Natal was annexed to the Crown
 " [1843] the one hundred odd tribes aboriginal to that country
 " had practically a common law, with variations incidental to
 " each tribe as aforesaid. Each tribe had its own chief, who
 " administered civil and criminal law as such prevailed and was
 " accepted in his own tribe. The [English] Government . . .
 " in course of time limited certain of the chiefs' powers,
 " especially in criminal matters, leaving them, however, practi-
 " cally free in civil matters.

" Up to this time there was no confusion in native law in
 " Natal, as each tribesman knew the law he lived under. In
 " course of time, however, the Government appointed magis-
 " trates and administrators with jurisdiction in native law.
 " With few exceptions these men knew nothing of native law,
 " and had to acquire it from the natives themselves. . . . So
 " long as the magistrates remained in the same divisions their
 " decisions were uniform; a time came, however, when the
 " magistrates were changed and passed on to other divisions
 " . . . [where] they set about laying down the law . . . [they had
 " learnt]. This of course unsettled matters: the natives knew
 " the law, but the white chief ruled so and so, and though
 " puzzled, they had perforce to submit. . . . Thus it was that as
 " the magistrates were changed about, and as they grew in
 " number, so also grew the confusion.

" The code drafted by me was brought about by my
 " recognition of this miserable state of affairs. I found all the
 " magistrates giving different judgments upon the same
 " points . . . My draft code was duly laid before the [Natal
 " Government] Board of Native Law, and they have produced
 " something from the draft which has, I believe, gone before
 " the legislature and passed into law."

Mr. Campbell's draft code is dated July 3rd, 1888,
 and the "miserable state of affairs" was that extant in
 the colony of Natal, in 1860, after forty-seven years of
 British rule.

Notwithstanding a protest from Mr. Escombe, M.L.C.,
 that "there were 300 sections, and 32 ordinances to be
 considered," the "something" produced from Mr. Camp-
 bell's draft was "passed *en bloc*" by the Natal legislature;
 and, having received the Royal assent, has since been
 put in force, and is now Natal law-for-natives.

There is still ample scope for variety in interpretation,
 as the code is promulgated in English, and no authorized

July 20, 1890.

Natal Witness,
 Jan 5, 1890.

Natal Observer
 (now Natal)
 July 21, 1890.
 Natal Mercury,
 July 20, 1890.

Zulu version has yet (1863) been published. Two motives may have swayed the elected members of the council to such criminally careless legislation for seven-eighths* of the total population, (i), the feeling that, under the present constitution, the officials, representing the colonial office, and not the colonists, are responsible in native affairs, and (ii) the conviction that, whatever measures might at that time be forced through the council, reform in the management of native affairs must claim early attention under the approaching regime of responsible government. Of the authorities who produced the code it is difficult to suppose that they hold it not worth translating; but it is not easy to account in any other way for the delay of two years and a half since the code was gazetted as read a third time and passed. And a leading Natal journal and supporter of "Responsible Government," notes that

July 28, 1863.

Dec. 20, 1863.

Dec. 20, 1863.

Dec. 22, 1863.

"there is a growing feeling of dissatisfaction, especially amongst the older and more loyal natives, with the present methods of procedure in the native courts of this colony,"

and publishes with approval letters written by Mr. R. C. A. Samuelson, an advocate, well acquainted with the Zulu tongue and ways, to show that

"the so-called code of native law is a contradiction to principles of justice, order, and equity."

"The matter" it is declared, "is one of vital moment, and should be taken up without delay. Mr. Samuelson has done good service to the colony by his outspoken declaration."—*Editor Natal Witness.*

Natal Witness,
Dec. 20, 1863.

Concerning Zulu or original Native Law.

Jan. 1865.

The Cape Government Commission on Native Laws and Customs reported of the "Aboriginal population generally" and especially of "the tribes inhabiting the eastern and frontier districts of the colony . . . and comprising . . . broken clans of Natal and Zulu origin," that

"Among them a system of law has, for generations past, been uniformly recognized and administered. Although as 'unwritten law,' its principles and practice were widely understood, being mainly founded upon customary precedents, embodying the decisions of chiefs and councils of bye-gone

* If not nine-tenths.

"days, handed down by oral tradition, and treasured in the memories of the people. This law took cognizance of certain crimes and offences; it enforced certain civil rights and obligations; it provided for the validity of polygamic marriages; and it secured succession to property and inheritance, according to simple and well-defined rules. The system was, to a great extent, created by and adapted to the conditions of a primitive, barbaric life, and, in some respects, it was not unlike that which prevailed among our Saxon ancestors.

"It appears that, although the chiefs have at times exercised despotic power to such an extent as to induce some witnesses to come to the conclusion that the will of the chief is law to his tribe, the power of making law does not in reality rest absolutely in the chief. The chief himself is subject to the laws in force when he assumed his chieftainship. . . . Mr. Orpen says that the laws of the Kafirs are not usually made by the chief and his councillors without reference to the people; that the laws have all grown up among the people, and are only administered by the chief. That of . . . three laws altered by Mosheh [paramount chief of the Basuto] only the one published after long council with the tribe . . . held its ground; the other two, his individual commands, were failures.

"From this it will be seen that the natives have not been subject to the capricious laws made by a chief, but to laws emanating from the national will, which laws have been administered by the chief.

"The inference we may draw from the whole evidence upon the subject is, that although natives have nothing corresponding to a representative form of government, their existing laws embody the national will, and that no chief would attempt to alter a law without taking the opinion of his councillors, or referring the change to the people."

The conclusions thus stated by the Cape Commission are the more important because, though chiefly occupied with Cape Colony natives, the Commission examined as a witness on the one side Sir Th. Shepstone, a principal supporter in Natal of the theory that by native law

a "supreme" or "paramount chief is above all law in his own tribe, . . . and is supposed to do no wrong,"

and as to the Zulu kings that

"their organization was a pure military despotism."

On the other side the Cape Commission examined the Zulu King Cetshwayo himself, then a prisoner of war

Report, p. 31,
para. 7.

Report, p. 35-4,
para. 21.

Natal Mercury,
Jan. 29, 1892.

at the Cape, whose evidence on the point in question was as follows, given through an interpreter:—

Question 15.—Canst you alter laws?

Answer.—“No, the King says he cannot alter a law like that, because it has been the custom in Zululand he supposed ever since the nation was created. Every king has agreed to the law, and so must he.”

Answer (to question 20).—“He would not consent to that law being abolished because of the right or wrong of it, but because the whole nation agreed to it.”

April 23, 1855.

Mr. Escombe has described Zululand under Cetshwayo as “a monarchy qualified by the control of the headmen,” “a country which had hitherto been under one man—“not a despot but a man governing constitutionally with “the advice of his headmen.”—

Translation of
Dordrecht, 1855.

Speech in defence of Diniselo before Special Commission.

But the magistrates in British Zululand have no time and no means provided them for studying Zulu laws and customs. These are unwritten: the principal depositaries, the uSetu chiefs and headmen,* are under the cloud of imputed disloyalty, liable to be accused afresh if they venture to take part in public affairs; and their place in approaching the magistrates is taken by the newly appointed “petty chiefs,” dependent on the fees and fines of office. The magistrates are also, and necessarily, exchanged from time to time; and, in fact, the process described by Mr. Campbell as resulting in such a “miserable state of affairs” in Natal, is now being exactly repeated in British Zululand.

Further, Mr. Campbell mentions the variations in native law itself, and the shifting of magistrates administering it, as causes of the “confusion” which he describes. Another and far more serious cause exists. The theory that among South African natives “the will of the chief is law to his tribe”—examined and found fallacious by the Cape Commission,—has been adopted as a main principle of the system practised by British officials in Natal and Zululand.

* Not only the chiefs in exile, but those throughout the country accused of sympathising with them. See forward, III.

† See the case of Wembe and his companions, p. 25-4 of “*The Zulu Depositions of Officials conferred*.”

1870. In Natal the dictum that a "supreme" or "paramount" chief is above all law in his own tribe . . . and is "supposed to do no wrong,"* has been quoted in support of the action of the Governor as supreme chief, in so serious a document as a judgment of the Lieut.-Governor with the advice of the Executive Council.† And quite recently, a Natal newspaper stated plainly that

C. 2, 187, p. 148.
62-10, 111.

1871. "cases between natives have hitherto been decided 'either by the law of white people, or by that of black, but by the mere will of whoever gives the decision.' ‡

The causes assigned by Mr. Campbell were perhaps enough in themselves to lead to this result, but the high sanction given to the theory that a magistrate is a chief whose will is to be law to the tribes placed under him, has made the result inevitable.

In British Zululand, it is held that

1872. "the magistrate holds the position of chief placed over the native chiefs of his district by the government of the country," *Deputy Attorney-General for Zululand, addressing the Special Court trying the Zulu Chiefs.*

Take-note of
abolished notes.

And, as Mr. Escumbe has stated,

1873. "the magistrates have contracted the idea . . . that the officials are . . . chiefs whose will is law." "There has been no law in Zululand except the *ipse dixit* of the magistrate."

C. 2, 179, p. 476.
last two lines,
p. 476, line 4
from top.

These notes on native affairs in Zululand and Natal are, of necessity, brief and incomplete. But it is submitted that they are sufficient to disclose that the present system of government in British Zululand is not satisfactory.

It is claimed that the description given of the course of native affairs in Natal presents an example to be avoided; and at the same time a faithful picture of what has been intended and must result from the system of government recently inaugurated in British Zululand:

* "The best of being supreme chief is that you are above the law and can do as you please," is a remark once seriously and amicably addressed to Miss Colombo by a personage familiar with the position."

† Including Sir Th. Shepstone.

‡ The "*Isibuyelo*," a paper for natives, published under ecclesiastical (not "Coloniate") auspices.

that this system has been planned to carry out the policy of breaking up the Zulus; and however well disposed the administrator, that policy must thus be at work against him, and demoralizing the Zulus, until the system is modified; and that if the two countries are to be united, it is especially undesirable to enforce in Zululand a system which must obviously be subjected to speedy and serious reform in Natal.

It is further submitted that the choice of Europeans competent and willing to become officials in British Zululand, is extremely limited, and likely to remain so for a long time to come; and that this difficulty should be taken into account in assigning the duties to be performed by these officials in the midst of a quick-witted people, accustomed to manage their own affairs, and possessed of a very keen sense of justice.

Also, that since, even under the present regime, much of the administration is unavoidably devolved upon natives, it is for the interests of justice, and consequently, of order, that use should be made of the chiefs, between whom and the people there already exists a recognized bond of duty, who, in Mr. Campbell's words, "represent the recognized peace-factors and controlling elements of the Zulu people, . . . respected not alone because of birth, but because of brain-power and governing ability"; rather than of hirelings dependent on the fees and fines of office, "a class of native official who will make disturbances as long as they are employed."

It is submitted that this reform is needed in the interests of government in Zululand, apart from any question as to Dinuzulu and his uncles, or of the Zulu feeling for them; and that any official objection to the exiles' immediate return, based on the assumption that such return may injure the peace or good order of the country, is an admission—not only that the influence of the exiles is extensive, but—that the present dispensation has not taken root, or given satisfaction to the Zulus generally.

² Memorandum, drawn up in 1890 on behalf of the Zulu party.

³ Mr. Escombe. [C—5,892, p. 265, line 5-8, p. 306, line 41-2.]

III. On the nature of the uSutu party: will the uSutu location accommodate it?

One argument used by those supporting the policy of breaking up the Zulus is that there never has been a Zulu "nation properly so called"; that before Tshaka's time* "the Zulu tribe" was a "small" insignificant one; and that what, since his conquests, has been called the Zulu nation, has been nothing but

"a collection of tribes, more or less autonomous, and more or less disunited, yearning . . . always . . . for their ancient 'separate existence.'—
Sir Th. Shepstone.

Aug. 11, 1823.

C 1311, pp. 2-3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

It is argued that the "breaking up" policy is welcome to all these tribes, and only obnoxious to that "terrible incubus, the Zulu royal family," with a limited personal following, and described as "military" as opposed to "patriarchal hereditary" chiefs.

Jan. 16, 1824.

"At the end of the Zulu war [1819] 60 years . . . [after Tshaka] it was found that most of the incorporated tribes that made up the bulk of the Zulu nation had kept themselves so distinct that on the removal of the Zulu king they were found ready to re-enter upon their separate existence. . . ."

"There are only four of these ['military despots,'] 'military chiefs, kings, as they are called'] in South Africa, the Zulu, the Swazi, Gungunyana, and Lobenzulu. These are 'all collections of conquered tribes. . . . The remarks which follow are not intended to apply . . . to the military organizations above referred to, but to the hundreds of other hereditary chiefs and tribes whose constitution is more patriarchal than military. . . ."
Sir Th. Shepstone.

State Papers, Jan. 16, 1824.

No doubt many conquered tribes were included in Tshaka's dominions, which extended before his death beyond what is now the British colony of Natal, and the present Transvaal districts Utrecht, Wakkerstroom, and Vryheid †; and the above theory was perhaps founded

* About 1800 to 1828; sometimes writes Chaka.

† Tshaka's military conquests extended over a large portion of the Portagales, Transvaal, and Orange Free State territories; they included the whole of Natal and some of the present districts of the Cape Colony as far as the Umata river.
Sir Th. Shepstone.

on accounts given by members of such tribes, among whom the greater part of Sir Th. Shepstone's official career has been passed, but who are not accurately acquainted with the early history of the Zulu nation proper, "the grand old Zulu people," as Natal natives have described it.

Some correction of Sir Th. Shepstone's premises is needed to secure an understanding of the present position, *i.e.*, of the nature and extent of the connexion existing between Dinuzulu and Zulus other than those now officially recognized as his adherents, "the nSutu" in Ndwandwe district. But the fallacy of his conclusion has been sufficiently proved by recognized historical facts, *e.g.*, the English invasion of Zululand was opened with a proclamation that the English were "not waging war against the Zulu Nation, but only against the King," and the English General had soon to admit that "the Zulu people themselves are not prepared to accept the distinction it was thought desirable to make." "Our troops have had to contend with the whole strength of the Zulu nation."

Three years later the Zulu Deputation, 2,000 in number, led by 646 chiefs and headmen of these "conquered tribes" "discontented" with the Zulu rule and now restored by England to the "ancient separate existence" for which they had "yearned," undertook the weary journey to Natal, not to express gratitude but to pray for restoration of their "terrible incubus the head of the Zulu royal family"; and carried out their intention in the face of all possible opposition from the local representatives of the Colonial Office.*

In disproof of Sir Th. Shepstone's premises it may be noted that not counting Dinuzulu, the Zulu chiefs can be traced back through eleven generations† of one family, the earlier nine succeeding one another from father to son. Sir Th. Shepstone has argued that among the Zulus

*C 3466, p. 27, last line, p. 28, line 27.

- | | | |
|---------------|------------|-----------------|
| 1. Malandela. | 5. Panga. | 9. Semangalena. |
| 2. Ntombela. | 6. Mgqeta. | 10. Dingane. |
| 3. Zulu. | 7. Ntloha. | 11. Cetshwayo. |
| 4. Nkosenzin. | 8. Jama. | |

In like manner the Rev. J. Mackenzie gives genealogical tables of the chiefs of the Bechwana tribes, tracing one branch for seven generations, and another for eleven.

Ang. 16, 1876.

generally, little importance is likely to attach to the burial places (all well-known) of the seven most ancient of these chiefs "being those of the Zulu tribe only, and while that tribe was yet but insignificant, and of no account . . ."

C. 5, 110, p. 21.
See 11-12.

But several of the principal tribes forming the Zulu nation in Cetshwayo's day, not only claim but are able to trace the descent of what Sir Th. Shepstone would call their several patriarchal hereditary chiefs to one or other of the nine older Zulu kings, e.g., the Ntombela, an important tribe, claims descent, as it takes its name, from the eldest but one of the Zulu kings.

So also the iGazi tribe and (P) the Ungazi in the north, the Biyela and Mpungose in the midlands, the Sibya, part in the south, part in the north, claim and trace descent from one or other of the earlier kings, and are called by the isibongo (family title) of the Zulu royal family.

In order to prepare a complete statement on this point, further reference to the Zulus themselves would be necessary. The above examples are, however, given with confidence, as gathered from statements made by various chiefs and headmen, members of the Zulu Deputations in 1880-1882, and in most cases verified by members of the tribes in question.*

The statements prove at any rate that none of the persons who made them held the theory that they were members of "conquered" "discontented" tribes. And all Zulu tribes or sections in similar circumstances, however fortunate in their present tribal chief or headman, regard Dinuzulu as the head of their race, their patriarchal hereditary chief. Of such a connexion Sir Th. Shepstone has written lately, †

"If there is one truth more necessary to be known than another by a South African statesman, it is the impossibility of effectually abolishing hereditary chieftainship. Hereditary chiefs may be officially deposed by the paramount power;

* The reality of the relationship is witnessed by the careful distinctions drawn with regard to marriage, e.g. into some of these tribes Dinuzulu may marry, into others "he may not, but his grand-children may."

† But intending apparently to exclude Dinuzulu—as merely a "voluntary despot," from the category of hereditary chiefs.

" may be refused recognition ; may be sent into exile, or placed
 " under personal disabilities. These are the means which
 " civilised governments generally use, and which have been
 " used in South Africa; but they have succeeded only in
 " making martyrs: in augmenting the power of the chiefs
 " concerned for mischief, and in clothing with greater reverence
 " their persons and their utterances. The effect is to inflame
 " the tribal sentiment, and to strengthen attachment to its
 " representative members."

State Attorney,
 Jan. 27, 1897.

It may well be that the national sentiment also has been inflamed among tribes in Zululand less nearly related than those mentioned above, by the opposition to that sentiment which has been ceaseless since 1879 among the local representatives of the Colonial Office. It is at any rate, a fact that among the most pronounced uSutu are numbered tribes,—e.g., the Mhletshe—which have not been ascertained to trace their descent to any of the Zulu Kings, and even some which have within historical times, been markedly antagonistic to the ruling branch of the Zulu family.

Jan. 7, 1894.

Mgamule is now described by Mr. Commissioner Osborn as the "principal uSutu headman." Makulumana is another. They have recently declined to take office as "independent headmen" on the ground that they "belong to Dinuzulu." What is their tribal history?

C 104, p. 12.

Mgamule's father was Dingane's Prime Minister, and in charge of much of what is now called Ndwanwee district. He, like Zibebu's father, lost place and power on Dingane's overthrow, (1840) and fled the country after fighting for him against Cetshwayu's father, with whom he subsequently made his peace.

Makulumana's story is still more significant. Sir Th. Shepstone and other authorities are agreed that when Tshaka was a youth, and "the Zulu tribe insignificant," "the Umsetwu was one of the most considerable tribes in the country now called Zululand," that somewhat later, "perhaps about 1818," this tribe "took refuge under Tshaka,"* having been defeated by "Zwide, chief of the most powerful neighbouring native tribe."† This chief

Paper by Sir Th. Shepstone, dated 1854. Printed as appendix to Cape Government Reports, 1854, on Natal Laws and Customs. C. 1—4p. P. 415, 499, 500. 4. 11, 1008, 15.

* "From that time to the present day (Jan. 18, 1864) they have continued to form a portion of the Zulu power, although they have retained their separate tribal name."

11, 1008, 15.

† The Ndwanwee.

was thenceforward Tshaka's chief antagonist, but was beaten after a long and chequered struggle, and fled far north, while a large portion of his tribe remained and became Tshaka's subjects. A direct descendant, and a leading representative of Tshaka's old antagonist is Makulumana, who declines personal advancement lest he should thereby become separated from Dinuzulu.

In fine, for one or other of the reasons indicated, either because a Zulu nation proper has long existed, animated by the tribal sentiment to the strength of which Sir Th. Shepstone bears witness; or because a national sentiment was created and "inflamed" by the invasion of 1879 and its sequel; because the exiled chiefs have been "made martyrs," or as a natural result of their unselfish devotion to the interests of the people; or from a mixture of all these reasons, certain it is that uSutu feeling (*i.e.*, sympathy with the chiefs, not antagonism to English authority) exists in every part of the country. In official language "the uSutu party" usually means a certain majority of the inhabitants of Ndwardwe district. These may be the most faithful or "dogged" uSutu in British Zululand, but the name has now a much wider and deeper meaning, and an uSutu is any Zulu who still dares to express the national—or tribal—feeling, the desire to remain one people under English rule, with which thousands sympathize in secret. One grave evil resulting from the policy pursued since 1879 is that any expression of this sentiment has been suppressed in such ruthless fashion that it is now next to impossible for an official to estimate or in any way to realize popular feeling in Zululand. To do that one must have been behind the scenes on the uSutu side, in their confidence when they dared show their feeling. Miss Colenso has been in that position since 1880, and Mr. Escombe since he spent weeks among the uSutu, in what was called "the rebel camp" at Etshowe, as Counsel for Dinuzulu in 1889. At that time sympathy with the captive chiefs was met from every part of the country; among the very turnkeys and police, as well as among Natal natives, Zulus supposed to be attached to John Dunn, or to Missionaries, and among so-called "loyal" Zulus generally.

The feeling, whatever its origin, is too deep and too widely-spread to die out in a few years, or in one generation, and some indications of it in quarters not officially

accounted uSutu, have reached Miss Coleman since she has been in England. When she left Zululand three years ago it was in response to the often repeated question of various uSutu chiefs and headmen "can the governing power in England be aware of what is taking place, and of what is before us here?" and they parted from her with a promise that while she should seek relief for them from England, they would bear their grievances patiently; and that she would return and tell them should she fail in the appeal.

The Annual Report on Zululand for 1890 states that

"Order has prevailed throughout the territory. The natives appear to appreciate the blessings of a settled government and to be contented and prosperous, with the exception that an embittered feeling still exists as a consequence of the disturbances of 1888, between the uSuta and Mandlakazi tribes, especially in the minds of the former . . ."

C. 640—15.
p.

The Report for 1891* repeats that

"Good order prevailed throughout the year."

Col. Report,
Annul. No. 15.

It is officially claimed that the bulk of the Zulus are now "loyal" and "appear contented." That they are loyal is not questioned, but it is submitted that national or tribal feeling and sympathy for the exiled chiefs may be none the less strong and wide spread among them; and that under the circumstances an appearance of contentment proves them to be patient as well as docile. More than three years ago, in defence of the uSutu leaders, Mr. Escombe expressed the opinion that

June 2, 1889. "there is not in the whole of Her Majesty's possessions a race more loyal and more wronged than the Zulus on whose behalf this remonstrance is penned."

C. 640, p. 211.
See 21.

thus identifying the uSutu party with the Zulu people.

It is submitted that by the policy pursued since 1879 a wide spread and deep rooted sentiment deserving conciliation, has indeed been placed under ban, and that no arrangement will now place Zulu affairs on a safe foundation which does not include at least an implied admission that this sentiment is not held to be incompatible with loyalty to British administration, and which

* No Report for 1892 has yet been published.

does not remove from the whole uSutu party the stigma of alleged rebellion, of which any disgrace still attaching to their leaders would be for them a sign and token.

The uSutu location shown on the map does not contain even those tribes, which suffered most for being uSutu in 1887-8,* and are still termed "dogged" uSutu; and it is submitted that to reduce Dinuzulu on his return to the position of a "petty chief," in that location, under the present regime, would only aggravate and perpetuate existing grievances.

IV. *Have the uSutu chiefs deserved punishment, either as rebels, or as murderers?*

It is not proposed to repeat here the whole defence of the National Party, but to emphasize points affecting the personal characters of the exiled chiefs, which need to be borne in mind in considering the future of Zululand.

To the weighty opinions quoted at the beginning of this paper may be added the following from the same debate.

Discussed July 23, 1889, p. 1,056.

Captain Bethell expressed the opinion that

"It is impossible for anybody who did not hear the evidence given before the Special Court which convicted the uSutu leaders in 1889] to form a judgment as to its weight and character,"

and pointed out that the judgment of the Special Court cannot be depended on either.

"I am obliged to point out here an observation by [Mr.] † Justice Wragg of Natal, which induces one to think that there was more than the nature of the crime behind the sentences imposed upon the chiefs . . . That is to say, that there were political motives behind what was required by the justice of the case . . . His business was simply to adjudicate upon the offence as it was alleged against the prisoners; yet in his Report to Lord Knutsford he added . . . [a] sentence, which

Discussed July 23, 1889, p. 1,056.

ib. p. 1,056.

* e.g., The Mbilicwe tribe under the late Umsuskhama (now Wende), and the Hlabisa under Umsuzubu.

† Mr. Wragg is a *procurator*, not "Chief Justice" of the Supreme Court in Natal.

"clearly shows that there was something behind, which acted as
 Mark in, etc. "an additional reason."⁹

Captain Bethell's own conclusion was

"All that these men [the uSutu chiefs] did was to commit
 "a breach of the peace They declined to give up cer-
 "tain men and to pay a fine to the officers of the law, and later
 "on Dinuzulu attacked and routed Zibebu. But he
 "never proposed to drive out the Governor of Zululand. What
 "he did was to offer resistance to the police twice, once without
 "violence. . . . I think it is undoubtedly a case in which the
 "clemency of the Crown may be very justly exercised."

Handed July 12,
 1894, p. 106.

As a definition of the nature of the acts charged
 against the chiefs in official Reports, Captain Bethell's
 statement is accurate. But these Reports are in conflict
 with one another, and with the evidence of white officials
 before the Special Court.

As counsel for Dinuzulu, Mr. Escombe carefully watched
 the evidence. He had taken this position with re-
 luctance,† as a matter of onerous public duty, at great
 personal inconvenience and an expense, in mere money,
 of £1,000‡. He is a leading politician in Natal, one
 of those who will be immediately responsible for the
 peace and order of Zululand, if that country is joined
 to Natal under Responsible Government; and he
 has expressed the deliberate opinion that what these
 chiefs have deserved is to be "thanked in the name of
 "the Queen for maintaining order amongst their people in

Jan. 2, 1894.

* * The misrecapitulation of hearsay evidence is a good and sufficient
 "ground in English law for quashing a conviction. This appears to
 "have been allowed in the present case, and the subsequent Report
 "of the judge makes it obvious that in his opinion the evidence so
 "misrecapitulated was calculated to injure the mind against the
 "prosecution. Had the evidence been available at the application about
 "Dinuzulu, I should have hoped to have induced the Privy Council to
 "set aside the conviction." *Opinion of H. Mackay Fullerton, Esq., Q.C.*

† In the first instance because "Miss Colenso would not take
 "me for an answer. She pointed out that it was in my power at once
 "to put an end to bloodshed, and under this plea I agreed to stand
 "by the chiefs if they would lay down their arms."

MSS. Notes, by Mr. Escombe, for a newspaper article, Jan. 22, 1894.

‡ £500 to brief a substitute during his own absence at the be-
 ginning of the trials, £500 Privy Council expenses. The remaining
 expenses of the Defence have been discharged by Miss Colenso.

"the face of wanton and wicked persecution," e.g.: the eviction now officially admitted, of 4,900 people.*

C. 1874, p. 476.
See 12.

Official "dispatches and reports," he says, "show that broken promises, bad faith, oppression, cruelty and wrongs could not shake the loyalty of the Zulus, or their firm belief that justice would be eventually done to them."†

C. 1874, p. 476.
Para. 22-44.

The uSutu leaders doing no more than their duty . . . in protesting against the arbitrary boundary of . . . 1888, were looked upon as troublesome persons who were to be got rid of . . . The so-called "traitor," Dinuzulu, refused to transfer his allegiance from the Queen to the Boer Government. He came to Natal to answer any charges which might be brought against him, and to demand an inquiry into his own grievances.

As to the chiefs having committed the acts rightly described by Captain Bethell, Mr. Escombe has pointed out that

"[The official] report of 25th April, 1888, did not disclose the important fact that the cattle (200 head) *had been given up* [by Ndabuko and Dinuzulu] although the right to claim them was disputed, and the still more important fact that Dinuzulu *had paid every head of the Government's illegal fine.*"

C. 1874, p. 476.
See p.

That, in addition, the day before the date of the above Report, "an armed party of 60 to 80 men" levied unrequested "about 80 head" of Ndabuko's and Dinuzulu's cattle, and "knocked the people about," having "left the magistracy at night, so as to arrive by surprise, beginning its work early in the morning." That again, the next day, "an armed party of 100 men [Natal natives and Zulus, with a young white leader] left the Magistracy "over-night; . . . so as to reach the uSutu kraal by surprise, at dawn [and] surrounded it without halting, "at the trot, the men in the kraal were surprised"‡

And so, still.

* "The Zulu Impeachment confirmed," p. 11.

† This belief dates from Cetshwayo's return from over the sea, January, 1883.

‡ We thought there was nobody there, and we did not know that they were there, until we were in the act of surrounding the kraal . . . getting; then I saw a person coming out of a hut carrying a war shield." *Sergeant Mafata's evidence.*

"Ndabuko had under him from 1,000 to 1,500 men;* . . . he gave the order which checked . . . [their] impulse to attack the 100 Zululand police. These police had been employed to evict, to flog, the people who sought asylum at the uSutu kraal. . . . A few calm words from the 'traitor,' Ndabuko, saved the oppressors' lives"†

Zulu Tribes, p. 172, line 12.

Such, according to Crown evidence, is the nature of what has been officially chosen as a typical example of Ndabuko's rebellious acts. This is the resistance "without violence": the event which Baron H. de Wornis, in his reply in the debate already quoted, described as follows:—

"the first rebellious act of the uSutus was in April 1888, at that time Ndabuko led a body of men against the police." . . .

Hansard, July 21, 1891, p. 1200.

It would have been strange if Ndabuko could have availed to prevent violence on the second occasion, as Crown evidence proved him to have been more than a mile away when the collision occurred.‡

In his closing address, as Counsel at Dinuzulu's trial, Mr. Escombe has given fuller expression to his opinion of this chief, as follows:—

April 23, 1895.

"It is impossible for me with what knowledge I have acquired of this country to mention the name of Ndabuko without using words at all events to refer to the complete self-denial and perfect dignity with which that man, as the leader of a national party, has comported himself from the beginning to the end of Zululand history. He is not an official favourite, but he never appears in any place except to behave himself with complete propriety. He is never asked a question to which he is not able to give a complete and respectful reply. He seemingly never opens his mouth except to speak on behalf of others. That man does stand out prominently throughout these proceedings as one who has acted faithfully, in the best meaning of the word, for the interests of his ward Dinuzulu. Advocate

* The able-bodied men among the 4,800 evicted people would amount to over 1,000.

† "At the uSutu kraal, when Ndabuko called out to Zeyiso, who was bringing the rope towards us, it stopped, and did not come on." *Police Magazine*—Sibah's evidence.

Zulu Tribes, p. 172, line 12.

‡ "I thought, by that, that Ndabuko had prevented bloodshed." *Sub-Inspector Sibah's evidence.*

Th. p. 162, line 12.

‡ [C] 582, p. 269, whole page, especially line 34-40.

"in the cause of Dinuzulu, I should fail in my duty to my client
 " if I omitted this opportunity of saying what I see of Ndabuko's
 " conduct all the way through the proceedings. Still as was
 " that man's silence during his own trial, the silence was at times
 " broken, but only when there was necessity for him to speak,
 " not on his own behalf, but for somebody else."

Defence of Dinuzulu, before Special Commission.

Manuscript of
 depositions, p. 90.

Compare Ndabuko's own words spoken in 1881, and
 reported by Mr. Osborn:—

" I have not understood that I am forbidden to bring to
 " notice of Government acts oppressive against the people of
 " the Government. The people belong to the Government and
 " [as well as] the country also."

C. 2, 215, p. 20.

During his trial Ndabuko spoke once to express
 esteem for the two Hollander storekeepers, Dirk and
 Klaas Louw, and indignation at their murder during the
 disturbances:—

Prisoner, Ndabuko, says: " I have nothing to say to all
 " these lies which are spoken. What I wish to say is that we
 " are very angry with those who have killed these store-keepers.
 " Klaas was one of us, and, in killing him, they killed us.
 " That is all I have to say."

Zulu Trials, p.
 125, line 27-30.

And again, at his own expense, to exonerate Dinuzulu:—

" I say that Dinuzulu is one who should not be brought into
 " this matter; he is still a child; his matters are in the hands
 " of others, I am in charge of them."

Zulu Trials,
 p. 125, line 2.

" I rely on the Queen, who wishes this case to be tried
 " without favour to either side."

One proof of his devotion was his trying the experi-
 ment of surrender on himself first, before risking Dinuzulu.

False charge of murder against Dinuzulu.

Perhaps the only charge which needs notice as still
 injurious to the exiled chiefs is that of personal violence,
 of "murder"; because, in Mr. Escombe's words, people
 will say, " a man capable of driving his assegul into the
 " back of a child is capable of doing anything wrong; "
 and because it has been sought to discount the complete

Manuscript of
 depositions, p. 104.

* Here again Ndabuko has been civilized, in translation, and
 this appeal, which Miss Colenso heard him speak, is distorted to
 a phrase of contrary meaning in the printed report.

and singular absence throughout the proceedings of any evidence on which such a charge could be based, of any trace of such a disposition in any one of the three exiles—by alleging a solitary exception to the contrary, ascribing the killing of a Zulu boy of 8 or 9 years old, to Dinuzulu himself; three men and one woman being killed at the same time by his alleged companions.

This charge was used to arrest Dinuzulu, to extradite him,* the evidence against him was given in full, in his trial for high treason, and also in Ndabako's. In his address to the court on this point Mr. Escombe said

Zulu Trials,
p. 667.
Ib. p. 45.

"If the second indictment comes before your Lordships the prisoner will be acquitted, and we are content to wait quite patiently until that acquittal is accorded us. In the meantime I point out that we have put into the box a man who was present at Butshelen's kraal when the raid took place; we have proved that Dinuzulu was not there, and we have given you the name of the man who committed the deed, a man from Delagoa Bay. We have given you further evidence which makes the commission of the crime by Dinuzulu in a high degree 'improbable.'"

Transcript of
depositions taken,
p. 112.

The evidence to be met was that of "a boy of 12 years old," who described the murder of the child "with all the circumstantiality of truth," but described the murderer as "carrying assegais in a sheath"† slung over the shoulder. "Your lordships have never heard another witness in the case from beginning to end speak of Dinuzulu carrying an assegai or assegais in a sheath." In point of fact, Dinuzulu possessing a gun, never carries assegais: to carry them slung "in a sheath" is the special fashion of certain tribes northward of Zululand, and the description in this case is something like that of "a Londoner wearing a kilt"; and proves that at any rate the murderer was not Dinuzulu.

Mr. Escombe also showed that Crown evidence relied on to bring Dinuzulu at least within sight and hearing of the event, proved him instead to have been eight or ten miles away.

Transcript,
p. 111.

"We have put evidence before you," said he, "which as far as we are concerned is amply sufficient to dispose

* See Zulu trials, p. 974, for the opinion of the Committee of Privy Council thereon.

† Zulu trials, Ndabako's case, p. 250, line 53-4.

"once for all of that charge of murder. It makes no difference
"so as whether the Crown enters a *nolle prosequi* on the [murder]
"indictment.... or whether the Crown goes on with the
"charge."

Ib. p. 25.

The *Nolle prosequi* was entered, and thus an acquittal
by the Special Court was avoided.

Zulu Trials, p.
87.

But the Secretary of State for the Colonies at once
granted Miss Colenso an interview, and in reply to an
inquiry from her, Lord Knutsford said that as soon as he
had got the papers in that matter he "saw that the case
could not stand."

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Baron H. de Worms was present when Lord Knutsford
spoke, yet in the debate, eighteen months after, he said

"There was some strong evidence against the prisoner of
"having murdered a trader and his family."

Mr. G. Osborne Morgan: "I was speaking of Dinuzulu."

Baron H. de Worms: "That is the very murder with
"which Dinuzulu is charged."

Hansard, July 21,
1891, p. 7073.

Dinuzulu was charged with killing a Zulu child, not
any "trader" or "trader's family"; and the statement
is remarkable, if only because the phrase "the murder
with which Dinuzulu is charged" implies a single charge,
i.e., that he was still charged with the murder of which
Lord Knutsford had acquitted him.

The debate continued:—

Mr. G. Osborne Morgan: "It was not proved."

Baron H. de Worms: "It was proved that one of his
"[Dinuzulu's] followers was guilty of the murder, and the man
"was sentenced to death. His punishment was subsequently
"commuted to hard labour for life. Dinuzulu was guilty to the
"extent of having brought about the circumstances which
"directly led to the murder of this man and his family."

The recent official admission that 4,800 uSutu had
then been or were being evicted, relieves the uSutu chiefs
from the charge of having "brought about" the general
disorder. Of the above statement it must be further noted
that one man only was sentenced to death by the Special
Court, and his punishment has been commuted to hard
labour for life. But he was convicted of killing—not "a
trader and his family," but C. V. Tonge, a trader appar-
ently possessing no family; of killing him on July 3rd, a
month after June 4th, the date of "the very murder with

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Zulu Trials,
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which Dinuzulu is charged"; and of killing him 40 or 50 miles on the map away from the scene of that murder, and still further from Coza where Dinuzulu himself was on July 3rd. It is thus a misnomer to call this criminal a "follower" of Dinuzulu's, except in the widest sense in which most young Zulus might be so called.

Map in Zululana
1884.

June 15, 1885. The one act of violence in which Ndabeko and Dinuzulu both took part was the fight with Zibebu, near the magistracy of Ndwandwe district. Of this act Captain Bethell says:—

"Dinuzulu saw Zibebu, his ancient enemy, within his grasp. He did what anyone would do under the circumstances; he attacked and routed him."

Memorandum, July 13,
1885, p. 146b.

Mr. Escombe calls it "a faction fight on a large scale," and admits that

"not only were they [the uSutu chiefs] wrong in committing the act, but it was an error of judgment, their first error, all the way through the proceedings."

Transcript of
1885, p. 131.

Unless fighting be condemned under all circumstances, they were wrong, in so far as, being subjects of the Queen, they were bound to leave the protection of themselves and their people in the hands of her officials. But "Dinuzulu saw Zibebu," and the 4,800 evictions began, in the previous December, and they had waited in vain for that protection for nearly seven months, receiving in the fourth the governor's explicit declaration that "Zibebu and his people have done wrong" what "they were forbidden to do," which did not prevent Zibebu's followers subsequently killing, in his presence, the important uSutu chief, Umsishwana.

March 20, 1885.

C. 1885, p. 146c.

It is claimed that the sole crime amounts to this, that under such circumstances the uSutu leaders* took part at last, and in self-defence, in the disorder into which others had plunged the country.

It is submitted that for England's credit it may well be hoped that such a choice of evils can never again be forced on these of her subjects; and further that the fact

July 8, 1885.

* The responsibility of the third case, Tshingana, is in the manner limited to the fact that he defended his family from an attack in which, against the governor's orders, Zibebu and his men took a prominent part, and in which one of Tshingana's wives received a gunshot wound.

C. 1885, p. 146d.

of their restraining themselves and their people for six months under such provocation is of good promise for the forbearance—even towards Zibebu—which may be expected of them under happier auspices.

Among the evidence brought against Dinuzulu of having taken part in this fight was that of one of Zibebu's fighting men, taken prisoner and brought before Dinuzulu in this hour of his first battle and first victory over his father's foe: "a moment" says Mr. Escombe, "when a man might easily be carried away by evil passions or excesses."

"Do not kill them, God is taking care of them,"

was Dinuzulu's order, said Zibebu's man, concerning himself and companion.

Later on, Dinuzulu gave signal proof of how he understood the duty of a chief to his people. One of the peculiar conditions of the Zulu State Trials was that witnesses could be forced to give self-criminating evidence, the protection usually afforded being withdrawn. Mr. Escombe held that he had no right thus to jeopardize nSutu who had taken part in the disturbances, and Miss Colenso undertook to tell Dinuzulu of this difficulty, though most reluctantly, for it might so easily have seemed to him that his defence was being shirked for reasons that he could not see, and hanging was being freely spoken of as the probable end of the trials. But while she was as yet only describing the nature of the danger to the witnesses, the lad broke in:—"You must not put my father's people into danger to save me," he said, "not any of them; rather than that, you must let it alone, and let them do as they please with me." And this position he steadfastly maintained throughout.

It is claimed that the past record of the exiled chiefs not only discloses no ground for distrusting the effect of their future influence, but gives good hope of their usefulness under sympathetic guidance. It is also claimed that the whole facts of the case, here only sketched, are known and thoroughly appreciated throughout Zululand.

* The man "put into the box" against the charge of murder was an exception; a Transvaal Zulu under safe-conduct.

Transvaal p. 108.

Zulu Trials, p. 109, line 21.

The chiefs' "martyrdom" has absolved them from the duty of further protest as to the partition of the country and people between the Dutch and English. Their return will not set right this wrong, which Mr. Escombe has described as Solomon's judgment carried out. But if that return be used to indicate sympathy with Zulu feelings, a wish to gather the Zulus, instead of breaking them; the effect, even on the discarded Zulus, will be a measure of conciliation and (while not at variance with Transvaal policy in Zulu matters) to substitute for Dutch patronage of Dinuzulu that of the Queen.

It is submitted that any continuance of their exile can only impair the influence for good of Her Majesty's Government with chiefs and people.

V. *What might be.*

It has been submitted that

- (i.) The present dispensation is not satisfactory;
- (ii.) A strong national feeling and sympathy for the exiles exists among the Zulus of British and Dutch Zululand;
- (iii.) The Zulus, as a people, deserve conciliation at England's hands;
- (iv.) The exiles deserve "the thanks of Her Majesty's Government."

It is now submitted that the indispensable change of policy may be effected most naturally and most effectually in connection with the return of the exiles; and that to this end the only present addition wanted to the constitution of Zululand is a proclamation by the Governor, as follows:—

"As from the 18th, there shall be a Head-Induna appointed in the name of the Queen at a salary of four hundred a year, who shall hold office during Her Majesty's pleasure.

"Such Head-Induna shall aid and assist in the government of Zululand by carrying out the orders and instructions of the Governor of Zululand as conveyed to him by the Chief Magistrate."

* Sir T. Shepstone's word.

Dinuzulu's appointment as above would be such a taking of him by the hand on the part of the Queen as would ensure the absolute peace and safety of the country.

The lad has had experience of exile. He knows the unbounded powers of England, and he has given proof of that love of abstract justice which is in the hearts of all Englishmen.

If the lad is kept in exile for ten years he has then to return to his home a man of 32 or 33 who has brooded for a decade on supposed wrongs, and the chance has been missed of moulding his mind when it is plastic.

He, of course, will be liable to dismissal from office, and this liability, with his past experience, will have effect, not only with himself, but with his people.

Dinuzulu's appointment need not necessarily interfere with any of the "petty chiefs" now recognized, while they obey the law. But it is essential that the wide spread feeling for him should not be roused to rivalry by his being put on the same footing with any of them.

Fear of the officials has created many "loyal" or double-faced Zulus, whose path would be smoothed if they might receive Dinuzulu as Induna of the Government. But in certain cases "loyalty" to the present regime has resulted from individuals being permitted to retain trust property for their private use.

Dinuzulu's appointment (as above) appears to present the only chance of relief of the strained conditions existing as to Zibebu.

This chief, and those responsible for his acts and for his welfare are, at present, in a false position. For, even if his intentions throughout have been dutiful to British officials,* certain acts which he has been led to commit while in a position of trust are such as no civilised Government can approve or reward; e.g.,

The deliberate killing in his presence of the defenceless Umsutshwana, an act which Zibebu ratified by step-

* This point is denied by the Attorney-General for Natal and Zululand.

Nov. 25, 1884. ping to and fro over the dead body in sign of triumph;*

His murderous raid northward after the proclamation of the cessation of hostilities;†

And his distribution of 800 captive uSutu women among his men, who violated many of them.‡

Least of all can such acts be rewarded by placing Zibebu in authority over a district "far in excess of the requirements" of his adherents, at the expense of the very people thus injured. Col. Cardew has noted "the embittered feeling which still exists" between Zibebu's adherents and the uSutu of Ndwanwwe district.

C. 2, 1884, p. 12.
Annual Report
on Z. and N. of N.
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Zibebu must always be a disappointed man. He has helped to break up his own people, and the price has turned to dust and ashes in his mouth; while in Zulu eyes he and his adherents are outcasts. Reconciliation must in any case be slow, and as things now are, no inducement thereto exists for either side. Dinuzulu's appointment to a central position under the British Government would at any rate bind the uSutu generally

* "Zibebu went from the magistracy against the orders of the magistrate, who told him to 'sit down,' in order to take revenge upon the deceased Umsushwana . . . Zibebu's impi . . . early in the morning of the 12th June surrounded deceased's kraal, killed deceased and several men and women . . . Zibebu . . . states that he surrounded deceased's kraal and killed him."

Minute by Attorney-General of Natal and Zululand. C. 2, 1884, p. 220.

† Zibebu . . . jumped over Umsushwana and back again being then on foot and then he went away."

Evidence of Women, in uSutu Defence. Zululand Trials, p. 100.

‡ "I am sent by the Governor of Zululand to . . . call upon them [the uSutu] to surrender their arms immediately, after which the common people will be allowed to return to their kraals."

Mr. Magistrate's Addition. C. 2, 1884, p. 96.

March 26, 1885. "Information reached me . . . that the chief Zibebu, during August or September last, made a raid on . . . tribes, inhabiting country in the north-eastern portion of Zululand. Sir A. Havelock."

Id., p. 94.

March 2, 1885. "As the military were being withdrawn, I consider that Zibebu should not have acted without instructions, and that his action was one of attack and not defence."

Report by Attorney-General. C. 2, 1884, p. 220. See also p. 220.

§ "Measures taken to 'discourage' rebels . . . embraced the seizure of over 300 women, the partition of women among Zibebu's men by Zibebu, and the appropriation by Zibebu himself of the young women."

Mr. Attorney-General's Report. C. 2, 1884, p. 220.

to let bygones be bygones. On the other side, whoever told Lord Wolseley that he was "of a time-serving disposition," knew Zibebu well; and, Dinuzulu being "taken by the hand" in token that the Zulus are to be gathered instead of broken, it is not impossible that even Zibebu might ere long see that it would be to his advantage not to remain shut out from all that is best among the Zulus.

Finally, Dinuzulu's appointment to be Head-Induna would have the support of Mr. Escombe, who has lately been accused by political antagonists of "moving heaven and earth to bring about Dinuzulu's return."

Times of Natal.

It is claimed that the close attention which Mr. Escombe devoted to Zulu affairs in 1888-9, has given him a special knowledge of them, and interest in the Zulu chiefs and people; and that his action during the last five years has won him the confidence of the Zulus generally.

It is submitted that this good understanding between the principal native race, and a leader of the Forward party in Natal politics, is an influence on the side of peace and order in that part of South Africa which it would be difficult to over-estimate, and which deserves recognition and support.

HARRIETTE EMILY COLENZO.

March 6th, 1893.

